

NOTICE
REGULAR MEETING OF THE GOVERNING BOARD

TRACY UNIFIED SCHOOL DISTRICT

DATE: TUESDAY, APRIL 28, 2009

**PLACE: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 W. LOWELL AVE
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#08-09/99, 100, 112, 114, 115, 116, 117, 118, 120, 122, 124, 125, 126

3.1.2 Application for Enrollment: AFE #08-09/8

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.1.3 Waiver of Expulsion: WE #08-09/8, 9, 10

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.1.4 Application for Early Graduation: WHS #10902954

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2 Human Resources:

3.2.1 Consider Leave of Absence Requests for Certificate Employees #UC-639, #UC-640, #UC-641, #UC-642, #UC-643, #UC-644, #UC-645, and #UC-646, Pursuant to Article XX.

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.2 Approve Settlement Agreement with Classified Employee #UCL-128

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.3 Consider Public Employee/Employment/Discipline/Dismissal/Release

Action: Motion ___; Second ___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.4 Conference with Labor Negotiator

Agency Negotiator: Ryan Davis

Assistant Superintendent of Human Resources

Employee Organization: CSEA, TEA

4. **Adjourn to Open Session** Pg. No.
5. **Call to Order and Pledge of Allegiance**
6. **Closed Session Issues:**
- 6a Action on Findings of Fact # FF08-09/
Action: Motion___; Second___ **Vote:** Yes ___; No ___; Absent___; Abstain___
- 6b Application for Enrollment: AFE #08-09/8
Action: **Vote:** Yes ___; No___; Absent___; Abstain___
- 6c Waiver of Expulsion: WE #08-09/8, 9, 10
Action: **Vote:** Yes ___; No___; Absent___; Abstain___
- 6d Application for Early Graduation: WHS #10902954
Action: **Vote:** Yes ___; No___; Absent___; Abstain___
- 6e Consider Leave of Absence Requests for Certificate Employees #UC-639,
#UC-640, #UC-641, #UC-642, #UC-643, #UC-644, #UC-645, and
#UC-646, Pursuant to Article XX.
Action: **Vote:** Yes ___; No___; Absent___; Abstain___
- 6f Approve Settlement Agreement with Classified Employee #UCL-128
Action: **Vote:** Yes ___; No___; Absent___; Abstain___
7. **Approve Regular Minutes of March 24, 2009 and approve Special Minutes of March 31, 2009.** 1-10
Action: Motion___; Second___ **Vote:** Yes ___; No ___; Absent___; Abstain-
8. **Student Representative Reports:** Tracy High: Xiomara Fonseca; West High: Pauline Montemayor, Stein: Ricardo Ruiz;
9. **Recognition & Presentations:** An opportunity to honor students, employees and community members for outstanding achievement:
- 9.1 Duncan Russell Continuation High School Update on Achievements and Activities
- 9.2 West High School Update on Achievements & Activities
- 9.3 Recognize and Congratulate Tracy High School Teacher, Michael Costa for being named the Northern California Band Association Young Director of the Year
- 9.4 Recognize and Thank Mr. Mike Mahedy for his Efforts to Raise Funds to Enable Students and Staff to Tour the State Capitol and Meet with Law Makers
- 9.5 Recognize and Congratulate the West High School Varsity Boys' Basketball Team for Capturing the 2009 TCAL League Championship
- 9.6 Recognize the 2009 Phi Delta Kappa Award Winners: James Franco, Janice Bussey, Fred Medina, Monica Cordisco and Sue Edmiston
- 9.7 Recognize Dr. James Franco for being selected as the ACSA Region VII 2008-09 Superintendent of the Year
10. **Hearing of Delegations:** 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.

11. **Information & Discussion Items:** An opportunity to present information or reports concerning items that may be considered by Trustees at a future meeting.

11.1 **Administrative & Business Services:** None.

12. **Public Hearing:**

12.1 **Educational Services:**

- 12.1.1 Conduct a Public Hearing Regarding the Charter Application for the
Charter School of California Virtual Education Partners (CaVEP) (K-12)

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13. **Consent Items:** 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.

Action: Motion__ ; Second__ . **Vote:** Yes__ ; No__ ; Absent__ ; Abstain__

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 | 12-14 |
| 13.1.2 | Ratify Measure S Related Expenditures and Notice of Completions Which
Meet the Criteria for Placement on the Consent Agenda | 15-16 |
| 13.1.3 | Ratify Routine Expenditures and Notice of Completions Which Meet the
Criteria for Placement on the Consent Agenda | 17-19 |
| 13.1.4 | Approve Payroll Reports (March, 2009) | 20-26 |
| 13.1.5 | 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 | 27-28 |
| 13.1.6 | Approve Assembly Vendors and Site Assembly Utilization Calendars | 29-31 |

13.2 **Educational Services:**

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|--------|--|----|
| 13.2.1 | Approve Overnight Travel for Tracy High School Science Teacher Kirk
Brown to Attend the National Junior Science and Humanities Symposia as
the Teacher of the Year Guest in Colorado Springs, CO, April 29- May 3,
2009 | 32 |
|--------|--|----|

		Pg. No.
13.2.2	Approve Overnight Travel for Tracy High Varsity Girls' Volleyball Team on August 21-22, 2009, to Attend the North Valley Volleyball Officials Tournament in Redding, CA.	33
13.2.3	Ratify Overnight Travel and Funding for the West High Robotics Team to Compete in the VEX World Championship at the Dallas Convention Center in Dallas, Texas from April 29 – May 3, 2009	34-35
13.2.4	Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for Quarter Ending April 15, 2009	36-37
13.2.5	Approve Application for the Workforce Investment Act – Adult Education and Family Literacy-Section 231	38-52
13.2.6	Approve Service Agreement with Paradigm Health Care Services for July 1, 2009-June 30, 2012	53-63
13.2.7	Receive Information on High School Students Required to Wear ID Cards on Approved Lanyards at all Times, Beginning 2009-2010 School Year	64-66
13.3	Human Resources:	
13.3.1	Approve Classified, Certificated and/or Management Employment	67
13.3.2	Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment	68-69
14.	Action Items: 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.	
14.1	Administrative & Business Services: None.	
14.1.1	Consider Claim No. 6-0809 TUSD	70
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.2	Purchase Three (3) Buses to Transport Students to a New SDC Class at West High School, one New SDC Class at Monte Vista School and a New SH Class at Kimball High School and Hire Three 8-Hour Bus Driver/Custodian/Groundskeeper Positions	71-72
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.3	Approve Roebbelen Contracting Inc's Guaranteed Maximum Price for the Renovation and New Construction at Tracy High School and Issue the Notice to Proceed	73
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.4	Adopt Resolution No. 08-29 Designating May 17 th -23 rd , 2009, as Classified School Employees Week	74-75
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.1.5	Adopt Resolution No. 08-30 Establishing May 13, 2009, as the "Day of the Teacher"	76-77
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2	Educational Services:	
14.2.1	Adopt Board Policy 5129, Bullying Prevention Policy (2 nd Reading)	78-80
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	
14.2.2	Adopt Board Policy 5130, Conflict Resolution Policy (2 nd Reading)	81-82
Action:	Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain__.	

		Pg. No.
14.2.3	Adopt Board Policy 5144.1 and Acknowledge Administration Regulation 5144.1 Suspension and Expulsion/Due Process (2 nd Reading)	83-115
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.2.4	Adopt Board Policy 6145.2 and Acknowledge Administrative Regulation 6145.2 Athletic Competition (1 st Reading)	116-123
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.2.5	Approve High School Criminal Justice Textbook Adoption	124
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.2.6	Approve High School AP World History and Health Science Textbook Adoptions	125-126
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.2.7	Approve Resolution 08-32 Authorizing the Approval to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel to Sign Contract Documents for Fiscal Year 2008-2009	127-130
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.3	Human Resources:	
14.3.1	Approve the Traditional, Classified and Certificated Calendars for 2009-10 School Year	131-134
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.3.2	Approve Resolution 08-33, Authorizing the Elimination of Certain Classified Employee Positions Due to Lack of Work/Lack of Funds	135-139
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
14.3.3	Approve Resolution 08-34, Authorizing the Reduction of Classified Administrators' Work Year	140-142
Action:	Motion___; Second___ Vote: Yes___; No___; Absent___; Abstain___.	
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	May 12, 2009	
17.2	May 26, 2009	
17.3	June 9, 2009	
17.4	June 23, 2009	

18. Upcoming Events:

18.1	May 21, 2009	Graduation: Tracy Adult School 7:00 p.m.
18.2	May 21, 2009	Promotion: Freiler (Red)
18.3	May 25, 2009	No School, Memorial Day
18.4	May 27, 2009	Graduation: Stein High School 1:00 p.m.
18.5	May 28, 2009	Promotion: Williams, Monte Vista
18.6	May 29, 2009	Promotion: Poet
18.7	May 29, 2009	Last Day of School, Traditional Calendar
18.8	May 30, 2009	Graduation: West High 8:30 a.m.
		Graduation: Tracy High 10:30 a.m.
18.9	June 23, 24, 25, 2009	Promotion: Freiler (Blue, Yellow, Green)
18.10	June 24, 2009	Promotion: Kelly
18.11	June 25, 2009	Promotion: North

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
Regular Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, March 24, 2009
At Jacobson School**

- 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, B. Swenson, J. Vaughn.
Staff: J. Franco, R. Davis, S. Harrison, C. Goodall, B. Etcheverry.
- 7:09 PM:** President Guzman called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.
- Trustee Crandall honored the 4 officers killed in Oakland by requesting a moment of silence in their honor.
- Closed Session:** 6a Action on Findings of Fact # FF08-09/98, 101, 102, 104, 105, 106, 107, 108, 109, 111, 113 – NOT 104
Action: Except #104. Swenson, Lewis. **Vote:** Yes-7; No-0.
Action: On #104. Lewis, Crandall. **Vote:** Yes-2(Lewis, Guzman) No-5 (Crandall, Gouveia, Hawkins, Swenson, Vaughn)
- Employees Present:** Various employees and parents.
- Press:** Tracy Press
- Minutes:** Approve Special Minutes of January 20, 2009, March 4, 2009, March 5, 2009 and Regular Minutes of March 10, 2009.
Action: Lewis, Hawkins. **Vote:** Yes-7; No-0.
- Student Representative Reports:** Tracy High: Xiomara Fonseca was not present.
- West High: Pauline Montemayor reported that there senior breakfast was a success. FBLA attended a conference in which 20 members competed and are now preparing for the state competition in April. One of the FFA students is going to state level in the area of small animal production and care. This Friday is the Joe's vs. Pros basketball game to honor deceased students. The Cheer and dance teams will be competing in Anaheim. On April 25th the Invisible Children's Club will have a walk in San Francisco. On March 28th there will be a medical seminar which will include guest speakers. The College Awareness Club helps to get students prepared for college.
- Stein: Ricardo Ruiz reported that Stein has hosted several speakers from vocational institutions. Their senior breakfast is this Thursday. They have enjoyed participating in March Madness.

Freiler School: Egan Hunt and Anumita Kaur presented a power point which included their API score of 810. They reviewed their activities such as the recycling club, Brighter Christmas, pennies for patients, athletic events, science camp, disco night, leadership and student council. The eighth graders are looking forward to their Great America trip and graduation.

Poet-Christian School: Raphaela Sacramento and Gurveer Deol presented a power point which showed the Eagle, student senate, citizenship awards, tutoring, gardening and community building activities. Students help in the library and in the office. They have been busy raising money. The magnet arts program has six classes: dance, art, technology, vocal, music, and drama. Various events include the canned food drive, red ribbon week, relay for life, dances, family movie night and a karaoke party.

Recognition & Presentations:

9.1 Recognize and thank Lawrence Livermore National Security, LLC for a \$5000.00 Donation to TUSD for Various Science Programs in the District.

Assistant Superintendent of Educational Services, Dr. Sheila Harrison, recognized LLNL for a generous gift of \$5,000 to be used for various science in the District. To date, they have contributed \$1 million to the community. Representatives from the Lawrence Livermore National Security Lab commented that they were proud to be here tonight and that our community is fortunate to have two labs in this area that can share their scientist expertise.

9.2 Central School Site Update on Achievements & Activities

Principal, Nancy Link, and students presented a power point. They are very proud of their API score. Everyone has been working very hard. The students from Mrs. Kassel's 3rd grade class demonstrated an "EDI" lesson with the board. The lesson helps students understand.

9.3 Recognize the Outstanding Employees of the Spring Term for the 2008-09 School Year

Board members recognized the following employees of the spring term: Therese Ayala, K-5 certificated; Christina Tanner, 9-12 certificated; Cindy Hackett, 6-8 certificated; Joni McGinnis, certificated management; Julian Hurtado, K-5 classified; Judy Brown, 9-12 classified; Luis Ensor, 6-8 classified. They were presented with certificates.

Hearing of Delegations

None.

Information & Discussion Items:

11.1 Administrative & Business Services:

11.1.1 Receive Budget Reduction Priority Lists and Comments, and

Superintendent's Preliminary Recommendations for Reductions to the 2009-10 District Budget

Dr. Franco presented the 09-10 budget reduction report. A large number of people have come together in the budget process and worked on this report. He thanked the staff members, parents and community members for donating their time. The District is forced to cut because of the state crisis. Tonight they presented a list close to \$16 million. Hopefully we will only have to implement \$7 million for the 2009-10 year an additional \$5 million for the 2010-11 year, and \$2 million for the 2011-12 year. He also thanked Dr. Goodall and his staff for working nights and weekends on the budget issues.

Dr. Casey Goodall presented the lists and explained the report. This will be online tomorrow. Dr. Franco then went through the list, item by item.

11.2 Educational Services:

11.2.1 Receive Report on High School AP World History and Health Science Programs and Proposed Textbook Adoptions Item was moved up on the agenda:

Director of IMC, Donna Sonnenburg, presented a power point which showed Kimball High's pathways, and explained the textbooks that they would like to be adopted. She also reviewed the costs and next steps to be taken.

Trustee Crandall left the meeting at 8:17 p.m.
Trustee Crandall returned to the meeting at 8:20 p.m.

11.2.2 Receive Report on High School Criminal Justice Program and Proposed Textbook Adoption

Director of IMC, Donna Sonnenburg, presented a power point which showed the IGCG Criminal Justice pathway election. She then reviewed the background, process, costs and next steps.

Public Hearing:

12.1. Educational Services:

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)

This item was moved up on the agenda.
Public hearing was opened at 8:14 p.m.
TLC Director, Virginia Stewart, thanked the Board for their support of the Charters.

Public hearing was closed at 8:15 p.m.

Consent Items:

Action: Crandall, Vaughn. **Vote:** Yes-7 No-0.

13.1 Administrative & Business Services:

13.1.1 Approve Revolving Cash Fund Reports for February, 2009

13.1.2 Approve Monthly Budget Adjustment Report, February 2009

13.1.3 Approve Accounts Payable Warrants Report for February, 2009 (Under Separate Cover)

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

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

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

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

13.1.8 Authorize Associate Superintendent for Business Services to Bid and Award for a Soft Drink/Beverage Vendor

13.2 Educational Services:

13.2.1 Approve the Community-Based English Tutoring (CBET) Program Application, Fiscal Year 2009-2010

13.2.2 Consent to Expend Funds for Purchase of K-5, 6-8 Mathematics and High School Algebra

13.3 Human Resources:

13.3.1 Approve Classified, Certificated and/or Management Employment

13.3.2 Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment

13.3.3 Ratify Agreement for Special Contract Services for Assistant Varsity Baseball Coach Steve Alkire for the 2008-2009 Season

Action Items:

14.1 Administrative & Business Services:

14.1.1 Consider Claim No. 5-0809 TUSD

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

14.1.2 Consider Claim No. 6-0809 TUSD

Action: DENIED. Lewis, Crandall. **Vote:** Yes-7; No-0.

14.2 Educational Services:

14.2.1 Adopt Board Policy 5129, Bullying Prevention Policy (1st Reading)

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

14.2.2 Approve the Charter Renewal for the Tracy Learning Center's Primary School (Under Separate Cover)

This item was moved up on the agenda.

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

14.2.3 Approve the Charter Renewal for the Tracy Learning Center's Millennium High School (Under Separate Cover)

This item was moved up on the agenda.

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

14.2.4 Adopt Board Policy 5130, Conflict Resolution Policy (1st Reading)

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

14.2.5 Adopt Board Policy 5144.1 and Acknowledge Administrative Regulation 5144.1 Suspension and Expulsion/Due Process (1st Reading)

Action: Lewis, Gouveia. **Vote:** Yes-7; No-0.

14.3 Human Resources: None.

Board Reports:

Trustee Gouveia is participating in the Cesar Chavez celebration which will be held on Sunday March 29th. Local Latino students, educators and families will be honored. Trustee Vaughn commended Khush, Ryan, Jim and Jessica for handling the situation earlier this week. It was handled very professionally. Trustee Crandall would like everything to keep the fallen officers in your thoughts and also thanked staff handling the sub issue professionally. Trustee Hawkins passed. Trustee Swenson passed. Trustee Lewis commented that on April 21st they are selling dinner tickets from DaVincis for \$10, to support his Relay for Life Team, Kelly's Heroes. One-half of the proceeds will go to the American Cancer Society. Trustee Guzman passed.

Superintendent Report:

Dr. Franco this Thursday night is the All District Music Concert and Sunday morning is the Cesar Chavez celebration. Also, stop by to see the art show at the District Office.

**9:28 P.M.
Adjournment.**

Clerk

Date

**Minutes of
Special Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, March 31, 2009
Held at West High School**

7:10 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: Various employees and parents.

Hearing of Delegations None.

Dr. Franco thanked everyone for being here. He made a few comments about the disappearance of Sandra Cantu. The school and District are cooperating with the Tracy Police Department. The District sent a letter to all TUSD families explaining how to speak with children about this situation and requesting them to inform the police of any information they may have.

Action Items:

7.1 Administrative & Business Services:
7.1.1 Approve Budget Reduction Priority List

Mercy Silveira is here as an individual, employee and community member. She is not representing any group. She would like to help. She would like to help by taking a pay cut as a deduction. She would like everyone to consider that. The purpose is to save as many positions as possible and not see any employees lose their job.

Sherry Mealie is a parent whose children attend Poet. She asked how many school board member currently have children enrolled in the TUSD. She thanked the school for the phone system that notified them of the concerns during a crisis. She urged the Board not to cut Poet. Poet has the highest rate of attendance in the District and has 250-300 students on a waiting list. If it's cut, they will never get it back. A brave teacher suggested that each teacher ask for 1% in pay cuts. As parents and as adults, we need to make the sacrifices for our children and their children. She will personally work to raise funds to offset as much of the cost as possible. Many other parents have pledged to work together to raise funds to offset the cost. Not just this year, but next year and thereafter. This is too important to cut.

TEA President, Steve Sievers, believes every program in our District our

excellent, because the people running those programs are excellent. Those are the teachers. He feels the Board made a step in the right direction stating that they would keep CSR in the new form. He would like it to be more specific. He would like more answers on how many jobs will be saved. He would like to know how many more Kindergartners there will be in the school District next year. Lodi is keeping their ratio to 22 to 1. The community of Tracy deserves to keep the numbers at 22 to 1. He has also reviewed the competency requirements. He is concerned that they can be complied with consistently and not just on CLAD.

