

NOTICE

REGULAR MEETING OF THE GOVERNING BOARD

TRACY UNIFIED SCHOOL DISTRICT

DATE: TUESDAY, FEBRUARY 8, 2011

**PLACE: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 WEST LOWELL AVENUE
TRACY, CALIFORNIA**

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

A G E N D A

1. Call to Order

2. Roll Call – Establish Quorum

Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.
Staff: J. Franco, 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#10-11/62, 68

3.1.2 Application for Reinstatement AR#10-11/40

Action: Motion___; Second___ . Vote: Yes ___; No___; Absent___; Abstain___.

3.1.3 PE Exemptions: Freiler #1021120, 10308610, 10204936

Action: Motion___; Second___ . Vote: Yes ___; No___; Absent___; Abstain___.

3.2 Human Resources:

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

Action: Motion___; Second___ . Vote: Yes ___; No___; Absent___; Abstain___.

3.2.2 Conference with Labor Negotiator

Agency Negotiator: Sheila Harrison

Assistant Superintendent of Educational Services & Human Resources

Employee Organization: CSEA, TEA

4. Adjourn to Open Session

5. Call to Order and Pledge of Allegiance

- 6. Closed Session Issues:** Pg. No.
- 6a** Action on Findings of Facts: FF#10-11/62, 68
Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.
- 6b** Report Out on Application for Reinstatement AR#10-11/40
Action: **Vote:** Yes ___; No ___; Absent ___; Abstain ___
- 6c** Report Out of Action Taken on PE Exemptions: Freiler #1021120, 10308610, 10204936
Action: **Vote:** Yes ___; No ___; Absent ___; Abstain ___
- 7. Approve Regular Minutes of January 25, 2011.** 1-5
Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.
- 8. Student Representative Reports:** None.
- 9. Recognition & Presentations:** An opportunity to honor students, employees and community members for outstanding achievement:
- 9.1** Recognize the Outstanding Employees of the Winter Term for the 2010-11 School Year 6
- 9.2** South West Park Elementary School Site Update on Achievements & Activities
- 9.3** Stein High School Site Update on Achievements & Activities
- 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 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. You may obtain copies of the policy from Human Resources, and staff will assist you.
- 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:**
- 11.1.1** Receive Report on the Tracy Unified School District Budget 7
- 11.1.2** Receive Update on Tracy High School Facilities Project 8
- 12.1 Educational Services:**
- 12.1.1** Receive Report on Middle School Math Achievement 9

12. PUBLIC HEARING: None.

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 | 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 | 10-11 |
| 13.1.2 | Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda | 12-13 |
| 13.1.3 | Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda | 14-15 |

13.2 Educational Services:

- | | | |
|---------------|--|--------------|
| 13.2.1 | Approve Service Agreement for Special Contract Services with Valley Community Counseling Services | 16-18 |
| 13.2.2 | Approve Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at McKinley Elementary School | 19-22 |
| 13.2.3 | Approve Overnight Travel for Kimball High School Cheerleaders to Attend Knott's Berry Farm in Buena Park, CA on March 18-20, 2011 | 23 |
| 13.2.4 | Approve Travel for Kimball High School Football Teams to Attend Fresno State University Football Team Camp on June 23-26, 2011 | 24-25 |

13.3 Human Resources:

- | | | |
|---------------|--|--------------|
| 13.3.1 | Approve Classified, Certificated and/or Management Employment | 26-28 |
| 13.3.2 | Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment | 29 |

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.

14.2 Educational Services:

- | | | |
|---|---|--------------|
| 14.2.1 | Adopt Board Policy 0420.4, Charter Schools (2 nd Reading) | 30-35 |
| Action: Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___. | | |
| 14.2.2 | Acknowledge Administrative Regulation 0420.4, Charter Schools (2 nd Reading) | 36-49 |
| Action: Motion___; Second___. Vote: Yes___; No___; Absent___; Abstain___. | | |
| 14.2.3 | Approve/Deny the Charter Renewal for the Tracy Learning Center's Discovery School | 50-73 |
| 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 February 22, 2011
 - 17.2 March 8, 2011
 - 17.3 March 22, 2011
 - 17.4 April 12, 2011
 - 17.5 May 10, 2011
 - 17.6 May 24, 2011
 - 17.7 June 14, 2011
 - 17.8 June 28, 2011
18. **Upcoming Events:**

18.1	February 14, 2011	No School, Lincoln's Birthday
18.2	February 21, 2011	No School, Presidents' Day
18.3	April 22 – 29, 2011	No School, Spring Recess
18.4	May 27, 2011	Last Day of School
18.5	May 28, 2011	Graduation: West High 8:30 a.m. Tracy High 10:30 a.m.