Dr. Franco commented that the budget reduction report was presented last week. He thanked all of the staff and the audience members. He reminded everyone that all of the decisions that the Board is about to make are difficult. Each item on the list is important to the District. Tonight we are presented a list of reductions totaling \$15 million. That is the largest deficit we have ever had to face. We are hoping through our efforts that we will only have to implement \$7 million for the 09-10 school year, an additional \$5 million for the 2010-11 year and then \$2 million for the 2011-12. This three year phase will have less of an impact on the District and will save time to continue saving and looking at other resources. He complimented the business staff for coming up with the plan and working diligently. Hopefully by the end of year 3 things will be looking better. During tonight's meeting the Board will vote to implement a plan. In the years 2 and 3 the Board will review the list and revise it as necessary.

Dr. Goodall then reviewed tonight's goal which is to obtain Board approval of budget reductions for years 1, 2 and 3. These reductions will be incorporated into the June 9th budget. He explained school district funding, 89% of which comes from the State of California. He estimated the targets for the first year will be \$7 million (\$2 million has already been approved). The May 19th election may change the implementation timeline. If the propositions do not pass there are about \$6 billion dollars of state funds at risk. In addition the tax receipts are coming in slower than projected and that could be another \$8 billion dollar problem. On the plus side, there is the federal stimulus package that may come to us or may be held at the state. On June 9th the Board is required to pass the District's budget. Dr. Goodall explained that process tonight. The Board will work from the superintendent's list that was presented last week. He will present a list of ideas from board members who may wish to move the location of items. There will be a board discussion of each of those items. If there are 4 or more members who wish to consider the move, then they will place it on the list. Then they will decide if they want to leave it in the new place or put it back. If there are not 4 hands, the change will be dropped. He then clarified item 6: CSR and item 44: the sports fee.

Trustee Crandall commented that this is the third time they've gone through budget reductions since he's been on the Board. It's horrible. There is not one person on this list that he wants to let go. They have lost sleep over it. Board

members have received phone calls and emails. This isn't the Board's fault, it's coming from the state. His wife works for the District and he has 3 children in the district. Leadership starts at the top. The last few reductions, the District was attacked. There are 61 people that took a pay cut, a 5-day furlough. It ranged from 2.17 to 2.63 percent. The economy has hit us all. He does support the unions. Someone will be laid off. Nobody stepped up and said we'll take a cut. If you really do care, then I'm disappointed at those who didn't step up and say they would take a cut.

Trustee Gouveia commented that these are hard times. In order to solve this problem, we've got to give to get. If we believe in Character Counts, we have to support one another.

Trustee Vaughn requested all of the voters to pay attention to the May 19th election. There are implications that Initiatives 1a and 1b could bring in billions of dollars. It is hard to give concrete numbers because we don't know about the election yet. Make sure you do your homework and read all of the information.

Dr. Franco will review the items. The items brought to his attention to move on the list was 12 L-2, the assignment of a district vehicle and 97 V-2, assigning 1 library tech to 2 schools; 60 AS – eliminate support room. If you move one of these items, then it will affect 117 E12, the academy coordinator and the re-staffing/ restructure of IGCG.

The Board was asked to show by raising their hands if they were interested in moving any of the above items. There were not 4 or more hands that would support moving any of these items.

It was then suggested to move items 54 and 55 (middle and high school counselors) from year 2 to year 3 and in their place move 114, 117 (music, Academy Coordinator) from end of list to year 2.

The Board held a discussion. They wanted to confirm that categoricals would fund this but it is not for sure.

Dr. Goodall commented that normally you cannot fund this with categoricals, but with flexibility you can for the next 5 years for counselors. For roaming music, we still receive music funds. All categoricals have been cut 20% already so if we take money from them, at the end something will be reduced as a consequence.

There were not 4 or more hands that would support moving these items.

It was then discussed to switch the elimination of 2 middle school counselors with the Academy Coordinator.

There were 7 hands that supported this move.

It was moved that item 54 (Eliminate 2 MS Counselors) be switched with 117 (Eliminate Academy Coordinator)

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

It was then discussed moving item 45(custodial staff) to 69(general fund contribution to facilities projects) and taking percentages from the sports programs (110); athletic transportation (96); prep for AD (59) and reduce copies of assessment materials (76).

Trustee Lewis confirmed that in this scenario, in the next 4 months sports/athletics would have to find \$110,000 to fund their program.

There were not 4 or more hands that would support moving these items.

Another idea to use the same items listed above except for the sports item would equate to about half. That would save 4 of the 8 positions.

There were not 4 or more hands that would support moving these items.

Another idea was to move item 37 (awards for employees) to the end of the list and look into a private sponsor to keep awards.

It was moved that item 37(Eliminate Awards for Employees) be moved to item 138, the end of the list.

Action: Vaughn, Crandall. **Vote:** Yes-5; No-5 (Swenson, Lewis)

7.2 Human Resources:

7.2.1 Approve Resolution No. 08-28, Authorizing the Rescission of Selected Notices and Recommendations That Services will not be Required for the 2009-2010 School Year.

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

Board Reports:

Trustee Hawkins passed. Trustee Crandall passes. Trustee Vaughn passed. Trustee Gouveia attended the Cesar Chavez celebration which honored 71 students, a family and educator of the year. There were between 250-300 people participating. Trustee Lewis thanked everyone who's been here for all the budget meetings. The Board had to make tough decisions. We hope that we've done a reasonable job and that the education of students and care of our staff continues. Trustee Swenson thanked everyone from DBAC and management. The superintendent had to be a good listener. Trustee Guzman attended the Chavez celebration. He thanked everyone who participated and planned it. He also congratulated Fred Medina. He does a great job at North. He also thanked everyone who's worked on budget and reminded everyone that the May election is very important. Read everything through. There are a lot of educational

ramifications. Years 2 and 3 are items that we will look at again.

**Superintendent's
Report**

Dr. Franco would like to reinforce the Board Members comments and compliments our Board for doing business out in public and having to vote on difficult decisions. They are making the best decisions they can. We've had information at public meetings, things posted on the website and emails. He thanked everyone for attending and staff members and parents for bringing their children to our school district. This is his 7th year as supt. As an educational group we should continued to look at how to do things differently.

8:58 PM Adjournment

Clerk

Date



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services
DATE: April 7, 2009
SUBJECT: Conduct a Public Hearing Regarding the Charter Application for
the Charter School of California Virtual Education Partners (CaVEP) (K-12)

BACKGROUND: A Public Hearing for each charter school petition received by the District is a requirement of the Charter Process. The public hearing must take place within 30 days of receipt of the petition. The California Education Code requires that the Board of Trustees renders a final decision on the charter application within 60 days of the date of submission of the charter application. The Board of Trustees may approve a charter 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.

The Charter School petition proposes a partnership between California Virtual Education Partners (CaVEP) and the Tracy Unified School District (TUSD) to form the Kaplan Academy of California – North Central California to deliver a virtual school program to students in San Joaquin County and the surrounding contiguous counties thus attracting many students who are currently home schooled, attending other Charter Schools or may not be attending school at all.

This virtual school does not require a "brick and mortar" classroom building. Students attend school, any time of the day, or week, (24/7 learning) from any location where they have access to a computer and the Internet. Students have direct and regular access to a California credentialed teacher. Kaplan is an accredited institution, which offers High School students A-G approved courses, and will apply to be WASC accredited once established as a school, and will issue its own diploma.

RATIONALE: California Virtual Education Partners (CaVEP) has petitioned to start a 5-year charter that will expire at the end of the 2013-2014 school year. Tracy Unified School District staff and legal counsel are extensively reviewing the CaVEP application to determine if it meets the guidelines and criteria set forth in the Charter School Provisions of the California Education Code; Tracy Unified School District Board Policy 0420.4 and Administrative Regulation 0420.4.

FUNDING: There is No Cost to the District.

RECOMMENDATION: Conduct a Public Hearing Regarding the Charter Application for the Charter School of California Virtual Education Partners (CaVEP) (K-12)

Prepared by: Linda Dopp, Director of Alternative Programs



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: *CG* Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 9, 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**

A. Vendor: Wallace Kuhl & Associates
Site: Tracy High School Modernization – Gym/HVAC
Item: Proposal - Ratify
Services: Consultant to provide materials testing and special inspection services for the Gym/HVAC modernization project.
Cost: \$13,000.00
Project Funding: Local Bond Funds & State School Building Fund (SSBF)

B. Vendor: Gowan Construction, Inc.
Site: Tracy High School Modernization - Library
Item: Proposal - Ratify
Services: Contractor to provide and install two rows of book shelf support under four designated areas for the temporary library being prepared at Tracy High School.
Cost: \$6,434.00
Project Funding: Local Bond Funds & SSBF

C. Vendor: Roebbelen Contracting, Inc.
Site: Tracy High School – New Classroom Bldg.; Administration
Item: Change Order #1A
Services: Scope of work documented on attached change order summary.
Cost: \$43,768.00
Project Funding: Local Bond Funds & SSBF

D. Vendor: AMS.Net
Site: Tracy High School – New Classroom Bldg.
Item: Change Order #2
Services: Credit for deleting mounting of speaker/clocks and cable labor from original agreement.
Cost: <\$2,250.00> Credit
Project Funding: Local Bond Funds & SSBF

E. Vendor: Niscaya dba Securitas Security Systems
Site: Tracy High School – New Classroom Bldg.
Item: Notice of Completion
Services: Contractor to provide and install controllers and card readers for a security card access control system.
Original Contract: \$43,554.39 Change Order: \$0.00 Total Amount: \$43,554.39
Completion Date: March 11, 2009
Project Funding: Local Bond Funds & SSBF

F. Vendor: McFadden Construction, Inc.
Site: Tracy High School – Science Building
Item: Change Order #5
Services: Scope of work documented on attached change order summary.
Cost: \$47,140.00
Project Funding: Local Bond Funds & SSBF

G. Vendor: Roebbelen Contracting, Inc.
Site: Tracy High School – Administration Area
Item: Change Order #1A
Services: Scope of work documented on attached change order summary.
Cost: \$43,768.00
Project Funding: Local Bond Funds & SSBF

H. Vendor: Roebbelen Contracting, Inc.
Site: Tracy High School – Administration Area
Item: Notice of Completion
Services: Construction of the administration area in the new classroom building per ASI 43 and 43R.
Original Contract: \$507,158.00 Change Order: \$43,768.00 Total Amount: \$550,926.00
Completion Date: February 28, 2009
Project Funding: Local Bond Funds & SSBF



TRACY
UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 9, 2009
SUBJECT: Ratify Measure S 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 S 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 S BOND
SUMMARY OF SERVICES

A. Vendor:	Wilson Architecture, Inc.
Site:	Various School Sites
Item:	Agreement
Services:	Architect to provide site/improvement drawings to relocate eleven (11) relocatable classroom buildings from West High School to various school sites pertaining to the Measure S Bond projects.
Cost:	\$43,300.00
Project Funding:	Local Bond Funds



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 9, 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**

A. Vendor: AMS.Net
Site: Kimball High School
Item: Bid - Ratify
Services: Cisco and Smartnet Network Equipment for Kimball High School.
Cost: \$553,703.20
Project Funding: Developer Fees and State School Building Fund (SSBF)

B. Vendor: Western Blue
Site: Kimball High School
Item: Quote - Ratify
Services: UPS units and power strip equipment for Kimball High School.
Cost: \$106,635.90
Project Funding: Developer Fees & SSBF

C. Vendor: BC Construction
Site: Tracy High School – Locker Rooms
Item: Change Order #3-B
Services: Install four (4) tiles above the Boy's new shower area that were damaged and infill the existing holes from the existing showers in the team's room.
Cost: \$314.85
Project Funding: Deferred Maintenance 08/09

D. Vendor: BC Construction
Site: Tracy High School – Locker Rooms
Item: Change Order #3-G
Services: Troubleshoot and wire the existing fan in the Girl's locker room.
Cost: \$288.61
Project Funding: Deferred Maintenance 08/09

E. Vendor: Kontraband Interdiction & Detection Services, Inc. (K.I.D.S.)
Site: District Wide
Item: Agreement
Services: The contractor will provide a minimum of twenty-four (24) unannounced contraband inspections using detection canines as directed by the Tracy Unified School District, Services include inspections and consulting services using non-aggressive detection canines certified as a reliable team to detect illicit drugs, alcohol and pyrotechnics. No bid necessary because it is considered a "confidential service"
Cost: \$8,739.36 Not to Exceed
Project Funding: Safety

F. Vendor: Gowan Construction
Site: Bohn Elementary
Item: Change Order #1
Services: Cut and lower existing drain inlet and install new concrete collar due to field condition for the "Project Fit America" apparatus being installed.
Cost: \$1,107.00
Project Funding: Donation from Tracy Hospital Foundation/Unrestricted Facility Fund

G. Vendor: Gowan Construction
Site: Bohn Elementary
Item: Notice of Completion
Services: Contractor installed donated "Project Fit America" playground apparatus at Bohn School.
Original Contract: \$27,857.00 Change Order: \$1,107.00 Total Amount: \$28,964.00
Project Funding: Donation from Tracy Hospital Foundation/Unrestricted Facility Fund



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: *cg/ab* Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: 4/3/09
SUBJECT: Approve Payroll Reports (March 2009)

BACKGROUND: Financial Services Department submits summaries of payroll warrants issued each month 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 #7-Develop Powerful Educational Leaders.

FUNDING: N/A

RECOMMENDATION: Approve Payroll Report

Prepared by: Reed Call, Director of Financial Services

DATE: 3/10/09

FUND 01 GROSS PAYROLL	\$ 436,120.88
BENEFITS	\$ 44,064.68
TOTAL	\$ 480,185.56
 FUND 11 GROSS PAYROLL - ADULT EDUCATION	 \$ 75,527.85
BENEFITS	\$ 15,394.20
TOTAL	\$ 90,922.05
 FUND 12 GROSS PAYROLL - CHILD DEVELOPMENT	 \$ 1,013.03
BENEFITS	\$ 22.15
TOTAL	\$ 1,035.18
 FUND 13 GROSS PAYROLL - CAFETERIA FUND	 \$ 9,441.21
BENEFITS	\$ 858.99
TOTAL	\$ 10,300.20
 FUND 35 GROSS PAYROLL-COUNTY SCHOOL FACILITIES FUND	 \$ -
BENEFITS	\$ -
TOTAL	\$ -
 DISTRICT TOTAL	 \$ 582,442.99

Report: R0010A

Gross Wage & Fringe Summary by Object for FEBRUARY SUPPL. 3/10/2009

Fiscal Year 2008/2009

22

Fund: 01	GEN FUND/CO SCHOOL SERV FUND	Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
		1100	TEACHERS' SALARIES	62,769.54	0.00	62,769.54
		1104	TEACHERS' SALARIES SUMMER SCHL	3,942.00	0.00	3,942.00
		1105	TEACHERS' SALARIES SUBS	166,353.09	0.00	166,353.09
		1120	HOME INSTRUCTION SALARIES	6,985.13	0.00	6,985.13
		1200	CERT PUPIL SUPPORT SALARIES	6,911.46	0.00	6,911.46
		1310	CERT. SUPERVISOR SALARIES	1,409.63	0.00	1,409.63
		1330	ASSISTANT SUPERINTENDENTS SAL	1,566.93	0.00	1,566.93
		1340	CERT. ADMINISTRATOR SALARIES	1,439.41	0.00	1,439.41
		1900	OTHER CERTIFICATED SALARIES	48,758.49	0.00	48,758.49
		2100	INSTRUCTIONAL AIDES' SALARIES	51,181.15	0.00	51,181.15
		2105	INSTR AIDES SALARIES SUBS	5,402.86	0.00	5,402.86
		2200	CLASSIFIED SUPPORT SALARIES	62,684.07	0.00	62,684.07
		2205	CLASS SUPPORT SALARIES SUBS	1,596.74	0.00	1,596.74
		2400	CLERICAL & OFFICE SALARIES	6,649.13	0.00	6,649.13
		2405	CLERICAL AND OFFICE SAL SUBS	2,601.51	0.00	2,601.51
		2407	CLERICAL AND OFFICE SAL HOURLY	2,107.74	0.00	2,107.74
		2900	OTHER CLASSIFIED SALARIES	1,983.47	0.00	1,983.47
		2905	OTHER CLASSIFIED SALARY SUBS	1,778.53	0.00	1,778.53
		3101	STRS ON 1000 SALARIES	0.00	17,708.94	17,708.94
		3102	STRS ON 2000 SALARIES	0.00	360.61	360.61
		3201	PERS ON 1000 SALARIES	0.00	682.70	682.70
		3202	PERS ON 2000 SALARIES	0.00	2,091.37	2,091.37
		3311	OASDI ON 1000 SALARIES	0.00	475.29	475.29
		3312	OASDI ON 2000 SALARIES	0.00	3,792.02	3,792.02
		3321	FICA-MED ON 1000 SALARIES	0.00	4,152.64	4,152.64
		3322	FICA-MED ON 2000 SALARIES	0.00	1,970.57	1,970.57
		3331	ALTER. RETIREMENT ON 1000 SAL	0.00	1,465.30	1,465.30
		3332	ALTER. RETIREMENT ON 2000 SAL	0.00	2,813.94	2,813.94
		3501	STATE UNEMPLOY ON 1000 SALARY	0.00	900.25	900.25
		3502	STATE UNEMPLOY ON 2000 SALARY	0.00	408.08	408.08
		3601	WORKER'S COMP INS ON 1000 SAL	0.00	4,984.48	4,984.48
		3602	WORKER'S COMP INS ON 2000 SAL	0.00	2,258.49	2,258.49
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01 Fund Total:				436,120.88	44,064.68	480,185.56

Fund: 11	ADULT EDUCATION FUND	Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
		1100	TEACHERS' SALARIES	57,425.50	0.00	57,425.50
		1105	TEACHERS' SALARIES SUBS	2,162.52	0.00	2,162.52
		1200	CERT PUPIL SUPPORT SALARIES	3,518.18	0.00	3,518.18
		2100	INSTRUCTIONAL AIDES' SALARIES	12,050.11	0.00	12,050.11
		2200	CLASSIFIED SUPPORT SALARIES	371.54	0.00	371.54
		3101	STRS ON 1000 SALARIES	0.00	4,444.23	4,444.23
		3202	PERS ON 2000 SALARIES	0.00	1,067.01	1,067.01
		3312	OASDI ON 2000 SALARIES	0.00	703.79	703.79
		3321	FICA-MED ON 1000 SALARIES	0.00	712.30	712.30
		3322	FICA-MED ON 2000 SALARIES	0.00	164.59	164.59
		3331	ALTER. RETIREMENT ON 1000 SAL	0.00	61.19	61.19
		3411	HEALTH & WELFARE ON 1000 SALS	0.00	5,556.73	5,556.73
		3412	HEALTH & WELFARE ON 2000 SALS	0.00	1,203.37	1,203.37

Report: R0010A

Gross Wage & Fringe Summary by Object for FEBRUARY SUPPL. 3/10/2009

Fiscal Year 2008/2009

3501	STATE UNEMPLOY ON 1000 SALARY	0.00	189.31	189.31
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	37.26	37.26
3601	WORKER'S COMP INS ON 1000 SAL	0.00	1,048.12	1,048.12
3602	WORKER'S COMP INS ON 2000 SAL	0.00	206.30	206.30

11 Fund Total:		75,527.85	15,394.20	90,922.05
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Fund: 12 CHILD DEVELOPMENT FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
1100	TEACHERS' SALARIES	23.63	0.00	23.63
1340	CERT. ADMINISTRATOR SALARIES	989.40	0.00	989.40
3101	STRS ON 1000 SALARIES	0.00	1.95	1.95
3321	FICA-MED ON 1000 SALARIES	0.00	0.34	0.34
3501	STATE UNEMPLOY ON 1000 SALARY	0.00	3.04	3.04
3601	WORKER'S COMP INS ON 1000 SAL	0.00	16.82	16.82

12 Fund Total:		1,013.03	22.15	1,035.18
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Fund: 13 CAFETERIA FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
2200	CLASSIFIED SUPPORT SALARIES	2,958.11	0.00	2,958.11
2205	CLASS SUPPORT SALARIES SUBS	6,483.10	0.00	6,483.10
3202	PERS ON 2000 SALARIES	0.00	120.70	120.70
3312	OASDI ON 2000 SALARIES	0.00	89.21	89.21
3322	FICA-MED ON 2000 SALARIES	0.00	136.87	136.87
3332	ALTER. RETIREMENT ON 2000 SAL	0.00	327.11	327.11
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	28.30	28.30
3602	WORKER'S COMP INS ON 2000 SAL	0.00	156.80	156.80

13 Fund Total:		9,441.21	858.99	10,300.20
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District Total:		522,102.97	60,340.02	582,442.99
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DATE: 3/31/09

FUND 01 GROSS PAYROLL	\$ 6,291,363.19
BENEFITS	\$ 1,907,913.28
TOTAL	\$ 8,199,276.47
FUND 11 GROSS PAYROLL - ADULT EDUCATION	\$ 32,341.83
BENEFITS	\$ 10,537.20
TOTAL	\$ 42,879.03
FUND 12 GROSS PAYROLL - CHILD DEVELOPMENT	\$ 7,915.60
BENEFITS	\$ 3,583.88
TOTAL	\$ 11,499.48
FUND 13 GROSS PAYROLL - CAFETERIA FUND	\$ 94,825.46
BENEFITS	\$ 25,824.22
TOTAL	\$ 120,649.68
DISTRICT TOTAL	\$ 8,374,304.66

Report: R0010A

Gross Wage & Fringe Summary by Object for MARCH REGULAR 3/31/2009

Fiscal Year 2008/2009

Fund: 01 GEN FUND/CO SCHOOL SERV FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
1100	TEACHERS' SALARIES	4,212,820.90	0.00	4,212,820.90
1105	TEACHERS' SALARIES SUBS	3,015.00	0.00	3,015.00
1120	HOME INSTRUCTION SALARIES	7,670.80	0.00	7,670.80
1200	CERT PUPIL SUPPORT SALARIES	230,520.07	0.00	230,520.07
1300	CERT SUPRVRS' & ADMINS' SAL	46,871.03	0.00	46,871.03
1310	CERT. SUPERVISOR SALARIES	15,553.93	0.00	15,553.93
1320	SUPERINTENDENTS SALARIES	14,887.67	0.00	14,887.67
1330	ASSISTANT SUPERINTENDENTS SAL	20,272.51	0.00	20,272.51
1340	CERT. ADMINISTRATOR SALARIES	311,892.83	0.00	311,892.83
1900	OTHER CERTIFICATED SALARIES	92,624.83	0.00	92,624.83
2100	INSTRUCTIONAL AIDES' SALARIES	279,366.48	0.00	279,366.48
2105	INSTR AIDES SALARIES SUBS	475.38	0.00	475.38
2200	CLASSIFIED SUPPORT SALARIES	522,677.95	0.00	522,677.95
2300	CLASS SUPRVRS' & ADMINS' SAL	13,299.21	0.00	13,299.21
2310	CLASS SUPERVISORS SALARIES	41,155.66	0.00	41,155.66
2320	CLASS. ADMINISTRATOR SALARIES	73,896.81	0.00	73,896.81
2400	CLERICAL & OFFICE SALARIES	226,601.60	0.00	226,601.60
2407	CLERICAL AND OFFICE SAL HOURLY	143,177.98	0.00	143,177.98
2900	OTHER CLASSIFIED SALARIES	33,004.16	0.00	33,004.16
3101	STRS ON 1000 SALARIES	0.00	443,583.95	443,583.95
3102	STRS ON 2000 SALARIES	0.00	645.02	645.02
3201	PERS ON 1000 SALARIES	0.00	6,957.68	6,957.68
3202	PERS ON 2000 SALARIES	0.00	124,113.02	124,113.02
3311	OASDI ON 1000 SALARIES	0.00	3,948.45	3,948.45
3312	OASDI ON 2000 SALARIES	0.00	73,534.43	73,534.43
3321	FICA-MED ON 1000 SALARIES	0.00	62,370.96	62,370.96
3322	FICA-MED ON 2000 SALARIES	0.00	18,129.92	18,129.92
3332	ALTER. RETIREMENT ON 2000 SAL	0.00	2,261.74	2,261.74
3411	HEALTH & WELFARE ON 1000 SALS	0.00	626,393.36	626,393.36
3412	HEALTH & WELFARE ON 2000 SALS	408.39	234,073.57	234,481.96
3501	STATE UNEMPLOY ON 1000 SALARY	0.00	14,870.35	14,870.35
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	4,003.74	4,003.74
3601	WORKER'S COMP INS ON 1000 SAL	0.00	82,322.22	82,322.22
3602	WORKER'S COMP INS ON 2000 SAL	0.00	22,164.99	22,164.99
3711	H & W CURRENT RETIREES ON 1000	0.00	110,673.24	110,673.24
3712	H & W CURRENT RETIREES ON 2000	0.00	77,866.64	77,866.64
3911	TAXABLE FRINGE BEN ON 1000 SAL	630.00	0.00	630.00
3912	TAXABLE FRINGE BEN ON 2000 SAL	540.00	0.00	540.00
01 Fund Total:		6,291,363.19	1,907,913.28	8,199,276.47

Fund: 11 ADULT EDUCATION FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
1340	CERT. ADMINISTRATOR SALARIES	10,853.10	0.00	10,853.10
2200	CLASSIFIED SUPPORT SALARIES	3,712.95	0.00	3,712.95
2400	CLERICAL & OFFICE SALARIES	17,595.78	0.00	17,595.78
3101	STRS ON 1000 SALARIES	0.00	910.23	910.23
3202	PERS ON 2000 SALARIES	0.00	2,008.99	2,008.99
3312	OASDI ON 2000 SALARIES	0.00	1,262.75	1,262.75
3321	FICA-MED ON 1000 SALARIES	0.00	152.97	152.97

Report: R0010A

Gross Wage & Fringe Summary by Object for MARCH REGULAR 3/31/2009

Fiscal Year 2008/2009

3322	FICA-MED ON 2000 SALARIES	0.00	295.32	295.32
3411	HEALTH & WELFARE ON 1000 SALS	0.00	869.38	869.38
3412	HEALTH & WELFARE ON 2000 SALS	0.00	4,403.39	4,403.39
3501	STATE UNEMPLOY ON 1000 SALARY	0.00	33.09	33.09
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	63.94	63.94
3601	WORKER'S COMP INS ON 1000 SAL	0.00	183.24	183.24
3602	WORKER'S COMP INS ON 2000 SAL	0.00	353.90	353.90
3911	TAXABLE FRINGE BEN ON 1000 SAL	180.00	0.00	180.00

11 Fund Total:		32,341.83	10,537.20	42,879.03
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Fund: 12 CHILD DEVELOPMENT FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
1100	TEACHERS' SALARIES	3,139.00	0.00	3,139.00
2100	INSTRUCTIONAL AIDES' SALARIES	2,024.39	0.00	2,024.39
2400	CLERICAL & OFFICE SALARIES	2,752.21	0.00	2,752.21
3101	STRS ON 1000 SALARIES	0.00	310.76	310.76
3202	PERS ON 2000 SALARIES	0.00	367.10	367.10
3312	OASDI ON 2000 SALARIES	0.00	200.58	200.58
3321	FICA-MED ON 1000 SALARIES	0.00	33.21	33.21
3322	FICA-MED ON 2000 SALARIES	0.00	59.72	59.72
3332	ALTER. RETIREMENT ON 2000 SAL	0.00	38.82	38.82
3411	HEALTH & WELFARE ON 1000 SALS	0.00	1,417.14	1,417.14
3412	HEALTH & WELFARE ON 2000 SALS	0.00	1,001.29	1,001.29
3501	STATE UNEMPLOY ON 1000 SALARY	0.00	9.42	9.42
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	14.35	14.35
3601	WORKER'S COMP INS ON 1000 SAL	0.00	52.14	52.14
3602	WORKER'S COMP INS ON 2000 SAL	0.00	79.35	79.35

12 Fund Total:		7,915.60	3,583.88	11,499.48
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Fund: 13 CAFETERIA FUND

Object	Description	Wage Total	Fringe Total	Wage & Fringe Total
2200	CLASSIFIED SUPPORT SALARIES	75,342.41	0.00	75,342.41
2320	CLASS. ADMINISTRATOR SALARIES	6,073.50	0.00	6,073.50
2400	CLERICAL & OFFICE SALARIES	13,326.31	0.00	13,326.31
3202	PERS ON 2000 SALARIES	0.00	6,816.48	6,816.48
3312	OASDI ON 2000 SALARIES	0.00	3,890.73	3,890.73
3322	FICA-MED ON 2000 SALARIES	0.00	1,308.83	1,308.83
3332	ALTER. RETIREMENT ON 2000 SAL	0.00	1,190.83	1,190.83
3412	HEALTH & WELFARE ON 2000 SALS	83.24	10,757.99	10,841.23
3502	STATE UNEMPLOY ON 2000 SALARY	0.00	284.50	284.50
3602	WORKER'S COMP INS ON 2000 SAL	0.00	1,574.86	1,574.86

13 Fund Total:		94,825.46	25,824.22	120,649.68
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District Total:

		6,426,446.08	1,947,858.58	8,374,304.66
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BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 14, 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/Bohn Elementary School: From: Parent and Staff Collection of Plastics and Aluminum Cans, c/o Bohn Elementary School. The donation is in the amount of \$507.00 (cash). The donation will be used to purchase items and supplies for Bohn Elementary.
2. Tracy Unified School District/Bohn Elementary School: From: ELAC Committee, c/o Bohn Elementary School. The donation is in the amount of \$2,000.00 (cash). The donation will be used toward purchasing new playground equipment for Bohn Elementary.
3. Tracy Unified School District: From: Olin Corporation. The donation is in the amount of \$3,000.00 (check # TBD). The donation will be used toward a scholarship for the top science student at West High and Tracy High continuing on to post secondary education for 2008-2009.

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.



TRACY
UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES MEMORANDUM

To: James Franco, Superintendent
From: C. Goodall, Assistant Superintendent for Business
Date: April 1, 2009
SUBJECT: Approve Assembly Vendors and Site Assembly Utilization Calendars

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.

Rationale: School site assemblies require pre-approval to ensure three different documents are in place: an approved contract; a certificate of insurance; an endorsement letter naming the district an additional insured. In addition, all assemblies are reviewed to ensure the content is appropriate for student audiences, and that conflicts do not occur with other school site or district events.

To that end, the attached list of vendors has met all of the criteria to provide assemblies at TUSD sites, and their presentation has been deemed appropriate for TUSD students. Additionally, the attached calendar of events has been reviewed to ensure the date and time of the event does not conflict with other site or district events.

This list will be updated monthly and presented to the board for approval.

Funding: Per attached summary of requisitions.

Recommendation: Approve Assembly Vendors and Site Assembly Utilization Calendars

Prepared by: Cindy Everhart, Facility Use Secretary, and Bob Corsaro, Director of Risk Management, Environmental Compliance, & Safety

Board Approved	Vendor	Estimated Cost	Insurance Expires
2/12/2008	Toucan Jam, www.toucanjam.net, Sue Lomolino - Sue Lomolino - sue@theothercheek.com	\$500 first, \$250 additional	4/25/2009
6/10/2008	Aaron's Staff - Abe Lincoln Assemblies, Kevin Weinert, 925-679-8624, aaronstaff@sbcglobal.net	\$ 600.00	4/25/2009
8/12/2008	Science Wizard, Jordan Reading, 916.344.2541, jordan@sciencewizardparty.com, www.sciencewizardparty.com	\$655	4/25/2009
2/10/2009	Rock Steady Juggling, Doug Nolan, 650.568.6880, fax# 650.240.1770, www.rocksteadyjuggling.com	\$ 1,100.00	4/25/2009
2/12/2008	Ravioli The Clown, 835-3535, www.raviolitheclown.com	\$ 500.00	5/1/2009
2/12/2008	Sparkles the Clown, 835-8383, www.sparklesdelight.com	\$ 500.00	5/1/2009
2/10/2009	Donny Crandall Magician, 209.324.4904, www.valleymagician.com, crandall1@comcast.net	Call	5/1/2009
8/28/2007	Horizon Intertainment - Teen Truth Anti Bully JC Pohl 818 755 8800 , jc@teentruthlive.com	\$ 1,500.00	5/18/2009
10/9/2007	Mad Science, Danielle Mae Lee, danielle@madsciencesacto.com, 916-736-2924	Call	12/1/2009
8/28/2007	Academic Entertainment Timothy Busfield 916 442 5635	\$ 895.00	12/10/2009
1/22/2008	Kaiser Permanente, Dean Starnes, 510-987-2223, dean.starnes@kp.org, www.kp.org/etp, Secrets Performance	?	1/1/2010
10/9/2007	Percussion Discussion Ken Bergmann's 925-755-3786percuss@pacbell.net	\$ 700.00	2/26/2010
11/13/2007	Bureau of Lectures, John Tacha, 800.255.0084, www.assemblyline.com/index.html bureau@assemblyline.com	Call	8/20/2009

8/28/2007	Theater for Children, B Street Theater Programs, Lea Ladd, 916.443.5391 x112	Misc Call	8/28/2009
10/23/2007	Lawrence Hall of Science, 510-642-1700, pfsreq@berkeley.edu, www.lawrencehallofscience.org	\$ 725.00	Indemnification approved, Tier 1
10/9/2007	McDonalds Tammi Beck 916-962-1982	Free	NO Charge, Tier 1
10/9/2007	NASA Karin Costa 650-604-6077	Free	NO Charge, Tier 1
10/9/2007	Otto the Auto Wendy Sanchez 415-565-2676 wendy_sanchez@csaa.com	Free	NO Charge, Tier 1
10/9/2007	Sandia Labs Simone Williams 925-294-2609 srwilli@sandia.gov	Free	NO Charge, Tier 1
2/10/2009	JOE FOSS Institute, 480.348.0316, www.jfiweb.org	Free	NO Charge, Tier 1
	District 5 Dairy Princess, 639-1715	Free	NO Charge, Tier 1
	Color Me Mine, Angie Long , 834.8910, tracy@colormemine.com, www.tracy.colormemine.com	Call	4/4/2010



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent for Educational Services
DATE: March 23, 2009
SUBJECT: Approve Travel for Tracy High School Science Teacher Kirk Brown to Attend the National Junior Science and Humanities Symposia as the Teacher of the Year Guest in Colorado Springs, CO, April 29-May 3, 2009

BACKGROUND: The San Francisco Bay Area Science Fair has been inviting Tracy High School to present research at the Junior Science and Humanities Symposium for many years. Each year a teacher is selected as the Teacher of the Year. This year, Mr. Brown was selected as the Teacher Delegate from this region of the Junior Science and Humanities Symposia. This is an honor that is given once in a teacher's career.

RATIONALE: Mr. Brown was chosen as the Teacher of the Year due to his ongoing participation in the Junior Science and Humanities Symposia and the high quality of research that his students produce. Mr. Brown will be attending the symposia, networking with teachers and researchers. Experiencing the National Symposia would better prepare him for mentoring the students and preparing them in future years. This aligns with Strategic Goal #1: Provide a variety of learning opportunities through standards based instruction that ensures that all students meet or exceed grade level standards and results in closing the achievement gap and Goal #7: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: The San Francisco Bay Area Science Fair and Junior Science and Humanities Symposium will incur all costs for subs, transportation, accommodations, meals, and competition event expenses.

RECOMMENDATION: Approve Travel for Tracy High School Science Teacher, Kirk Brown to Attend the National Junior Science and Humanities Symposium as the Teacher of the Year Guest in Colorado Springs, CO, on April 29-May 3, 2009

PREPARED BY: Jason Noll, Principal, Tracy High School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. Jim Franco, Superintendent
FROM: *JH* Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: April 8, 2009
SUBJECT: Approve Overnight Travel for the Girls Volleyball Team on August 21- 22, 2009, to Attend the North Valley Volleyball Officials Tournament in Redding, CA

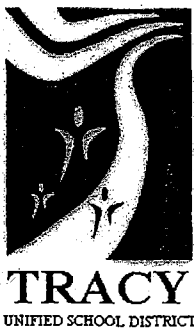
BACKGROUND: The Tracy High Varsity Girl's Volleyball Team would like to participate in the North Valley Volleyball Officials Tournament in Redding, CA. Approximately 18 players will be chaperoned and transported by Coach Daily, Coach Tankersley, Coach Justin Rita and team parents. They will travel to Redding on August 21 and return home on August 22, 2009. The team will be staying at the La Quinta Inn in Redding, CA.

RATIONALE: The Volleyball team is strengthened by the opportunity to play together in this tournament. This time together will allow for "team building" on and off the court. This is a wonderful opportunity and ties in with Strategic Goals #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: Costs for the tournament, transportation, accommodations in Redding and food will total \$1000.00 and is being paid by the Tracy High Volleyball ASB account which was earned by fundraising.

RECOMMENDATION: Approve Overnight Travel for the Girls Volleyball Team on August 21-22, 2009, to Attend the North Valley Volleyball Officials Tournament in Redding, CA

Prepared by: Mr. Jason Noll, Principal, Tracy High School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent Educational Services
DATE: April 6, 2009
SUBJECT: Ratify Overnight Travel and Funding for the West High Robotics Team to Compete in the VEX World Championship at the Dallas Convention Center in Dallas, Texas from April 29 - May 3, 2009

BACKGROUND: The 2009 VEX Robotics World Championship is a gathering of the top robotics teams from around the world to celebrate their accomplishments and compete against the best of the best. This competition will include over 200 top teams from approximately 100 VEX Robotics tournaments happening in cities around the world from October 2008 to April 2009. The West High Robotics Team qualified to attend the VEX Robotics Championship by winning the Excellence Award at a regional competition in Lemoore on April 4, 2009. The Vex Championship competition is held in Dallas, Texas at the Convention Center. The team will stay at West End Crowne Plaza hotel in downtown Dallas. The hotel provides free transportation between the hotel and convention center. The team will fly into Dallas on April 29 and return home on May 3, 2009 missing three days of school. The seven students will acquire homework from their teachers and will be given time to complete the work throughout the trip. Parents will transport their children to and from the airport on April 29 and May 3, 2009. Mr. Moehnke, teacher/advisor will chaperone the seven students throughout the duration of the trip. Upon arrival at the airport, Mr. Moehnke will release each student to their parent(s) on May 3, 2009. This agenda item needs to be ratified due to the short timeline of West High School students being eligible to compete at the VEX Robotics World Championship as the Board meeting is on April 28 and the team departs on April 29, 2009.