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

**Minutes of
Regular Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, January 25, 2011**

5:20 PM: President Gouveia called the meeting to order and adjourned to closed session.

Roll Call: Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.
Staff: J. Franco, S. Harrison, C. Goodall, B. Etcheverry

7:12 PM: President Gouveia called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.

Closed Session: 6a Action on Findings of Facts: FF#10-11/57, 65, 66, 67
Action: Guzman, Crandall. **Vote:** Yes-7; No-0.
6b Report Out on Application for Reinstatement AR#10-11/37, 38
Action: **Vote:** Yes-7; No-0.
6c Report Out of Action Taken on Waiver of Expulsion WE#10-11/7
Action: **Vote:** Yes-7; No-0.
6d Report Out of Action Taken on Early Graduation WHS# 10320687, 10320691
Action: As amended. **Vote:** Yes-7; No-0.

Employees Present: C. Minter, J. Cardoza, L. Beeso, R. Call, G. Garner, J. Carter, B. Carter, D. Borba, D. Ensor

Press: None.

Visitors Present: G. Farmer, T. Bobbitt, M. Sandoval, D. Cooper, T. Williams

Minutes: Approve Regular Minutes of January 11, 2011.
Action: **Vote:** Yes-7; No-0.

Student Rep Reports: Tracy High: Taylor Bobbitt reported that the girls' basketball team took a 53-33 win over Bear Creek. They are now 2-2 in league and the next home game is Thursday against Chavez. The boys lost 54-52 in final seconds against Bear Creek. The wrestling team placed 5th as a team in their tournament. Smokey Blues "All You Need is Love" performances are the end of January and first two weekends in February. Hoopla Week will be February 7-11th which will include a black light rally, dress up days and lunch time activities. At the Friday night game they will announce Mr. & Mrs. Bulldog.

West High: Brooke Gard was unable to attend.

Stein High: Jason Nasiri was unable to attend.

Kimball High: Gabby Farmer reported for Aloukika Shah who was ill this evening. Kimball had a staff appreciation breakfast which was very successful. The black tie winter ball was held last December. There was an increase in attendance from last year and they made more money. They held "Swish Bam" which is similar to hoopla. The girls' basketball team won their first game against Lathrop. They had a rally on Friday and a band from San Jose came and played. Aloukika Shah took first place in the Rotary Club speech competition. In March they will have their first blood drive.

Recognition & Presentations:

9.1 Recognize and Thank PG&E for their \$5,250 Rebate to TUSD Following the Purchase of Seven Combi Ovens

Associate Superintendent, Dr. Casey Goodall, introduced Dana Cooper from PG & E. She and Tina Williams work in the Tracy office. She offered her congratulations to Tracy Unified for our energy savings projects throughout the District and presented a check in the sum of \$121,449.00.

9.2 Villalovoz Elementary School Site Update on Achievements & Activities

Principal, Lisa Beeso, and teacher/webmaster, Deb Borba, presented their website. They thanked Lisa Rodriguez and Jessica Cardoza for all of their help with it. The website contained their school plan, history page, principal page, bell schedules, map links and several links to district pages with pertinent information. They also had a 3D panorama of the library. Other information included staff pages, emails, attendance information, handbooks, website links and their newsletter.

Hearing of Delegations

None.

Information & Discussion Items:

11.1 Administrative & Business Services:

11.1.1 Receive Report on the Governor's State Budget Proposal

Dr. Casey Goodall, Associate Superintendent of Business Services reviewed a power point and the status of state budget. We will have two budget plans. Plan A will be implemented if the voters support the tax extensions on the June ballot. That will mean that TUSD will have a \$24.00 reduction per student in funding. Plan B will be implemented if the ballot fails. Districts in the state are planning for the worst and hoping for the best. If the ballot fails, we are looking at approximately \$5.4 million in reductions. A reduction timeline/plan needs to be in place by March 1 and we will hold a special board meeting on that date. Our second interim report is due on March 8th and the election is June 7th.

Dr. Franco commented that we are in the same position we've been in over the last 10 years. We will continue to implement budget reductions based upon the best and worst case scenario. Even with the best outcome, there is still a hit of \$24 per student.