RATIONALE: The VEX Robotics Competition requires students to put engineering skills into action. They must design their robot, build it, test it and optimize it. They must trouble shoot problems that arise along the way and work together as a team on all these points. The robot must score points by picking up 3' foam cubes and place them into various height goals. The teams must develop good strategies for their own robots as well as adapt strategies that allow their robot to work well with whatever team they are asked to pair with during a match. The competition has the same goals. This event is not only prestigious, but a great accomplishment for our school and district. This meets Strategic Goal #7-Develop and Utilize Partnerships that Contribute to the Achievement of District Goals.

FUNDING: Cost not to exceed \$4,000.00. Cost includes hotel, registration fee for the competition, air fare, and sub cost for Mr. Moehnke for 3 days. Students are responsible for individual food cost. The team will solicit donations from community business partners, parent donations and because of the short time frame, whatever costs these donations do not cover will be paid for by Space & Engineering Academy budget.

RECOMMENDATION: Ratify Overnight Travel and Funding for the West High Robotics Team to Compete in the VEX World Championship at the Dallas Convention Center in Dallas, Texas from April 29 - May 3, 2009

PREPARED BY: Jeff Frase, Principal - West High School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: October 15, 2008
SUBJECT: Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending April 15, 2009.

BACKGROUND: Pursuant to the Williams Settlement, the Valenzuela Settlement, and California Education Code Section 35186, every school must provide 1) sufficient textbooks and instructional materials, 2) school facilities that are clean, safe, and maintained in good repair, 3) a properly credentialed teacher for every classroom and 4) intensive remediation for up to two years for students who have completed grade 12 but not passed the California High School Exit Exam. Education Code, EC 35186(d), requires that school districts shall report summarized data on the nature and resolution of all Williams/Valenzuela uniform complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records. There were no complaints filed under the Williams/Valenzuela settlements during the January 15 – April 15, 2009 reporting period.

RATIONALE: The quarterly report for the period of January 15, 2009 through April 15, 2009, has been submitted to the San Joaquin County Office of Education and must be reported to the local school board. The report summarizes the complaints received through the Williams Uniform Complaint Process as well as the resolution of each of those complaints. This report supports 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 and Goal #2: Provide a safe environment to students and staff that is conducive to learning.

FUNDING: No cost

RECOMMENDATION: Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending April 15, 2009.

Prepared by: Carol Anderson-Woo, Director of Curriculum, Accountability and Continuous Improvement

San Joaquin County Office of Education
Valenzuela/CAHSEE Lawsuit Settlement
Quarterly Report on *Williams* Uniform Complaints
 [Education Code § 35186(d)]

District: Tracy Joint Unified School District

Person completing this form: Carol Anderson-Woo Title: Director of Curriculum,
Accountability and Continuous Improvement

Quarterly Report Submission Date: ☐ January 15, 2009
 (check one) ☒ April 15, 2009
☐ July 15, 2009
☐ October 15, 2009

Date for information to be reported publicly at governing board meeting: 4/28/2009

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above.
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials			
Teacher Vacancy or Misassignment			
Facilities Conditions			
CAHSEE Intensive Instruction and Services			
TOTALS			


Dr. James Franco
 Print Name of District Superintendent

James Franco
 Signature of District Superintendent

4-9-09
 Date



EDUCATIONAL SERVICES MEMORANDUM

To: Dr. James Franco, Superintendent
From:  Dr. Sheila Harrison, Assistant Superintendent of Educational Services
Date: March 24, 2009
Re: **Approve Application for the Workforce Investment Act-Adult Education and Family Literacy-Section 231**

Background: The Tracy Adult School is applying for the 2009-2010 Section 231 Federal Grant. The Adult School receives additional funding in educational Adult Basic Education (ABE), English as a Second Language (ESL), Adult Secondary Education (ASE/GED), Family Literacy (ABE/ESL) and Citizenship Preparation/El Civics per this grant.

Rationale: The Federal Section 231 application is granted for a one-year period. Students must meet certain benchmarks determined by testing and graduation rates to meet the grant standards. This Agenda Item supports Strategic Goal #1: Provide a relevant and meaningful curriculum.

Funding: If approved, Tracy Adult School is estimated to receive \$225.00 per benchmark attained during the school year.

Recommendation: Approve Application for the Workforce Investment Act-Adult Education and Family Literacy-Section 231

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

THIS PAGE FOR CDE USE ONLY**Date Received**

Name	Tracy Unified School District
CDS/Vendor Code	39-75499
Charitable Trust Number	

Funding Source	Resource Code	Program Focus Area	2008-09 Funding Status	2009-10 Applying For	2009-10 Grant Award Notification	2007-08 Payment Points
Section 225	3940	Adult Basic Education (ABE) English as a Second Language (ESL) Vocational ESL (VESL) Adult Secondary Education (ASE) Vocational Adult Basic Education (VABE) General Education Development (GED)	No	No		
Section 231	3905	Adult Basic Education (ABE) English as a Second Language (ESL) ESL-Citizenship(<i>may not participate in EL Civics Citizenship Preparation</i>) Vocational English as a Second Language (VESL) Vocational Adult Basic Education (VABE)	Yes	Yes		
	3912	Family Literacy	Yes	Yes		
	3913	Adult Secondary Education (ASE) General Education Development (GED)	Yes	Yes		
EL Civics	3926	Civic Participation Citizenship Preparation (<i>may not participate in 231 ESL-Citizenship</i>)	Yes	Yes		

Certification	Page	Initials	Date
State and Federal Drug-Free Workplace	4-5		
Lobbying	6		
Debarment, Suspension, Ineligibility and Voluntary Exclusion	7		
Specific Assurances	8-9		
Superintendent/CEO	10		
Entered Date Received in CDE Data Access Page			
Reviewed by Mary Lindgren, Regional Consultant			
Notes			

GENERAL ASSURANCES
California Department of Education

Discrimination

As the duly authorized representative of the applicant, I certify that the applicant will comply with all federal statutes relating to nondiscrimination, including (a) Title VI of the Civil Rights Act of 1964 (45 *United States Code* [USC] sections 2000d through 2000d-4) prohibiting discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (20 USC sections 1681-1683) prohibiting discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (20 USC Section 794) prohibiting discrimination on the basis of handicap; and The Age Discrimination Act (42 USC Section 6101, *et seq.*) prohibiting discrimination on the basis of age.

Costs

As the duly authorized representative of the applicant, I certify that the applicant will comply with the general cost principles set forth in federal regulations, 34 *Code of Federal Regulations* (CFR) Section 74.27 and 34 CFR Section 80.22, and the Office of Management and Budget circulars applicable to my entity.

I further certify that the applicant will comply with the expenditure requirements set forth in the federal Education Department Guidelines Administrative Regulations (EDGAR) contained in Title 34 of the CFR.

Records

As the duly authorized representative of the applicant, I certify that the applicant will make reports to the state or federal agency designated in the application as may reasonably be necessary to enable those agencies to perform their duties. The applicant will maintain and provide access to all records used in the preparation of such reports for a period of five years. Such records shall include, but not be limited to, records which fully disclose the amount and disposition by the recipient of funds, the total cost of the activity for which the funds are used, the share of the cost provided from other sources, and such other records as will facilitate an effective audit. The recipient shall maintain such records for five years after the completion of the activities for which the funds are used.

Applicable Law

As the duly authorized representative of the applicant, I certify that the applicant will comply with all state and federal statutes, regulations, program plans, and eligibility requirements applicable to each program under which federal and state funds are made available through the application.

CDE-100-A Aug-2005

Certification Regarding State and Federal Drug-Free Workplace Requirements

Grantees Other Than Individuals

As required by Section 8355 of the *California Government Code* and the Drug-Free Workplace Act of 1988, and implemented at 34 *Code of Federal Regulations* (CFR) Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition

(b) Establishing an on-going drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace
- (2) The grantee's policy of maintaining a drug-free workplace
- (3) Any available drug counseling, rehabilitation, and employee assistance programs
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph

(d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Grantees Who Are Individuals

As required by Section 8355 of the *California Government Code* and the Drug-Free Workplace Act of 1988, and implemented at 34 *CFR* Part 85, Subpart F, for grantees, as defined at 34 *CFR* Part 85, Sections 85.605 and 85.610

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction to every grant officer or designee, in writing, within 10 calendar days of the conviction. Notice shall include the identification number(s) of each affected grant. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant: Tracy Unified School District

Name of Program:

Tracy Adult School

Printed Name and Title of Authorized Representative:

Dave Pickering, Director

Signature:  Date: 3/24/09

CDE-100DF Aug-2005

CERTIFICATION REGARDING LOBBYING

Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 *Code of Federal Regulations* (CFR) Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

As required by Section 1352, Title 31 of the *U.S. Code*, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, Disclosure Form to Report Lobbying, (revised Jul-1997) in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant:

Tracy Unified School District

Name of Program:

Tracy Adult School

Printed Name and Title of Authorized Representative:

Dave Pickering, Director

Signature:

Dave Pickering

Date:

3/24/09

ED 80-0013 (Revised Jun-2004)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions.

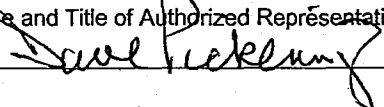
This certification is required by the U. S. Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 *Code of Federal Regulations* Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled A Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Applicant: Tracy Unified School District
Name of Program: Tracy Adult School
Printed Name and Title of Authorized Representative: Dave Pickering, Director
Signature:  Date: 3/24/09

ED 80-0014 (Revised Sep-1990)

WORKFORCE INVESTMENT ACT TITLE II SPECIFIC ASSURANCES

In addition to the General Assurances of the California Department of Education, the duly authorized agent of the applicant certifies that the applicant will comply with the following Workforce Investment Act Title II specific program requirements:

1. The duly authorized agent of the applicant agrees not to charge student tuition, fees, or other costs. Students will not be required to purchase any books and/or instructional supplies and materials needed for enrollment or participation in: Adult Basic Education (ABE), English as a Second Language (ESL), ESL Citizenship, Adult Secondary Education (ASE), Vocational Literacy, Family Literacy, or any programs funded for EL Civics (*Education Code §52612*).
2. The duly authorized agent of the applicant agrees to submit the following for approval by the CDE Adult Education Office:
 - a. Program Budgets by the due date specified in the Grant Award notification. For additional information, see the *Workforce Investment Act Title II, Adult Education and Family Literacy Act, Section 225, Section 231, and English Literacy and Civics Education, Program Reapplication Guidelines and Requirements 2009-10 (Workforce Investment Act of 1998, Title II §232)*
 - b. Memorandums of Understanding (MOUs) for cooperative arrangements for services (*EDGAR §80.37(a)(1-4) (b)(1-3), and Workforce Investment Act of 1998, Title II §232*)
3. The duly authorized agent of the applicant agrees to fulfill all data collection, surveys, and reporting requirements in an accurate and timely manner (*Workforce Investment Act of 1998, Title II §212 and 224(b), and California State Plan, Chapter 5*).
 - a. Data Foundation and Structure: The duly authorized agent of the applicant agrees to use the state's standardized policies and procedures for intake, placement, goal setting, and follow-up surveys. The agent agrees to implement an assessment and attendance tracking system using the Comprehensive Adult Student Assessment System (CASAS) and TOPSpro software for collecting student information. The duly authorized agent of the applicant agrees that students must attend a minimum of 12 hours before being considered as participating students (*National Reporting System (NRS) Implementation Guidelines, Chapter 1. NRS Measures*).

Note: The CDE will provide TOPSpro software, assessment materials, and staff training to all funded agencies free of charge. If your agency does not use TOPSpro, your data system must be capable of producing all data elements included in TOPSpro and in the same sequence as the TOPSpro reports (Workforce Investment Act of 1998, Title II Sec. 212 and 224(b), and California State Plan, Chapter 5.0).
 - b. Data Collection, Verification, Analysis, and Reporting: The duly authorized agent of the applicant agrees to have staff with clear responsibility for data collection, data entry, attestation, and procedures for correcting errors and resolving missing data. The duly authorized agent of the applicant agrees to use student data for program management and improvement such as evaluating learning gains, teacher performance, and meeting student needs.
4. Professional Development: The duly authorized agent of the applicant agrees to train staff that will be responsible for general NRS requirements including assessment and follow-up policy procedures, and student goal-setting. Staff must receive training on data entry and collection procedures, interpreting reports, the process and ability to conduct follow-up surveys, and data matching procedures.
5. Federal law Title 34 *Code of Federal Regulations 80.21* (i) requires that any interest earned by grantees of federal dollars be returned to the U.S. Department of Education (ED) if the amount is in excess of \$100. Grantees shall promptly, but at least quarterly, remit interest earned on advances to the California Department of Education for return to the ED.

California Department of Education
Adult Education and Family Literacy Act P. L. 105-220

WORKFORCE INVESTMENT ACT TITLE II SPECIFIC ASSURANCES (continued)

- The duly authorized agent of the applicant agrees to use not less than 95 percent of its approved funds for carrying out adult education and literacy activities. The remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination. In cases where the cost limits are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the CDE will negotiate with the agency an adequate level of funds to be used for non-instructional purposes. (*Workforce Investment Act of 1998, Title II, Section 233; Code of Federal Regulations, Title 34, Part 461, Section 461.40*).
- The duly authorized agent of the applicant, if not previously funded with WIA Title II funds agrees to meet state imposed program participation criteria that include, but are not limited to, attendance at CDE-sponsored training related to CASAS, budget development, and program development (*California State Plan 6.1.13*).
- The duly authorized agent of the applicant agrees to document procedures and guidelines pertaining to their standardized assessment practices. Adult literacy providers may use the *Workforce Investment Act Title II Adult Education and Family Literacy Act Assessment Policy Guidelines* as the policy foundation, in conjunction with Test Administration Manuals, *CASAS Administration Manual for California*, and regional training workshops to provide a basis for development of local procedures, guidelines, and implementation practices.

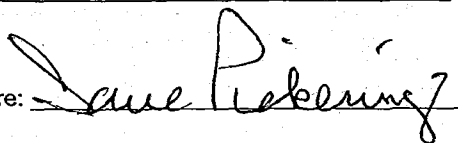
As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances and requirements. It is also understood that failure to comply will result in withholding or forfeiture of Workforce Investment Act Title II funding.

Name of Applicant: Tracy Unified School District

Name of Program: Tracy Adult School

Printed Name and Title of Authorized Representative:

Dave Pickering, Director

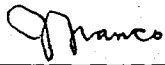
Signature:  Date: 3/24/09

I. Grants, Signatures, and Contacts

A. Superintendent/CEO Certification

CERTIFICATION: I hereby agree to comply with all applicable state and federal rules and regulations, and program guidelines and requirements. I certify that to the best of my knowledge, the information contained in this application is correct and complete, and that the attached assurances are accepted as the basic conditions in the operations of this project/program for local participation and assistance.

I have read the Program Reapplication Guidelines and Requirements for 2009-10.

Superintendent/CEO:	James Franco <i>Signature: </i>
Title:	Superintendent
Telephone:	209 830-3384 1004
Mailing Address:	1902 N. Corral Hollow Road Tracy, CA 95376
Email:	dpickering@tusd.net

County	District/Vendor Code	Charitable Trust No. (for CBOs only)
39	75499	

*The correct Charitable Trust number and District/Vendor code must be provided for the application to be accepted. If necessary, call the Office of the Attorney General at (916) 445-2021 or 445-2022 for verification.

My agency is a(n):	District
Indicate your governance method:	School Board
If you chose "Other" as your governance method above, please specify:	

I. Grants, Signatures, and Contacts

B. Program Administration

Main School/Site:	Tracy Adult School		
Principal/Director:	Name:	Dave Pickering	
	Title:	Director of Adult Education	
	Telephone:	209 830-3384 1661	
	Email:	dpickering@tusd.net	
Vice/Asst Principal:	Name:	Barbara Silver	
	Title:	Assistant Principal	
	Telephone:	209 830 3384	
	Email:	bsilver@tusd.net	
Mailing Address:	Tracy Adult School 1902 N. Corral Hollow Road Tracy, CA 95376		

I. Grants, Signatures, and Contacts

C.Program Area Contacts

Title	First name	Last name	Email	Phone
Additional Administrative Personnel				
Adult Education Director	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
Administrative Assistant	Nancy	Borges	nborges@tusd.net	(209) 830-3384 x 1662
Fiscal/Budget Administrator	Donna	Ensor	densor@tusd.net	(209) 830-3384
Categorical Program Monitor (CPM)	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
Data Accountability Coordinators				
Enrollment/Attendance	Nancy	Borges	nborges@tusd.net	(209) 830-3384 x 1662
J18/19-A Coordinator	Nancy	Borges	nborges@tusd.net	(209) 830-3384 x 1662
A22 Course Approval Coordinator	Nancy	Borges	nborges@tusd.net	(209) 830-3384 x 1662
TOPSpro Coordinator	Diane	Souza	dsouza@tusd.net	(209) 830-3384 x 1663
CASAS Coordinator	Diane	Souza	dsouza@tusd.net	(209) 830-3384 x 1663
Curriculum Coordinators				
ABE Coordinator	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
ASE Coordinator	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
ESL Coordinator	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
CTE Coordinator	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
Additional Program Coordinators				
WIA II - 231 Coordinator	Diane	Souza	dsouza@tusd.net	(209) 830-3384 x 1663
WIA II - 225 Coordinator				
WIA II - EL Civics Coordinator	Diane	Souza	dsouza@tusd.net	(209) 830-3384 x 1663
WIA Title I Coordinator	Linda	Dopp	ldopp@tusd.net	(209) 830-3210
CALWorks	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661
Innovation Program Coordinator	Dave	Pickering	dpickering@tusd.net	(209) 830-3384 x 1661

Carl Perkins Coordinator	David	Pickering	dpickering@tUSD.net	(209) 830-3384 x 1661
CBET Coordinator	Diane	Souza	dsouza@tUSD.net	(209) 830-3384 x 1663
Even Start Coordinator				

I. Grants, Signatures, and Contacts

D. Funding Requested

Special Note: For the 2009-10 program year, agencies will be permitted to use their funding in all program focus areas within a Resource Code category already approved for the 2008-09 program year. An agency that is currently funded in one program focus area within a resource code will be automatically authorized in all program focus areas under that resource code. Agencies will be able to claim all payment points earned for all program focus areas under that resource code.

Agencies will not be permitted to apply for any new resource code areas not currently approved.

For information on specific program focus areas, refer to the Program Reapplication Guidelines and Requirements for 2009-10.

Funding Source	Resource Code	Program Focus Area	2008-09 Funding Status	2009-10 Applying for
Section 225	3940	Adult Basic Education (ABE) English as a Second Language (ESL) Vocational ESL (VESL) Adult Secondary Education (ASE) Vocational Adult Basic Education (VABE) General Education Development (GED)	No	No
Section 231	3905	Adult Basic Education (ABE) English as a Second Language (ESL) Vocational English as a Second Language (VESL) Vocational Adult Basic Education (VABE)	Yes	Yes
		ESL-Citizenship <i>NOTE: You may apply for EITHER Section 231-ESL-Citizenship OR EL Civics-Citizenship Preparation, but not both.</i>	No	No
	3912	Family Literacy	Yes	Yes
	3913	Adult Secondary Education (ASE) General Education Development (GED)	Yes	Yes
EL Civics	3926	Civic Participation	Yes	Yes
		Citizenship Preparation <i>NOTE: You may apply for EITHER Section 231-ESL-Citizenship OR EL Civics-Citizenship Preparation, but not both.</i>	No	No

II. Additional Program Information

A. Statewide and Local Program Level Completion

The California Department of Education (CDE) is required to annually negotiate with the U. S. Department of Education (ED) statewide performance goals for each of the 12 educational functioning levels included in the National Reporting System (NRS) for Adult Education. The performance goals project what percentage of all learners, who meet the NRS reporting requirements, will make an educational gain equal to completing a program level during the year. Completion of a level is determined by the learner's completed TOPSpro Entry record, Update record, CASAS pretest score, and CASAS post-test score.

At the end of each program year, the state's performance is reported (in Federal Table 4) to the ED. The ED compares California's performance to the previously negotiated goals and to the performance of other states.

To negotiate the performance goals of California funded agencies, the CDE uses the latest available aggregated performance data of all NRS eligible learners within each of the educational functioning levels. For example, in February 2009, the CDE used the performance of all NRS eligible learners for the 2008-09 program year to negotiate the performance goals for 2009-10.

Since the CDE uses aggregated eligible adult learner data from all WIA Title II funded local agencies to set the annual performance goals, it is important for all funded local agencies to review their own agency's performance and compare it to the statewide performance. This comparison will provide information about how well the agency is performing against the statewide average and assist CDE Consultants and agency staff in targeting areas of program improvement that can result in increased learner performance.

Educational Functioning Level	California Federal Table 4 Program Year 2007-08		Applicant Agency Federal Table 4 Program Year 2007-08	
	Performance Goal	Percentage Completing Level	Section 231 and EL Civics	
			Percentage Completing Level	Comparison to State Goal
ABE Beginning Literacy	25.00 %	26.00 %	12.50 %	-12.50
ABE Beginning Basic Education	43.00 %	39.00 %	33.30 %	-9.70
ABE Intermediate Low	36.00 %	35.00 %	30.00 %	-6.00
ABE Intermediate High	31.00 %	25.00 %	35.20 %	4.20
ASE Low	25.00 %	16.00 %	17.10 %	-7.90
ASE High	---	25.00 %	38.40 %	---
ESL Beginning Literacy	41.00 %	41.00 %	50.00 %	+ 9.00
ESL Beginning Low	35.00 %	31.00 %	27.10 %	-7.90
ESL Beginning High	36.00 %	47.00 %	46.80 %	+10.80
ESL Intermediate Low	44.00 %	44.00 %	43.60 %	-0.40
ESL Intermediate High	44.00 %	41.00 %	37.30 %	-6.70
ESL Advanced	23.00 %	19.00 %	20.30 %	-2.70



TRACY
UNIFIED SCHOOL DISTRICT

EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services
DATE: April 10, 2009
SUBJECT: Approve Service Agreement with Paradigm Health Care Services for July 1, 2009-June 30, 2012.

BACKGROUND: In 1993, Medi-Cal (California's Medicaid program) regulations allowed Local Education Agencies (School Districts and County Offices of Education) to be reimbursed for providing health and mental health services to enrolled students and their family members.

In order to become an LEA Medi-Cal Provider, LEAs enter into a contract (Provider Participation Agreement, also called the PPA) with the State Department of Health Services (DHS) that has three significant requirements: 1) to establish a collaborative to direct the spending of the funds generated from the program; 2) to restrict the spending of those funds to the enhancement of health and social services for students and their families as outlined in the PPA; and 3) a Certification of State Matching Funds for LEA Services.

The LEA Medi-Cal Billing Option is not a new program. It is a fiscal program that captures dollars for services already being performed. Therefore, the only additional requirement to submit claims is to document services in compliance with Medi-Cal requirements.

RATIONALE: The funds tapped from this plan are invaluable for Health Services and Special Education. This meets Strategic Goal Goal 2: Provide a safe environment for students and staff that is conducive to learning.

FUNDING: There is no direct cost to the district. Funds generated are distributed to the participating departments after Paradigm takes 15% of the gross amounts paid to LEA, up to \$500,000.

RECOMMENDATION: Approve Service Agreement with Paradigm Health Care Services for July 1, 2009-June 30, 2012.

Prepared by: Cynthia Edmiston, Coordinator of Health Services

TRACY UNIFIED SCHOOL DISTRICT
1875 W. Lowell Ave., Tracy, California, 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between the Tracy Unified School District, hereinafter referred to as "District", and Paradigm HealthCare Services 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: Providing healthcare billing services to the Tracy Unified School District.
2. Contractor will provide the above service(s) as outlined in Paragraph 1, for a period of up to a total of 1st day of July 2009 and shall continue through June 30, 2012 sessions under the terms of this agreement at the following location: 311 California Street, Ste. 200, San Francisco, CA 94104
3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:
 - a. District shall pay \$ 15% ~~FLAT RATE (circle one)~~, not to exceed a total of \$500,000.00. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
 - b. District [] SHALL; [X] SHALL NOT reimburse Contractor for out of pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ 0 for the term of the agreement.
 - c. District shall make payment on a [X] 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 claim form provided by the District. Original paid receipts are required for lodging, air fare (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 the agreement shall commence on July 1, 2009 and shall terminate on June 30, 2012.
5. This agreement may be terminated at any time during the term by either party upon 60 days written notice.
6. Contractor shall contact the District's designee, Cynthia Edmiston at (209) 830-3241 with any questions regarding performance of the services outlined above. District's designee shall determine if and when Contractor has completed the services described.
7. The parties intend that an independent contractor relationship be created by this contract and District assumes no responsibility for workers' compensation liability. District likewise assumes no responsibility for liability of loss, damage or injury to person(s) or property resulting from, or caused by, contractor's services 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, 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 in any such action, suit of legal proceedings or the result thereof. Nothing herein provide shall be construed to require Contract 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 person or persons who are not parties to this Agreement except for employees of the Contractor.
9. Contractor certifies that his or her current employee, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state or local statues, rules or regulations or with any policies of Contractor's current employer.
10. District shall become the owner or, 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.

AGREED:

Consultant Signature (1) ()

Tax ID # 1242194

Social Security Number (2)

Date

Executive Director

Title

Address

Tracy Unified School District

Date

Title

Account Number to be Charged:

01-5640-0-1110-3140-5800-800-2362

Department/Site Approval

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 title, such as president.
- (2) Whenever organizational names are used, the employer IRS Identification Number must be used instead of a Social Security Number.



SERVICE AGREEMENT

This Service Agreement ("**Agreement**") is entered into as of the 1st day of July 2009 between Paradigm HealthCare Services, LLC, a California Corporation doing business as Paradigm HealthCare Services ("**Paradigm**") and Tracy Joint Unified School District, a Local Education Agency ("**LEA**").

RECITALS

Paradigm is engaged in the business of providing healthcare billing services to school districts, County offices of education, and local education consortia within the state of California.

LEA is a school district or other association of schools comprising a Local Education Agency. LEA desires to retain Paradigm, and Paradigm desires to be retained by LEA, to provide the services described in greater detail below.

Accordingly, in consideration of the mutual obligations undertaken herein, THE PARTIES AGREE AS FOLLOWS:

TERMS

1. *Retention.*

LEA hereby retains Paradigm and grants it the exclusive right to perform the services described below subject to the terms and conditions set forth in this Agreement.

2. *Term.*

This Agreement shall commence on the date first set forth above and shall continue in full force and effect through June 30, 2012 ("Initial Term"). Unless either party sends written notice to the other party at least 60 days prior to the end of the Initial Term or any subsequent term, this agreement shall automatically renew for an additional year on each July 1 following the Initial Term, subject to termination provisions herein. The phrase "Term of the Agreement" shall refer to the Initial Term and any subsequent renewal period. The phrase "Fiscal Year" as used in this Agreement shall refer to the period July 1 through June 30. The Agreement will govern activities required to be performed by either party to complete obligations undertaken under this Agreement, regardless whether those activities are to be performed during or after the term of the Agreement.

3. *Paradigm LEA Billing Services.*

a. **Eligibility.** Using its proprietary algorithms and know-how, Paradigm will determine Medi-Cal eligibility and identify Medi-Cal numbers within limits imposed by the DHS and county governments upon commencement of LEA's Billing Services and quarterly thereafter. Eligibility match information will be retained by Paradigm and will be used solely to provide Services hereunder.

b. **Provider Logs.** If the LEA prefers to document its healthcare services on Paradigm forms, Paradigm will supply LEA with specially designed monthly provider logs for use by the LEA's healthcare providers, at no extra charge to LEA.

c. **Training.** Paradigm will provide initial training of LEA health managers through one (1) day training classes to help them carry out their responsibilities for submitting information. Classes will be offered monthly, provided that Paradigm determines the demand is sufficient, in different locations throughout the State as necessary. LEA may send personnel to as many of the classes offered as it chooses.

d. **Claims Submittal.** Paradigm will make commercially reasonable efforts to submit each Medi-Cal claim within thirty (30) days of receipt from LEA of all information necessary for processing that claim. Paradigm will also make reasonable efforts to bill retroactive claims existing at the commencement of this Agreement so as to minimize revenue lost due to Medi-Cal's one (1) year billing limit.

e. **Reports.** Paradigm will provide LEA with management reports using provider, procedure, and/or site parameters, the character and frequency of which will be determined by mutual agreement of Paradigm and LEA and will be based on LEA's use of LEA's Billing Services.

4. ***LEA's Billing Service Obligations.***

a. **Provider Logs.** LEA will maintain complete and accurate provider logs of all healthcare services provided by LEA and will return the completed logs to Paradigm at the end of each month.

b. **Student Data.** Upon commencement of the Agreement and quarterly thereafter (October 15th, December 15th, March 15th, and June 15th), LEA will provide Paradigm with a computer file in a format specified by Paradigm of all student data requested by Paradigm from LEA's computer systems or from the computer systems of the individual schools that LEA comprises.

5. ***Paradigm CRCS Services.***

Paradigm will prepare the annual Cost and Reimbursement Comparison Schedule (CRCS) Workbook in accordance with the claim guidelines approved by DHS based on information supplied by LEA for each fiscal year in accordance with the term of this contract. LEA will have final approval over the CRCS Workbook submission prepared by Paradigm.

6. ***LEA's CRCS Obligations.***

LEA will submit to Paradigm all elements needed to complete the CRCS Workbook for each provider for whom reimbursement is sought. Documentation will be submitted to Paradigm no later than sixty (60) days after the end of the Fiscal Year for which the claim is to be submitted.

7. ***Termination of CRCS Services.***

Either party may terminate Paradigm's performance of CRCS services upon written notice sent no later than 60 days prior to the end of a Fiscal Year for which the CRCS services apply. Absent termination in accordance with the requirements of this Section, LEA will be obligated to pay the full annual CRCS fee. Any termination otherwise shall be in accordance with the termination provisions of the Agreement and shall not extinguish the parties' other rights or obligations hereunder.

8. ***Additional LEA Obligations.***

In addition to the specific obligations set forth above, LEA will take such other reasonable actions as Paradigm may request to facilitate Paradigm's provision of services under this Agreement.

9. *Fees and Payment Terms.*

a. **Fees for LEA Services.** The LEA Billing Services fee for claims submitted by Paradigm or originating during the term of this Agreement will be equal to a sliding scale percentage of the gross amount paid to LEA by DHS (without including DHS administrative deductions or holdbacks) ("DHS Reimbursement") in each Fiscal Year or part of a Fiscal Year in which payment for such claims is paid to LEA according to the following schedule:

15% of gross amounts paid to LEA, up to \$500,000

12% of gross amounts paid to LEA, from \$500,001 to \$1 million

10% of gross amounts paid to LEA, above \$1 million

For purposes of computing the DHS Reimbursement for any Fiscal Year, all payments will be deemed to fall within the Fiscal Year in which payment is received by LEA, regardless when the claim originates or is submitted to DHS for payment. Nothing in this Section shall constitute a limitation or waiver of Paradigm's entitlement to receive fees based on the foregoing schedule even after termination of the Agreement. Paradigm will invoice LEA monthly based on payment received by LEA from DHS.

b. **Fees for CRCS Services.** The fee for each Fiscal Year for which CRCS services are rendered will be equal to the lesser of: (i) \$10,000 or (ii) 3% of the "Medi-Cal Maximum Reimbursable" amount for all LEA services as set forth on Worksheet A to the CRCS Workbook for that Fiscal Year. Paradigm will invoice LEA for CRCS services on an annual basis.

c. **Late Fees.** LEA will incur a late fee of two percent (2%) per month or any part thereof, or the maximum fee allowed by law, whichever is less, on any invoiced amount unpaid after sixty (60) days. The fees specified herein do not include taxes or similar surcharges, which are the sole responsibility of LEA (other than taxes on Paradigm's gross income).

d. **Substitution of Alternative Fee Terms.** In the event that the foregoing fee arrangements or any part thereof is or becomes inconsistent with applicable state or federal law, regulation, or court order, Paradigm may, in its sole discretion, and on thirty (30) days written notice, substitute a new fee arrangement. Provided however, such substitute fee arrangements shall not increase the total amount LEA would otherwise have been required to pay Paradigm for services under this Agreement.

10. *Protection of Confidential Information.*

a. **Definition.** "Confidential Information" shall mean all information disclosed by either party to the other that, at the time of first disclosure: (i) is clearly marked "confidential" or "proprietary;" (ii) is otherwise disclosed under circumstances of confidence; or (iii) reasonably should be understood by the receiving party to be confidential. LEA Confidential information shall include without limitation all LEA student healthcare data and shall exclude any information that is or becomes publicly known through no fault of Paradigm, is already known by Paradigm at the time of disclosure, or is rightfully received or independently developed by Paradigm after disclosure. Paradigm's Confidential Information shall include without limitation all business, marketing, technical, financial, customer, supplier, or other information, data entry means, processed claiming data, instructions, management reports, data file specifications, instructional materials, algorithms, software, forms, boilerplate plans, technologies, and know-how related to making eligibility determinations, and data and results derived from the foregoing.

b. **Protection of Confidential Information.** Each party shall use reasonable and appropriate measures to safeguard and keep confidential all Confidential Information of the other party and shall not disclose, use, or copy any Confidential Information except as necessary to perform its obligations

hereunder. Such reasonable and appropriate measures shall be no less than the measures taken by each to protect its own confidential information of a similar nature. Each party may disclose Confidential Information of the other party to its responsible employees and independent contractors providing such employees and independent contractors have a need to know such Confidential Information for purposes of fulfilling the party's obligations hereunder, have been informed of the confidentiality provisions of this Agreement, and have agreed in writing to be bound by such provisions to the same extent as the parties. Each party shall be responsible for any breach of the confidentiality provisions of this Agreement by its employees and independent contractors.

c. **Retention of Confidential Information.** LEA authorizes Paradigm in its discretion to dispose of service documentation (including but not limited to paper-based documentation such as provider logs) in a manner that preserves the confidentiality of such documentation provided that no documentation of Medi-Cal eligible services shall be discarded earlier than three years after the service date and no documentation of services that are not Medi-Cal eligible shall be discarded earlier than 1 year after the service date.

d. **Direct Control By LEA.** The parties acknowledge that, notwithstanding any other provision of this Agreement, LEA has taken reasonable and appropriate steps to ensure that Paradigm's practices with respect to confidential student information comply with FERPA requirements and LEA remains legally responsible for any FERPA violations that may occur in the course of Paradigm's performance of services under this Agreement.

e. **Lawful Disclosure.** This Section shall not be construed as prohibiting either party from disclosing information to the extent required by law, regulation, or court order, provided such party notifies the other party promptly after becoming aware of such obligations and permits the other party to seek a protective order or otherwise to challenge or limit such required disclosure.

f. **Continuing Obligations.** The obligations contained in this Section shall survive for a period of twenty (20) years after the expiration or termination of this Agreement.

11. *Accuracy of Information.*

a. **LEA Efforts.** LEA shall use its best efforts to insure that the information supplied to Paradigm hereunder shall be true, complete, and accurate in all respects. LEA assumes sole responsibility, and Paradigm shall have no liability, for the truth, completeness and accuracy of all information supplied to Paradigm.

b. **Paradigm Efforts.**

(1) Paradigm shall make reasonable efforts to verify the completeness and accuracy of information underlying the claims it submits on LEA's behalf. Due to the volume of data being processed from manual data entry forms and the necessity of correlating student records from several databases maintained by Paradigm, it is inevitable that some requests for reimbursement (or categories of requests or patients) will be denied due to incorrect or incomplete supporting data or healthcare insurance information. Paradigm will make reasonable efforts to minimize such denials. LEA acknowledges that such denials are normal, and will not constitute a breach of Paradigm's obligations under this Agreement. LEA's sole and exclusive remedy for any such reimbursement denial is to request that Paradigm re-bill any denied claims. Paradigm will determine in its sole and absolute discretion if such rebilling is reasonable and cost effective. Except as set forth in this paragraph, Paradigm shall not be liable, and LEA shall have no remedy, for any reimbursement denial for healthcare or administrative services that are not reimbursable under state or federal law.

(2) Paradigm shall make reasonable efforts to submit all operational plans and claims made thereunder in a timely manner. However, Paradigm shall not be responsible in any way in the event that any operational plan or any claim made thereunder is submitted late or incomplete directly or indirectly because of the failure or delay by LEA or its employees, students, agents or independent contractors in making all necessary information available to Paradigm, or any third party's failure or delay in submitting documentation to the DHS.

(3) LEA acknowledges that Paradigm is not providing LEA with legal, medical or healthcare information or services and that any forms, software, and other materials supplied to LEA hereunder are not intended to provide legal, medical, or healthcare advice.

12. *Limitation of Liability.*

In no event shall Paradigm be liable to LEA for any incidental, indirect, consequential, special, or punitive damages arising out of or relating to this Agreement, including without limitation damages for lost reimbursements, lost healthcare services, or lost data, regardless of whether Paradigm has been advised of the possibility of such damages, and regardless of whether the claim for damages sounds in contract, tort, or other form of action. In the event LEA elects not to utilize Paradigm's services to prepare its annual CRCS Workbook, or fails to make available information necessary to timely complete the Workbook, Paradigm will not be liable in any manner for resulting termination of LEA from participation in the LEA Billing Option or for any resulting disallowance of LEA claims. In no event shall Paradigm's total liability for damages to LEA arising out of or related to this Agreement exceed the net fees paid to Paradigm hereunder during the six (6) month period preceding the date on which the first claim alleged to give rise to damages occurs, regardless of the number of claims, causes of action or amount of the alleged losses.

13. *Licenses and Permits.*

LEA represents and warrants that: (a) it has all licenses and permits necessary or appropriate to render the medical services it currently provides to its students, and to be eligible for reimbursement from Medi-Cal; (b) LEA will maintain such licenses in full force and effect during the term and all renewal terms of this Agreement; and (c) LEA has all necessary authority, including approval by the Board of Education if necessary, to enter into this Agreement and to perform all of its obligations hereunder.

14. *Indemnification.*

LEA shall defend, indemnify and hold harmless Paradigm, its officers, directors, employees, agents and shareholders against and from any all claims, demands, losses, obligations, proceedings, debts, damages, causes of action, liability, costs and expenses (including reasonable attorney's fees and costs), whether accrued or paid, arising directly or indirectly from, or relating to any of LEA's actions arising out of this Agreement or any request for reimbursement submitted by Paradigm on behalf of LEA under this Agreement including without limitation: (a) breach of any provisions of this Agreement by LEA; (b) failure of LEA or its healthcare providers, to provide the healthcare services for which reimbursement is sought; (c) failure of LEA or its employees, agents, or independent contractors to provide healthcare and related services according to professional standards; (d) inaccuracy in the LEA's Confidential Information; or (e) failure of LEA or its employees, agents, or independent contractors to obtain or maintain in good standing any licenses, permits or registrations required to render the healthcare and related services for which reimbursement is sought. These obligations shall survive expiration or termination of this Agreement for any reason.

15. *Termination.*

a. **For Cause.** Either party may terminate this Agreement upon written notice to the other party if the other party is in material breach of its obligations under this Agreement and such breach is not cured within thirty (30) days after receipt of written notice of the specific nature of such breach (or, in the case of nonpayment of fees within fifteen (15) days after receipt of written notice). The non-breaching party shall give its reasonable cooperation and assistance to the breaching party in any efforts made to cure such breach.

b. **Without Cause.** The parties may terminate this Agreement at any time by written agreement of both parties, effective as of the date specified in such agreement.

c. **Effect of Termination.** Upon the expiration or termination of this Agreement for any reason: (1) Paradigm shall submit for reimbursement and shall be entitled to receive payment pursuant to this Agreement for all claims arising from healthcare services provided by LEA during the Term of this Agreement, provided that such claims are documented and submitted to Paradigm for reimbursement within six (6) months after the earlier of expiration or termination of this Agreement; (2) all fees LEA owes to Paradigm shall immediately become due and payable; (3) LEA shall, upon request, return or destroy, at Paradigm's option, all Confidential Information received from Paradigm and shall certify to Paradigm its compliance with this provision; and (4) except as otherwise set forth herein, all definitions, the parties' rights and obligations with respect to this Agreement (other than the "Payments" and "Parties' Efforts" Sections) and all other provisions that by their nature should survive, shall survive.

16. ***Paradigm Proprietary Rights.***

LEA acknowledges and agrees that Paradigm retains all right, title, and interest, including without limitation all intellectual property rights, in and to Paradigm's Confidential Information (as defined above) and all forms, materials, submissions, and software prepared or supplied by Paradigm. Except as and to the extent otherwise provided in this Agreement, neither this Agreement nor Paradigm's performance of the Services shall give LEA any ownership interest in or license to any of Paradigm's intellectual or other property.

17. ***Miscellaneous.***

a. **Notice.** Any notice required or permitted to be given under this Agreement shall be in writing and may be delivered in person, by overnight courier, or by facsimile if confirmed by first class mail, or sent by certified or registered mail, addressed to the other party at the addresses set forth on the signature page of this Agreement. Notice will be effective as of the date personally delivered, or if by facsimile, when confirmed electronically by the sending facsimile machine, or otherwise when actually received.

b. **Relationship.** It is intended that the relationship of Paradigm to LEA shall at all times be that of an independent contractor. Nothing contained in this Agreement is intended or to be construed so as to create any partnership, joint venture, employment, agency, franchise or other representative relationship between the parties. No party hereto, or their respective officers, directors, employees, or agents shall have any express or implied right or authority to assume or create any obligations on behalf of or in the name of the other party, or to bind the other party to any contract, agreement, or undertaking with any third party.

c. **Governing Law.** This Agreement and the rights and obligations of the parties under it shall be subject to, governed by, construed, and enforced pursuant to the laws of the State of California without giving effect to any choice of law principles. Headings are for convenience only.

d. **Severability.** If any provision of this Agreement is held by a court or arbitrator to be invalid or unenforceable, the remaining portions of this Agreement shall remain in full force and effect, and

such court or arbitrator shall be empowered to substitute provisions similar to said provision, or other provisions, so as to provide the parties the benefits intended by said provision, to the fullest extent permitted by applicable law.

e. **Arbitration.** Any dispute arising in connection with the interpretation or enforcement of this Agreement shall be resolved by compulsory binding arbitration under the auspices of and in accordance with the commercial arbitration rules of the American Arbitration Association in San Francisco, California before a single arbitrator to be selected by mutual agreement of the parties or, failing such agreement, by AAA from a list of three arbitrators proposed by each side. The decision of the arbitrator will be final and not appealable. The arbitrator shall interpret and enforce this Agreement in accordance with the laws of the State of California. The arbitrator shall be empowered to award the prevailing party any remedy available in law or equity not specifically precluded by this Agreement, including without limitation injunctive or declaratory relief, and attorneys fees and costs.

f. **Other Remedies.** The parties acknowledge and agree that any actual or threatened misappropriation or infringement of intellectual property or breach of the confidentiality provisions of this Agreement will cause irreparable harm for which there is no adequate remedy at law, and accordingly, in addition to any other available remedies, a party may seek to enforce its rights with respect to the protection of confidential information or intellectual property hereunder through injunctive relief in any court of competent jurisdiction. In the event that any party is required to commence an action or arbitration to interpret or enforce any of the terms of this Agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs.

g. **Force Majeure.** Neither party shall be liable for any delay or failure to perform its obligations hereunder (except for any obligation to pay fees) resulting from any cause beyond its reasonable control, including but not limited to acts of God, terrorism, weather, fire, explosions, floods, strikes, work stoppages, slowdowns, industrial disputes, accidents, riots, civil disturbances, or acts of government.

h. **Entire Agreement; Amendment.** This Agreement contains the entire understanding and agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions of the parties, whether oral or written, relating to its contents. There are no agreements, understandings, restrictions, representations or warranties other than those set forth in this Agreement. This Agreement may be amended only by an instrument in writing signed by all parties.

i. **Assignment.** LEA shall not assign or transfer this Agreement without the consent of Paradigm, which shall not be unreasonably withheld or delayed. Any assignment or transfer in violation hereof shall be null and void.

j. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors, assignees and legal representatives. It creates no rights in any third parties including any individual in connection with which reimbursement is sought by LEA.

k. **Counterparts.** This Agreement may be executed in any number of faxed or original counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed by duly authorized persons to be effective as set forth herein.

PARADIGM:

PARADIGM HEALTHCARE SERVICES, LLC
D/B/A PARADIGM HEALTHCARE SERVICES

LEA:

TRACY JOINT UNIFIED SCHOOL DISTRICT

By: Constance J. Laflamme

Print Name: Constance Laflamme

Title: Executive Director

Date: 2/4/2009

Address:

Attn: Constance Laflamme

311 California Street, Suite 200

San Francisco, California 94104

Phone: (415) 616-0920

Fax: (415) 616-0910

By: _____

Print Name: _____

Title: _____

Date: _____

Address:

Phone: () -

Fax: () -



TRACY
UNIFIED SCHOOL DISTRICT

EDUCATIONAL SERVICES MEMORANDUM

To: Dr. James Franco, Superintendent
From: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services
Date: March 23, 2009
Re: Receive Information on High School Students Required to Wear ID Cards on Approved Lanyards at All Times, Beginning 2009-2010 School Year (1st Reading)

Background: Last year the Gang and Violence Safety Task Force was formed by the Superintendent to plan prevention, intervention, and suppression of unauthorized groups, violence, and issues that disrupt the educational environment. This group after brainstorming and looking at pertinent data involving these issues saw that many of the incidents involved students or other civilians that did not belong on the campus. To resolve this issue it was determined that this could be solved by having students wear their ID cards which they are required to have, to show that they belong on the campus. Several other surrounding districts have taken on this policy and it has been a deterrent for unauthorized persons being on campus. TUSD Student Handbooks already require that students have their ID and have consequences for not having a student ID in their possession. This proposal will require that students wear their ID so that it may be seen visually at all times, thus assisting staff with identifying students for whatever issues that may need to be resolved. The freshmen and sophomores ID(s) will be horizontal on the lanyard and the juniors and seniors will be vertical on the lanyard allowing staff to also know who can leave the campus during lunch.

Rationale: The following rationale is provided for implementation of this policy:

- Safety of students: Non-students are more easily identified.
 - Increases efficiency of attendance procedures.
 - Increases effectiveness in making a positive identification for disciplinary action or emergency situations.
 - Increases efficiency of student identification for dances and other extra-curricular activities.
 - Possible reduction in Saturday School hours.
 - Prevention of students from returning to campus during suspensions/expulsions.
- Lanyards/ID can be collected from these students.

This supports Strategic Goal #2, Provide a safe-environment for students and staff that is conducive for learning.

Funding: N/A

Recommendation: Receive Information on High School Students Required to Wear ID Cards on Approved Lanyards at All Times, Beginning 2009-2010 School Year (1st Reading)

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

Proposal: Beginning in August of 2009, all high school students would be required to wear their student ID cards on a school-approved lanyard. The ID would need to remain visible at all times.

Rationale: The following rationale is provided for implementation of this policy:

- Safety of students: Non-students are more easily identified.
- Increases efficiency of attendance procedures.
- Increases effectiveness in making a positive identification for disciplinary action or emergency situations.
- Increases efficiency of student identification for dances and other extra-curricular activities.
- Possible reduction in Saturday School hours.
- Prevention of students from returning to campus during suspensions/expulsions. Lanyards/ID can be collected from these students.

Procedures: Lanyards would be provided to students at registration. Students could either use the free lanyard or upgrade to a school-approved lanyard (i.e.: those available through student store or approved school fundraisers) at their own cost. Replacement fees would be assessed for lost lanyards, much like the current policy of charging for a lost ID card.

The policy would be made public through the following methods:

- Provide information regarding the new lanyard policy in the student registration packets.
- Information can be placed on the daily bulletin periodically during 4th quarter.
- Add information to principal newsletters and to school websites as a scrolling marquee.
- Add message to auto dialer and outdoor marquee first two weeks of school.
- J. Cardoza will add to district webpage and outside press releases over the summer.
- High school handbooks would include the following modifications to the conduct and discipline codes. Discipline consequences remain unchanged from previous policy.

The following will be added to high school student handbooks beginning in the 2009/2010 school year:

Student Identification Cards

Students must carry their Student Body Identification Card at all times and are required to show it to a staff member when requested to do. Students losing their Student Identification Card may obtain a replacement from the Bookkeeper's Office for a replacement charge of \$5.00. A lost lanyard may also be replaced at the Bookkeeper's Office for a replacement charge of \$XXX. Students will not be allowed entry to school activities or dances without their School Identification Card. Students in possession of forged or altered Identification Cards may be subject to disciplinary action. Students shall wear their I.D. card or Student Body card on a school-approved lanyard while attending school and all school related activities. Student I.D.'s must be visible at all times.

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Maximum</u>
XIII. Identification (School) Students shall wear their I.D. card or Student Body card on a school-approved lanyard while attending school and all school related activities. I.D. must be visible at all times. (EC 48900 k)	Warning.	Two (2) hours of Saturday School or Support Room. Tracy Suggestion: 1 period Support Room	Two (2) hours of Saturday School or Support Room. Tracy Suggestion: All day support room	1-5 day suspension.

Cost of Implementation: The cost of the lanyards is currently being reviewed, and the Director of Student Services is including the initial purchase of the lanyards in his budget for the 2009-2010 school year. Staff members at Kimball and West High School will be negotiating with outside photography vendors to inquire about the vendors providing the lanyards as part of the student ID card package, or possibly being able to offset the cost of purchasing the lanyards.



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

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

BACKGROUND:

Ledbetter, Maria

CLASSIFIED

Bus Driver/Custodian/Groundskeeper (replacement)
*Filled by current TUSD employee
Transportation and Maintenance
8 hours per day
Range 36, Step E - \$19.94 per hour
Funding: Transportation-Special Ed-50%; Ongoing
& Major Maintenance -25% and General Fund-25%

Oliveira, Frank

Bus Driver/Custodian/Groundskeeper (replacement)
*Sub employee-completed and passed training
Transportation and Maintenance
8 hours per day
Range 36, Step A - \$16.53 per hour + ND
Funding: Transportation- Home to School-50% &
General Fund - 50%

Torres, Trinidad

Bus Driver/Custodian/Groundskeeper (replacement)
*Sub employee-completed and passed training
Transportation and Maintenance
8 hours per day
Range 36, Step A - \$16.53 per hour + ND
Funding: Transportation-Special Ed-50%; Ongoing
& Major Maintenance-25% and General Fund-25%

BACKGROUND:

Tankersley, Mahina

COACHES

Varsity Volleyball
Tracy 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: April 16, 2009
SUBJECT: Accept Resignations/Retirements/Leave of Absence for Classified, Certificated, and/or Management Employment

BACKGROUND:

NAME/TITLE

SITE

Allen, Lori
2nd Grade

Poet

Gill, Navdeep
School Nurse

DEC

BACKGROUND:

NAME/TITLE

SITE

Herrera, Rita
Bilingual 3rd Grade

S/WP

Perez, Yvonne
Bilingual 5th Grade

S/WP

Thornton, Stephen
PE/Athletic Director

West

Wilson, Elizabeth
Music

Poet

CERTIFICATED RESIGNATION

EFFECTIVE DATE

REASON

06/01/09

Relocating

04/03/09

Relocating

CERTIFICATED RETIREMENT

EFFECTIVE DATE

06/01/09

06/01/09

06/01/09

06/01/09

BACKGROUND:**CLASSIFIED RETIREMENT****NAME/TITLE****SITE****EFFECTIVE
DATE**

Hughes, Craig
Grounds Supervisor

Maintenance 06/10/09

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

Prepared by: Ryan Davis, Assistant Superintendent of Human Resources



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *CG* Dr. Casey Goodall, Associate Superintendent, Business Services
DATE: April 20, 2009
SUBJECT: Consider Claim No. 6-0809 TUSD

BACKGROUND: On or about January 28, 2009, a claim was received by the Tracy Unified School District in which the claimant stated that a loss or injury occurred on or about June 30, 2008. 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.

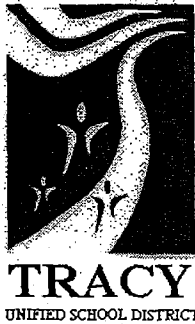
The amount of the claim is noted as exceeding \$25,000.00.

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 April 28, 2009 and after are hereby denied/rejected.

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



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco Ed. D., Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: March 31, 2009
SUBJECT: Purchase Three (3) Buses to Transport Students to a New SDC Class at West High School, one new SDC Class at Monte Vista Middle School and a New SH Class at Kimball High School and Hire Three 8-Hour Bus Driver/Custodian/Groundskeeper Positions.

BACKGROUND: During the 2008-2009 school year, the Transportation Department was informed that both West High School and Kimball High School were opening new special education classrooms. The Transportation Department originally planned to use an existing bus that currently travels to Antioch each day on a route which anticipated to be eliminated during the 2009-8-09 school year. This route is still in place, and it appears the route will continue into next year. This leaves little time to purchase an additional bus for the 2009-10 school year. In addition, a new SDC class is being added to Monte Vista Middle School.

Since August of 2008, the Transportation Department has received 18 additional special needs students. Currently, the Director of Transportation has allowed current transportation staff to use overtime to accommodate the new students but continue to allow sites and the grounds department to have the time to ensure grounds projects or custodial duties are kept up. Two of the new students require the use of wheelchairs so this adds additional time to properly accommodate these students.

RATIONALE: This additional bus is required to ensure adequate buses to transport special education students to the two new programs at West High School and Kimball High School and accommodate the new students from the 2008-2009 school year.

FUNDING: The cost of three (3) special education buses will be approximately \$195,000.00 (one will have wheelchair capability). The cost to run the new bus will be \$45,000.00 (\$15,000.00 per bus per year.) The cost of three (3) eight hour bus driver/custodian/groundskeeper will be \$180,000.00. The total cost will be \$420,000.00. The increased funding would come from the ending balance of the General Fund.

RECOMMENDATION: Purchase Three (3) Buses to Transport Students to a New SDC Class at West High School, one new SDC Class at Monte Vista Middle School and a New

SH Class at Kimball High School and Hire Three 8-Hour Bus Driver/Custodian/Groundskeeper Positions.

Prepared by: Dr. Casey Goodall, Associate Superintendent of Business Services and John Heerema, Director of Transportation.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: April 10, 2009
SUBJECT: Approve Roebbelen Contracting Inc.'s Guaranteed Maximum Price for the Renovation and New Construction at Tracy High School and Issue the Notice to Proceed

BACKGROUND: On November 13, 2007 the Board approved an agreement to allow Rainforth Grau Architects to complete a Master Plan Study of the facilities at Tracy High School and subsequently approved agreements with Rainforth Grau to move forward with developing plans and specifications for the site based upon the master plan. The plans and specifications were submitted to the Division of the State Architect (DSA) for review and approval. The final plans were approved by DSA on April 8, 2009.

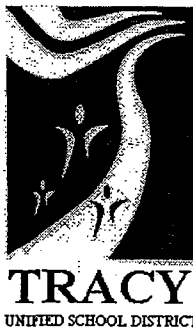
The Board authorized the release of a Request for Qualifications (RFQ) for a Lease-Lease Back (LLB) contractor for the Tracy High School Modernization/Renovation project on April 8, 2008. On June 10, 2008 the Board approved Roebbelen Contracting, Inc. as the Lease-Lease Back contractor for the project and authorized staff to prepare the lease-leaseback contract with Roebbelen Contracting, Inc.

RATIONALE: Roebbelen has started advertising for bids on the various projects that compromise the THS modernization (i.e. demolition, CTE Vehicle Maintenance, CTE Computer Engineering and Industrial Arts Building, Cafeteria/Classroom Building, Library/Classroom Building, etc.) and the final bids are to be received by Roebbelen on April 14, 2009. Following the bid openings, Roebbelen has the opportunity to review the bids for adequacy and check to verify the work that was indicated in the scope of work was included in the bid prices. Due to the way the Lease-Lease Back project delivery method is negotiated with the District, Roebbelen has the opportunity to value engineer portions of the project before presenting the final Guaranteed Maximum Price (GMP). The final GMP will be submitted to the Board at the April 28, 2009 meeting.

FUNDING: This project is funded from a combination of Measure E funds, State School Facilities Program modernization and new construction apportionment, Career Technical Education Grants, and Redevelopment bonds.

RECOMMENDATION: Approve Roebbelen Contracting Inc.'s Guaranteed Maximum Price for the Renovation and New Construction at Tracy High School and Issue the Notice to Proceed

Prepared by: Bonny Carter, Facilities Planner



ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Trustees
FROM: Dr. James C. Franco, Superintendent
DATE: April 20, 2009
SUBJECT: Adopt Resolution No. 08-29 Designating May 17th-23rd, 2009, as Classified School Employees Week

BACKGROUND: The California Public School system employs approximately 240,000 classified staff. The Legislature of the State of California has designated May 17th – 23rd, 2009, as Classified Employees Week. This is a time to recognize the many contributions of classified school employees to public education.

RATIONALE: Classified school employees serve our students and provide assistance in and out of the classroom. They play important roles in the furtherance of the goals of education. Classified school employees deserve rightful recognition, and public celebration for their caring, their deeds, and the incalculable contributions they make to the public education system, and to our students.

This agenda items meets Strategic Goal #7 – Educational Leadership.

FUNDING: N/A

RECOMMENDATION: Adopt Resolution No. 08-29 Designating May 17th-23rd, 2009, as Classified Employees Week.

Prepared by: Dr. James C. Franco, Superintendent



TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 08-29
Resolution Designating the Week of May 17th-23rd, 2009 as
Classified School Employee Week

WHEREAS, classified professionals provide valuable services to the schools and students of the Tracy Unified School District; and

WHEREAS, classified professionals contribute to the establishment and promotion of a positive instructional environment; and

WHEREAS, classified professionals serve a vital role in providing for the welfare and safety of Tracy Unified School District's students; and

WHEREAS, classified professionals employed by the Tracy Unified School District strive for excellence in all areas relative to the educational community;

THEREFORE, BE IT RESOLVED, that the Tracy Unified School District hereby recognizes and wishes to honor the contribution of the classified professionals to quality education in the state of California and in the Tracy Unified School District and declares the week of May 17-23, 2009, as Classified School Employee Week in the Tracy Unified School District.

PASSED AND ADOPTED this 28th day of April, 2009, at a regular meeting of the Board of Education of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

President
Board of Education
Tracy Unified School District

Clerk
Board of Education
Tracy Unified School District



TRACY
UNIFIED SCHOOL DISTRICT

ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Trustees
FROM: Dr. James C. Franco, Superintendent
DATE: April 20, 2009
SUBJECT: Adopt Resolution No. 08-30 Establishing May 13, 2009, as the "Day of the Teacher"

BACKGROUND: During the early 1970's the Association of Mexican-American Educations (AMAE) adopted the Mexican tradition of annually recognizing teachers, and began organization appropriate events throughout the state. In 1982, AMAE sponsored legislation (incorporated in Education Code Section 37222) establishing the "Day of the Teacher" to be observed each year.

RATIONALE: The second week of May is now designated for the celebration of the "Day of the Teacher." This is a wonderful opportunity to give recognition, and the express thanks to teachers, the people we entrust with our children, our posterity.

This agenda items meets Strategic Goal #7 – Educational Leadership.

FUNDING: N/A

RECOMMENDATION: Adopt Resolution No. 08-30 Establishing May 13, 2009, as the "Day of the Teacher".

Prepared by: Dr. James C. Franco, Superintendent.



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 08-30
Establishing May 13, 2009, as the "Day of the Teacher"**

WHEREAS, education is the most vital activity we as a society undertake to ensure the well-being of the nation; and

WHEREAS, education is in large measure the result of the talent and commitment of teachers; and

WHEREAS, teaching is a profession characterized by skill, knowledge, discipline, tenacity, and creativity in the delivery of instruction; and

WHEREAS, teachers rise to the occasion in a time where higher academic standards, and new education accountability requirements causes teaching to be more challenging; and

WHEREAS, teachers are a source of caring, concern, counseling, empathy, warmth and love; and

WHEREAS, teachers deserve widespread recognition and gratitude for their performance; and

WHEREAS, teachers at Tracy Unified School District exemplify all of these qualities; and

WHEREAS, teachers have made a crucial difference in the lives of students in Tracy Unified School District; and

WHEREAS, The California Teachers Association and the Association of Mexican American Educators (AMAE) initially sponsored the bill, SB 1456, first proclaiming Day of the Teacher in 1982,

NOW, THEREFORE BE IT RESOLVED, that the *Tracy Unified School District Board of Education* join the Governor and State Legislature in declaring May 13, 2009, as California's 27th annual "*Day of the Teacher*," and

Be It Further Resolved, that *Tracy Unified School District Board of Education* encourages activities to recognize and honor teachers on this day.

PASSED AND ADOPTED this 28th day of April, 2009, by the Board of Trustees of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**President
Board of Education
Tracy Unified School District**

**Clerk
Board of Education
Tracy Unified School District**



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: April 3, 2009
SUBJECT: Adopt Board Policy 5129, Bullying Prevention Policy (2nd 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 (2nd 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:



TRACY
UNIFIED SCHOOL DISTRICT

EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM:  Dr. Sheila Harrison, Assistant Superintendent of Educational Services
DATE: April 3, 2009
SUBJECT: Adopt Board Policy 5130, Conflict Resolution Policy (2nd 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 (2nd 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:



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: April 3, 2009
SUBJECT: Adopt Board Policy 5144.1 and Acknowledge Administrative Regulation 5144.1 SUSPENSION AND EXPULSION/DUE PROCESS (2nd 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 (2nd 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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

243.4	Sexual battery
245	Assault with deadly weapon
261	Rape defined
266c	Unlawful sexual intercourse
286	Sodomy defined
288	Lewd or lascivious acts with child under age 14
288a	Oral copulation
289	Penetration of genital or anal openings
422.6	Interference with civil rights; damaging property
422.7	Aggravating factors for punishment
422.75	Protected classes
626.2	Entry upon campus after written notice of suspension or dismissal without permission
626.9	Gun-Free School Zone Act of 1995
626.10	Dirks, daggers, knives, razors or stun guns
868.5	Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20~~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

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))-(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)

~~TUSD Acknowledged 6/23/98~~

TUSD Draft March 9, 2009

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)

Appealing Suspension

Under the provisions of Education Code Section 48914, the District has established the following procedures for appealing a suspension and/or other disciplinary action taken by the school:

- 1) The student or the student's parent or guardian may appeal a suspension and/or other disciplinary action imposed by the assistant principal to the principal of the school. The appeal shall be filed within ten (10) school days of the time that the suspension and/or other disciplinary action took place. A meeting, if requested, must be held within three (3) school days of the time that the principal received the request for an appeal. The principal shall make a decision regarding the appeal within two (2) school days.
- 2) If the appeal is not resolved at the school-site principal level, then the student or the student's parent or guardian may appeal the suspension and/or other disciplinary action to the superintendent or the superintendent's designee. The appeal shall be filed within ten (10) school days of the time that the principal renders his/her decision. A meeting, if requested, must be held within three (3) school days of the receipt of the request by the superintendent or the superintendent's designee. The procedure shall be as follows:

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

- a) The superintendent or the superintendent's designee shall determine if there was sufficient evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.
- b) The pupil may designate a representative to be present with him/her at the meeting, but the representative shall not serve as legal counsel unless the district has a legal counsel present to represent the school district.
- c) At the meeting, the superintendent or the superintendent's designee shall review all written documents in the case; and the pupil and the pupil's parent/guardian and representative may address the superintendent or the superintendent's designee on the evidence and the appropriateness of the penalty.
- d) The superintendent or the superintendent's designee shall make a decision within five (5) school days. If the superintendent or the superintendent's designee determines that no violation occurred, all records and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the superintendent or the superintendent's designee determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning the suspension and/or other disciplinary action shall be revised to indicate only the facts leading to the penalty imposed by the superintendent or the superintendent's designee.

Rights of Suspended Pupil to Complete Assignments and Tests

The teacher of any class from which a pupil is suspended may require the suspended student to complete any assignments and tests missed during the suspension. In addition, a suspended pupil may be allowed to complete all assignments and tests missed during the suspension which can be reasonably provided, and upon satisfactory completion, given full credit therefore. (Education Code 48913) However, West High teachers have agreed not to allow make up work during suspension.

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))

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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

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)

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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 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.

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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 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)

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

- 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.
 - 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:

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

- 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.
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, determines 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 these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. (Education Code 48918(f))~~

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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))

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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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)

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)

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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.

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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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.
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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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.

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

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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 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)

SUSPENSION AND EXPULSION/DUE PROCESS (Continued)

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**

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



EDUCATIONAL SERVICES MEMORANDUM

To: Dr. James Franco, Superintendent
From: JKH Dr. Sheila Harrison, Assistant Superintendent of Educational Services
Date: April 2, 2009
Re: Adopt Board Policy 6145.2 and Acknowledge Administrative Regulation 6145.2 Athletic Competition (1st Reading)

Background: The Board of Trustees is asked yearly to accept revisions and changes to the Athletic Handbook. While reviewing said handbook and current policies and regulations from California Education Codes, California Interscholastic Federation Constitution and Bylaws, and California School Board Association Board Policies it was discovered that we are in need of an Athletic Competition Board Policy and Administrative Regulation.

Rationale: Board Policy (BP) 6145.2 and Administrative Regulation (AR) 6145.2 Athletic Competition were created in compliance with state and federal regulations. The District is in compliance with the Title IX and other federal programs but did not have a Board Policy or Administrative Regulation detailing processes and procedures. The proposed Board Policy 6145.2 and Administrative Regulation 6145.2 are then presented to the board for approval. 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 6145.2 and Acknowledge Administrative Regulation 6145.2 Athletic Competition (1st Reading)

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

Athletic Competition

The Governing Board recognizes that the athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The athletic program shall be designed to meet students' interests and abilities and be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5137 - Positive School Climate)
(cf. 6142.7 - Physical Education)
(cf. 7110 - Facilities Master Plan)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices in accordance with state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for both sexes.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Sportsmanship

The Board values the quality and integrity of the athletic program and the ethical well-being and character development of the student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct, as adopted by the California Interscholastic Federation (CIF) in its publication "Pursuing Victory with Honor."

Students and staff may be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131.4 - Student Disturbances)

Athletic Competition

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

California Interscholastic Federation

The Board maintains membership in the CIF and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulation, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for the site-level decisions, as appropriate.

The Board shall annually designate an employee from each high school to serve as a representative to the local CIF league. Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's understanding of the district's goals for interscholastic and extracurricular activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and individual interpersonal communication and leadership skills.

The Superintendent or designee shall ensure that the district representatives to the CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletics.

Student Eligibility

The first priority of student athletes shall be a commitment to their education and performing well in the classroom.

(cf. 6011 - Academic Standards)

Eligibility requirements for participation in the district's interscholastic athletic program are the same as those set by the district for participation in extracurricular and co-curricular activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5111.1 - District Residency)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

In addition, the Superintendent or designee shall ensure that students participating interscholastic athletic governed by the CIF satisfy CIF eligibility requirements.

Athletic Competition

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities. Universal precautions shall be observed when injuries occur.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

Students shall have a medical clearance before participating in the interscholastic athletic program. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)

(cf. 5131.63 - Steroids)

(cf. 5141.3 - Health Examinations)

(cf. 5143 - Insurance)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition.

Supervision

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, training, and preparation for competition. Athletic events shall be officiated by qualified personnel.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

270-271 Athletes' Bill of Rights

17580-17581 Football equipment

32221.5 Required insurance for athletic activities

Athletic Competition

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 CDE authority over interscholastic athletics

35160.5 District policies; rules and regulations

35161 Powers and duties generally

35179 Interscholastic athletics

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances

60850-60859 High school exit examination

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

5531 Supervision of extracurricular activities of students

5590-5596 Employment of non-certificated coaches

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

106.31-106.42 Discrimination on the basis of sex in education programs or activities prohibited

COURT DECISIONS

Kahn v. East Side Union High School District, (2004) 31 Cal.4th 990t

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

A School Board Member's Guide to CIF and Interscholastic Sports, 1997

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

A Guide to Equity (Equity Handbook)

Pursuing Victory with Honor, 1999

California Interscholastic Federation Constitution and Bylaws, 1996-97

WEB SITES

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

California Department of Education, Equal Opportunity and Access:

<http://www.cde.ca.gov/re/di/eo>

California Interscholastic Federation: <http://www.cifstate.org>

National Federation of State High School Associations: <http://www.nfhs.org>

National Operating Committee on Standards for Athletic Equipment:

<http://www.nocsae.org>

Athletic Competition**Nondiscrimination and Equivalent Opportunities in the Athletic Program**

No person shall on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics. (5 CCR 4920)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee may provide single-sex teams where selection for the teams is based on competitive skills. (34 CFR 106.41; 5 CCR 4921)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for a team, regardless of sex, sexual orientation, or other protected group status. (5 CCR 4921)

When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

To help ensure that the district's athletic program effectively accommodates the interests and abilities of both sexes in athletics, the district shall use the following criteria: (Education Code 230)

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. When the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Athletic Competition

- c. When the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and a continuing practice of program expansion as required in item #b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms and practice and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity
11. Provision of necessary funds

Parental Notifications

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.3 - Nondiscrimination/Harassment)
2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271

Athletic Competition

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to provide for every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)
4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)
5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)
6. States the Governing Board's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
7. Includes a copy of the local California Interscholastic Federation (CIF) league rules
8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

(11/01 11/03) 3/07



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services
DATE: April 3, 2009
RE: Approve High School Criminal Justice 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, high school teachers and administration have been engaged in evaluating six different textbooks and recommended *Criminal Justice in Action*, 5th Edition, published by Thompson Wadsworth, copyright 2010.

Parents and community members were made aware of this recommendation through presentations at the March 24th Board meeting, through a newspaper announcement, and public review of materials at the district Instructional Media Center.

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

RECOMMENDATION: Approve High School Criminal Justice 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 of Educational Services
DATE: April 3, 2009
RE: Approve High School AP World History and Health Science 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. Using an evaluation rubric for instructional materials, teachers and administration have been engaged in evaluating textbooks for pathway electives, health science courses and Advanced Placement World History.

Parents and community members were made aware of these recommendations through presentations at the March 24th Board meeting, through a newspaper announcement, and public review of materials at the district Instructional Media Center. The following lists the texts by grade that is being recommended for adoption:

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 th 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 th Edition, © 2009
Introduction to Health Science Occupations	Delmar	<i>Introduction to Health Science Technology</i> , 2 nd Edition, © 2009
Grade 10		
Introduction to Medical Terminology	Saunders Elsevier	<i>Building a Medical Vocabulary, with Spanish Translations</i> , 7 th Edition, © 2009
Introduction to Health Science Occupations	Delmar	<i>Introduction to Health Science Technology</i> , 2 nd Edition, © 2009

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: Approve High School AP World History and Health Science Textbook Adoptions.

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 of Educational Services
DATE: April 14, 2009
SUBJECT: Adopt Resolution 08-32 Authorizing the Approval to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel to Sign Contract Documents for Fiscal Year 2008-2009

BACKGROUND: Yearly the California Department of Education offers small competitive grants to support programs that offer child care and development services to infants and toddlers. In the past, the District's Student Teens Educational and Parenting Support (STEPS) program has received small grants to enrich the program.

RATIONALE: This year's grant is \$2, 871. The funds will be used to purchase infant and toddler toys for the District's STEPS program. In the past years, the small grants came as an additional allocation to the District with no requirement from the State Department of Education to adopt a Resolution. For the 2008-2009 fiscal year, the State Department of Education is requesting that Governing Boards adopt the attached resolution and authorize the designated personnel to sign contract documents for the grant. This agenda item supports Strategic Goal #2- Provide a safe environment for students and staff that is conducive to learning.

FUNDING: Grant award \$2,871, no cost to the district.

RECOMMENDATION: Adopt Resolution 08-32 Authorizing the Approval to Enter into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize the Designated Personnel to Sign Contract Documents for Fiscal Year 2008-2009.

PREPARED BY: Paul E. Hall, Director of Student Services and Curriculum

RESOLUTION NO. 08-32

This resolution must be adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2008/09.

RESOLUTION NO. 08-32

BE IT RESOLVED that the Governing Board of TRACY UNIFIED SCHOOL DISTRICT

authorizes entering into local agreement number/s CCAP-8372 and that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
<u>CASEY GOODALL</u>	<u>ASSOC SUPERINTENDENT</u>	
<u>ANN HERRINGTON</u>	<u>STEPS COORDINATOR</u>	

PASSED AND ADOPTED THIS 28th day of April 2008/09, by the
Governing Board of TRACY UNIFIED SCHOOL DISTRICT
of SAN JOAQUIN County, California.

I, Kelly Lewis, Clerk of the Governing Board of
Tracy Unified School District, San Joaquin County,

California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's signature)

(Date)

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 45 CFR Part 93, "New restrictions on Lobbying," and 45 CFR Part 76, "Government-wide Debarment and Suspension (Non procurement) and Government-wide requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 45 CFR Part 93, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 45 CFR Part 93, Sections 93.105 and 93.110, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement:

(b) If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an employee of Congress, or any employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with this instruction;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by executive Order 12549, Debarment and Suspension, and other responsibilities implemented at 45 CFR Part 76, for prospective participants in primary or a lower tier covered transactions, as defined at 45 CFR Part 76, Sections 76.105 and 76.110.

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency:

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The danger of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title,

to: Director, Grants, and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571.

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency:

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee must insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Tracy Unified STEPS Program
650 W 10th St
Tracy, CA 95376

Check ☐ if there is a separate sheet attached listing all workplaces.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

a. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant, and

b. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and contracts Service, U.S. department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3) Washington, DC 20202-4571. Notice shall include the identification numbers(s) of each affected grant.

ENVIRONMENTAL TOBACCO SMOKE ACT

As required by the Pro-Children Act of 1994, (also known as Environmental Tobacco Smoke), and implemented at Public Law 103-277, Part C requires that:

The applicant certifies that smoking is not permitted in any portion of any indoor facility owned or leased or contracted and used routinely or regularly for the provision of health care services, day care, and education to children under the age of 18. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day. (The law does not apply to children's services provided in private residence, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for in-patient drug and alcohol treatment.)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT (CONTRACT AGENCY) Tracy Unified School District		CONTRACT # CCAP-8372
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE Ann Herrington, STEPS Coordinator		
SIGNATURE Ann Herrington	DATE 3/19/09	



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: James Franco, Superintendent
FROM: Ryan Davis, Asst. Supt., Human Resources
DATE: April 6, 2009
SUBJ: Approve the Traditional Classified and Certificated Calendars for the 2009-10 School Year

BACKGROUND:

The attached calendars for 2009-10 have been prepared by the administration and reviewed by the TEA and CSEA bargaining units.

RECOMMENDATION:

Approve the Traditional Classified and Certificated Calendars for the 2009-10 School Year.

PREPARED BY: Ryan Davis

TRADITIONAL 2009-2010

July 2009						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2009						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9			12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2009						
S	M	T	W	T	F	S
		1	2	3	4	5
6		8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2009						
S	M	T	W	T	F	S
				1	2	3
4	E5	6	7	8	M9	10
11	E12	13	14	15	16	17
18	E19	20	21	22	23	24
25		27	M28	M29	M30	31

November 2009						
S	M	T	W	T	F	S
1	E2	3	4	5	6	7
8	E9	10		12	13	14
15	E16	17	18	19	20	21
22						28
29	E30					

December 2009						
S	M	T	W	T	F	S
		1	2	3	4	5
6	E7	8	9	10	11	12
13	E14	25	M16	M17	M18	19
20						26
27						

January 2010						
S	M	T	W	T	F	S
						2
3	E4	5	6	7	8	9
10	E11	12	13	14	15	16
17		19	20	21	22	23
24	E25	26	27	28	29	30
31						












February 2010						
S	M	T	W	T	F	S
	E1	2	3	4	5	6
7		9	10	11	M12	13
14		16	17	18	19	20
21	E22	23	24	25	26	27
28						

March 2010						
S	M	T	W	T	F	S
	E1	2	3	4	5	6
7	E8	9	10	11	M12	13
14	E15	16	17	18	19	20
21	E22	23	24	25	26	27
28	E29	30	31			

April 2010						
S	M	T	W	T	F	S
				1		3
4						10
11	E12	13	14	15	16	17
18	E19	20	21	22	23	24
25	E26	27	28	29	30	

May 2010						
S	M	T	W	T	F	S
						1
2	E3	4	5	6	7	8
9	E10	11	12	13	14	15
16	E17	18	19	20	M21	22
23	M24	M25	M26	27	28	29
30	31					

June 2010						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

-  Holidays
  Minimum Day, all grades, K-12
  Minimum Day, grades K-5 & K-8
 (Bohn, Central, Hirsch, Jacobson, McKinley, Poet, South/West Park, Villalovoz, Kelly, Freiler, North)
  Minimum Day, grades K-5, K-8 & 6-8
 (M-1 schools plus Monte Vista and Williams)
-  Student Attendance Days
  Early Release Monday
  Minimum Day, grades 6-12
 (Monte Vista, Williams, Tracy, West, Stein, Kimball)
  Minimum Day, grades 9-12, only
 (IGCG, Tracy, West, Stein, Kimball)
-  P/T Conference (no students)
  Staff Development Day (no students)
  First & Last Days of School

TUSD - TRADITIONAL CERTIFICATED CALENDAR FOR 2009-10
Traditional FIRST YEAR Teachers: Contract year starts 7/31/09 (TTIP 7/29, 7/30, 7/31, 8/3, 8/4, & 8/5/09)
Traditional SECOND YEAR AND BEYOND Teachers: Contract year starts Monday, 8/10/09
School Starts for STUDENTS (Traditional Track) on Wednesday, 8/12/09

Month	Dates	Instr Days	Work Days Yr 1	Work Days 2nd year >	TTIP Extra Pay	Staff Devel Days	Miscellaneous Information
July	27-31	0	1	0	2 Yr-1		TTIP Yr 1 Tchrs - July 29-30; Fri. Jul 31 Contract Day Yr 1
Aug	3-7	0	1	0	2 Yr-1	0*	TTIP Yr 1 Tchrs - Aug 3-5 - Aug 3 is a Contract Day Yr 1
Aug	10-14	3	5	5			Required ALL Teachers-Mon Aug 10 Dist Staff Dev Day (AB825); Tue Aug 11 Site Based Planning/Prep (AB825); Wed Aug 12 - 1 st Day of Classes
Aug	17-21	5	5	5			
Aug	24-28	5	5	5			Mon, Aug. 24, Dist. Welcome Back Program
Aug-Sept	31-4	5	5	5			
Sept	7-11	4	4	4			Mon, Sept 7, Labor Day
Sept	14-18	5	5	5			
Sept	21-25	5	5	5		0*	
Sept-Oct	28-2	5	5	5			
Oct	5-9	5	5	5			42 Days in 1 st Quarter; Fri, Oct 9- Min Day Oct 9 6-12, End of 1st Trimester (42 Days) K-5 Min Day
Oct	12-16	5	5	5			
Oct	19-23	5	5	5			
Oct	26-30	4	5	5			Mon. Oct 26 Parent Conferences, Min Day 10/28-30, K-5, K-8, 6-8
Nov	2-6	5	5	5			
Nov	9-13	4	4	4			Wed, Nov 11 Veteran's Day
Nov	16-20	5	5	5			
Nov	23-27	0	0	0			Mon-Wed, Nov 23-25, Board Designated Non work days -Th-Fri, Nov 26-27 Thanksgiving Break
Nov-Dec	30-4	5	5	5			
Dec	7-11	5	5	5			
Dec	14-18	5	5	5			43 Days in 2 nd Qtr; 1st Sem = 85 days; Min Day Dec 16&17, 9-12 - Min Day Dec 18, 6-12
Dec	21-25	0	0	0			Winter Break Dec 21st thru Jan 1st
Dec-Jan	28-1	0	0	0			Winter Break Dec 21st thru Jan 1st
Jan	4-8	5	5	5			
Jan	11-15	5	5	5			
Jan	18-22	4	4	4			Mon, Jan 18th - ML King's Day
Jan	25-29	5	5	5		0*	
Feb	1-5	5	5	5			
Feb	8-12	4	4	4			Mon, Feb 8 - Lincoln's Day Feb 12 End of 2 nd Tri. - 71 Days K-5 & K-8 Min Day
Feb	15-19	4	4	4			Mon Feb 15 - President's Day
Feb	22-26	5	5	5			
Mar	1-5	5	5	5			
Mar	8-12	5	5	5			47 Days in 3rd Quarter; Fri Mar 12, Min Day 6-12
Mar	15-19	5	5	5			
Mar	22-26	5	5	5			
Mar-Apr	29-2	4	4	4			Apr 2 - Board designated non-work day
Apr	5-9	0	0	0			Spring Break April 5-9
Apr	12-16	5	5	5			
Apr	19-23	5	5	5			
Apr	26-30	5	5	5			
May	3-7	5	5	5			
May	10-14	5	5	5			May 10th - Awards Recognition
May	17-21	5	5	5			Min Day, Friday, May 21 K-8, K-5 & 6-8
May	24-28	4	4	4			4 th Qtr = 48 days; 3 rd Tri = 67 days; 2nd Sem = 95 days; May 24-26 Min Day 9-12; Thursday May 27, Last Day & Min Day K-12

*These Staff Development Days (Buy-Back Days) are contingent on State Funding

Instructional Days: 180 days; Work Days: 185+4 (1st Year Teachers) & 183 (2nd Year & Beyond Teachers)

Adopted by TUSD Board of Trustees:

Tracy Unified School District
TRADITIONAL Classified Calendar for 2009-2010

Month	Dates	Work Days 12-Mo	Work Days 10-Mo	Holidays
July	1-3	2	0	Friday, July 3rd - Independence Day Holiday
July	6-10	5	0	
July	13-17	5	0	
July	20-24	5	0	
July	27-31	5	0	
Aug	3-7	5	0	
Aug	10-14	5	4	Tue, Aug. 11th - 1st day for 10-month traditional staff, Wed, Aug 12th - 1st Day of School
Aug	17-21	5	5	
Aug	24-28	5	5	Mon, Aug. 24th - District Welcome Back Program - 2pm
Aug-Sept	31-4	5	5	
Sept	7-11	4	4	Mon, Sept 7th - Labor Day
Sept	14-18	5	5	
Sept	21-25	5	5	
Sept- Oct	28-2	5	5	
Oct	5-9	5	5	
Oct	12-16	5	5	
Oct	19-23	5	5	
Oct	26-30	5	4	Mon, Oct 26th - Non Work Day for 10-mo. Employees (no pay)
Nov	2-6	5	5	
Nov	9-13	4	4	Wed., Nov 11th - Veteran's Day
Nov	16-20	5	5	
Nov	23-27	3	0	Nov 23rd-25th, Non Work Day for 10-mo. Employees (no pay) Th-Fri, Nov 26th-27th Thanksgiving Break
Nov-Dec	30-4	5	5	
Dec	7-11	5	5	
Dec	14-18	5	5	
Dec	21-25	3	0	Win.Break Dec. 21 thru Jan 1 for 10-mo. Employees; Thur-Fri Dec 24- 25 Winter Holiday
Dec- Jan	28-1	4	0	Win.Break Dec. 21 thru Jan 1 for 10-mo. Employees; Fri. January 1st - New Years Day Holiday
Jan	4-8	5	5	
Jan	11-15	5	5	
Jan	18-22	4	4	Mon, Jan 18th, ML King's Day
Jan	25-29	5	5	
Feb	1-5	5	5	
Feb	8-12	4	4	Mon, Feb 8th - Lincoln's Day
Feb	15-19	4	4	Mon Feb 15th - President's Day
Feb	22-26	5	5	
Mar	1-5	5	5	
Mar	8-12	5	5	
Mar	15-19	5	5	
Mar	22-26	5	5	
Mar- Apr	29-2	4	4	April 2nd, Spring Recess Day
Apr	5-9	4	0	Spring Break April 5th-9th - 10-mo. Employees; April 5th Spring Recess Day
Apr	12-16	5	5	
Apr	19-23	5	5	
Apr	26-30	5	5	
May	3-7	5	5	
May	10-14	5	5	May 10th - Awards Recognition
May	17-21	5	5	
May	24-28	5	4	May 27th Last Day of School
May-June	31-4	4	0	Mon, May 31st Memorial Day
June	7-11	5	0	
June	14-18	5	0	
June	21-25	5	0	
June	28-30	3	0	TOTAL Work Days 247 (12-mo); 181 Work Days (10-mo)
Total work days:		247	181	Approval - Board of Trustees:



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Ryan Davis, Assistant Superintendent of Human Resources
DATE: April 21, 2009
SUBJECT: Approve Resolution 08-33, Authorizing the Elimination of Certain Classified Employee Positions Due to Lack of Work/Lack of Funds.

BACKGROUND: Pursuant to Education Code section 45117, the District administration is making a recommendation that will require the Governing Board of the Tracy Unified School District to eliminate certain Classified Employee Positions based on the recently adopted budget reduction process. In some cases positions similar to those being eliminated will be created with either reduced work year or reduced work days or both. These similar positions being created may not in all cases be filled by the same person currently holding the similar positions due to the complicated bumping process that will take place pursuant to the Collective Bargaining Agreement with CSEA.

RATIONALE: Elimination of certain Classified Employee Positions are needed due to lack of work/lack of funds and pursuant with the latest Governing Board decisions related to the budget reduction process.

RECOMMENDATION: Approve Resolution 08-33, Authorizing the Elimination of Certain Classified Employee Positions due to Lack of Work/Lack of Funds.

Prepared by: Ryan Davis, Assistant Superintendent of Human Resources



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 08-33**

**RESOLUTION FOR A REDUCTION IN CLASSIFIED STAFF DUE TO
LACK OF WORK/LACK OF FUNDS**

WHEREAS, Education Code §45117, Board Policy and the collective bargaining agreement between the Tracy Unified School District and the California School Employees Association permit the Governing Board to reduce the number of classified positions for lack of work or lack of funds;

WHEREAS, the Governing Board of the Tracy Unified School District has determined that it shall be necessary to reduce the following positions in the District not later than June 30, 2009, due to lack of work/lack of funds:

Eliminate One (1) 8 hour/204 days Elementary School Secretary position (General Fund)

Eliminate Three (3) 219 days YRE Elementary School Secretary Positions and create (2) Elementary School Secretary 204 day positions (General Fund)

Eliminate Twenty (20) 8 hour/12 month Custodian I positions (General Fund)

Eliminate Three (3) 8 hour/12 month YRE Lead Custodian position (General Fund)

Eliminate One (1) 4 hour/12 month Custodian I position (General Fund)

Eliminate One (1) 2.5hour/10 month Food Service Worker position (Child Nutrition School Program)

Eliminate Three (3) 3.5 hour/12 month Food Service Worker Positions and create three (3) 3.5 hour/10 month Food Service Worker positions (Child Nutrition-School Program)

Eliminate One (1) 4 hour/12 month Food Service Worker and create One (1) 4 hour/10 month Food Service Worker position (Child Nutrition-School Program)

Eliminate One (1) 2.5 hour/12 month Food Service Worker Position and create One (1) 2.5 hour/10 month Food Service Worker position (Child Nutrition-School Program)

Eliminate One (1) 3 hour/12 month Food Service Worker Position and create One (1) 3 hour/10 month Food Service Worker position (Child Nutrition-School Program)

Eliminate One (1) 8 hour/12 month Food Service Supervisor Position and create One (1) 8 hour/10 month Food Service Supervisor Position (Child Nutrition School Program)

Eliminate One (1) 7 hour/12 month Food Service Worker Position and create One (1) 7 hour/10 month Food Service Worker position (Child Nutrition School Program)

Eliminate One (1) 6 hour/12 month Food Service Worker Position and create One (1) 6 hour/10 month Food Service Worker Position (Child Nutrition School Program)

Eliminate One (1) 5 hour/12 month Food Service Warehouse Delivery Driver Position and create One (1) 5 hour/10 month Food Service Warehouse Delivery Driver Position (Child Nutrition School Program)

Eliminate 3.5 hour/10 month School Supervision Assistant position (General Fund)

Eliminate 4 hour/10 month Special Ed Para Educator I position (Title I & Special Education)

Eliminate 6 hour/10 month Special Ed Para Educator I position (CSR & Special Education)

Eliminate 5 hour/10 month Para Educator I position (General Fund)

Eliminate 3.5 hour/10 month Para Educator I position (General Fund)

Eliminate Three (3) 8 hour/12 month Elementary Attendance Clerk Positions and create Three (3) 8 hour/10 month Elementary Attendance Clerk positions (General Fund)

Eliminate Three (3) 8 hour/12 month K-8 Library Technician Positions and create Three (3) 8 hour/10 month K-8 Library Technician positions (General Fund)

Eliminate One (1) 5 hour/12 month Clerk Typist II and create One (1) 5 hour/10 month Clerk Typist II position (General Fund)

Eliminate One (1) 4 hour/12 month Clerk Typist I and create One (1) 4 hour/10 month Clerk Typist I position (General Fund)

Eliminate One (1) 4 hour/12 month Clerk Typist II Position and create One (1) 4 hour/10 month Clerk Typist II position (General Fund)

Eliminate Eleven (11) 2 hour/12 month School Supervision Assistant Positions and create Eleven (11) 2 hour/10 month School Supervision Assistant positions (General Fund)

Eliminate One (1) 3 hour/12 month School Supervision Assistant Position and create One (1) 3 hour/10 month School Supervision Assistant position (General Fund)

Eliminate One (1) 3.5 hour/12 month School Supervision Assistant Position and create One (1) 3.5 hour/10 month School Supervision Assistant position (General Fund)

Eliminate One (1) Adult School Paraeducator I Position (Adult School)

Eliminate All 6 hour/12 month Adult School Paraeducator II Positions and create an equal number of 4 hour/10 month Adult School Paraeducator II positions. (Adult School)

Eliminate One (1) Account Clerk Position for Finance/Facilities (Vacant)

Eliminate Three (3) Clerk/Typist I Positions (Vacant)

Eliminate Three (3) Clerk/Typist II Positions (Vacant)

Eliminate One (1) District Resource Assistant Position in Student Services (Vacant)

Eliminate One (1) Special Projects Budget Technician (Vacant)

Eliminate Director of Facilities Position (Vacant)

NOW, THEREFORE BE IT RESOLVED, that as of the close of the business day on June 30, 2009, the above-referenced classified positions shall be eliminated.

BE IT FURTHER RESOLVED, that the Superintendent, or Superintendent's designee, is authorized and directed to give notice to the affected classified employees

pursuant to District rules and regulations and applicable provisions of Education Code not later than forty-five (45) days prior to the effective day of layoff as set forth above.

ADOPTED by the Governing Board of Tracy Unified School District on April 28, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Ted Guzman, President
Board of Trustees
Tracy Unified School District

Attested:

I certify that the foregoing resolution was adopted by the Board of Trustees of the Tracy Unified School District, County of San Joaquin, on the date shown above.

Clerk
Board of Trustees
Tracy Unified School District



HUMAN RESOURCES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Ryan Davis, Assistant Superintendent of Human Resources
DATE: April 20, 2009
SUBJECT: Approve Resolution 08-34, Authorizing the Reduction of Classified Administrators' Work Year

BACKGROUND: The District administration is making a recommendation that the Governing Board of the Tracy Unified School District Adopt Resolution 08-34 reducing the work year of Certificated Administrators by Five (5) days for the 2009-2010 school year and reduce their pay accordingly by Five (5) days.

RATIONALE: In order to help mitigate the anticipated budget shortfall that the District is facing, the District Administration is recommending reducing the work year for Classified Administrators by Five (5) days for the 2009-2010 school year and their pay would be reduced accordingly by Five (5) days thus resulting in a financial savings to the District. This Resolution is in relation to Resolution 08-24 which has already been adopted by the Board Reducing the work year by (5) days and the pay accordingly for Certificated Administrators.

RECOMMENDATION: Approve Resolution 08-34, Authorizing the Reduction of Classified Administrators' Work Year.

Prepared by: Ryan Davis, Assistant Superintendent of Human Resources



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 08-34
RESOLUTION REGARDING REDUCTION OF CLASSIFIED MANAGEMENT
CONFIDENTIAL 2009-2010 WORK YEAR**

WHEREAS, due to the fiscal crisis, the Tracy Unified School District must reduce its budget dramatically in the 2009-2010 school year; and

WHEREAS, on February 24, 2009, the certificated administrators of the District were subject to a reduction of days and pay for the 2009-2010 school year; and

WHEREAS, the following positions are currently assigned the following number of work days for the 2008-2009 school year:

<u>Position</u>	<u>Workdays</u>
Director of Risk Management, Environmental Compliance	225
Director of Human Resources	225
Director of Food Services	225
Director of Materials Management	225
Director of Transportation	225
Director of Building Maintenance	225
Director of Financial Services	225
Director of Operations & Facilities Management	225
Director of Materials Management & Operations	225
Director of Information Services Educational Technology	225
Director of Facilities	225
Associate Superintendent of Business Services	225
Superintendent's Secretary	230
Public Information Officer	225
Budget Analyst	225
Facilities Planner	225

NOW, THEREFORE, BE IT RESOLVED THAT the Governing Board of the Tracy Unified School District hereby determines that the work year of the above-listed positions shall be reduced by five (5) work days for the 2009-2010 school year; and

BE IT FURTHER RESOLVED THAT the Superintendent is directed before May 15, 2009, to send a written notice to each of the employees currently occupying the above-listed positions, stating that his/her work year will be reduced by five (5) days from the number of work days scheduled in the 2008-2009 school year and the associated salary will be decreased by the proportionate amount; and

BE IT FURTHER RESOLVED THAT said notice shall be personally delivered to each and for which each shall sign indicating receipt, and which shall notify each of the above-referenced reduction in work year and pay.

ADOPTED by the Governing Board of the Tracy Unified School District on April 28, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Ted Guzman, President
Board of Trustees
Tracy Unified School District

Attested:

I certify that the foregoing resolution was adopted by the Board of Trustees of the Tracy Unified School District, County of San Joaquin, on the date shown above.

Clerk
Board of Trustees
Tracy Unified School District