Public Hearing:

- 12.1 Administrative & Business Services:**
12.1.1 Open Public Hearing on the School Facilities Needs Analysis and Adoption of Alternative Developer Fees Pursuant to Government Code Section 65995.6(d)

The Public Hearing was opened at 7:54 p.m.
No comments were made.
The Public Hearing was closed at 7:55 p.m.

12.2 Human Resources:

- 12.2.1** Receive Public Comments Regarding Negotiations with the Tracy Educators Association (TEA) and the Tracy Unified School District (TUSD) for the 2011-2012 School Year

The Public Hearing was opened at 7:56 p.m.
No comments were made
The Public Hearing was closed at 7:57 p.m.

Consent Items:

- Action** Vaughn, Swenson. **Vote:** Yes-7; No-0.
- 13.1 Administrative & Business Services:**
- 13.1.1** 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
- 13.1.2** Approve Assembly Vendors and Site Assembly Utilization Calendars
- 13.1.3** Approve Revolving Cash Fund Reports for December, 2010
- 13.1.4** Approve Monthly Budget Adjustment Report, December, 2010
- 13.1.5** Approve Payroll Reports for December, 2010
- 13.1.6** Approve Accounts Payable Warrants Report for December, 2010 (Separate Cover Item)
- 13.1.7** Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda
- 13.1.8** Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda
- 13.2 Educational Services:**
- 13.2.1** Ratify Agreement for Special Contract Services for Nancy Fetzner to Provide Three Full Days of Coaching for Teachers in Writing Strategies at Jacobson Elementary School on January 12, 13 and 14, 2011
- 13.2.2** Approve Overnight Travel for West High, Tracy High And Kimball High Black Student Unions to Attend the United Black Student Unions of California Annual Convention in Ontario, California, on March 18, 19, and 20, 2011
- 13.2.3** Approve Overnight Travel for Tracy High School (THS) Cheer Team and Coaches to Participate in the USA Spirit Nationals in Southern California on March 23-26, 2011
- 13.2.4** Approve Overnight Travel for Lucas Colbert and Effie Zhou to Attend the CBDA All-State Honor Band in Fresno, California, February 17-20,

- 2011
- 13.2.5 Ratify Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at Villalovoz Elementary and Williams Middle School
 - 13.2.6 Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending January 15, 2011

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

Action Items:

14.1 Administrative & Business Services:

- 14.1.1 Accept the 2009-10 Independent Annual Financial Audit (Separate Cover Item)

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

- 14.1.2 Approve "Steve Thornton Gymnasium" as the Name for the West High School Gymnasium

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

- 14.1.3 Adopt Resolution No. 10-15 Adopting the School Facilities Needs Analysis and Establish School Facilities Fees

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

Accept the 2009-10 Independent Annual Financial Audit and Performance Audit for Measure E and Measure S General Obligation Bonds

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

14.2 Educational Services:

- 14.2.1 Approve the 2010-2011 Consolidated Application, Part II, for the Tracy Unified School District (Separate Cover Item)

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

14.3 Human Resources:

- 14.3.1 Adopt the District's Initial Bargaining Proposal for the Tracy Educators Association (TEA) for the 2011-2012 School Year and Submit it for Negotiations, Pending Public Input

Action: Guzman, Silva. **Vote:** Yes-7; No-0.

Board Reports:

Trustee Silva's wife is at a planning meeting for "Football Fiesta" which will be held on May 5th for West High School. He attended the Home Field Advantage Booster Club meeting. They are planning a golf tournament sometime in April. Trustee Swenson had a tour of the media center at Tracy High. There were 35 people and they all gave the "Thumbs up" with the building projects. It was very nice. He attended the CIF meeting last week. They named 6 coaches and Ben Tsukiji was one of them. They also discussed athletic eligibility and transfer rules. Litigation is getting costly. Trustee Guzman passed. Trustee Vaughn attended the MLK Breakfast that was sponsored by TUSD, TAAA and the City of Tracy. Paul Hall received the image award. Trustee Costa passed. Trustee Crandall congratulated Coach Thornton. He has always fought with students in mind.

Trustee Gouveia attended the MLK Breakfast and congratulated Mr. Hall. The speaker was excellent. His name was Jahmil Lacey who graduated from Tracy High and now has his Masters in economics from London. He attended the Hire Me First program for our youth. Tracy is a model. He thanked all of the businesses and sponsors.

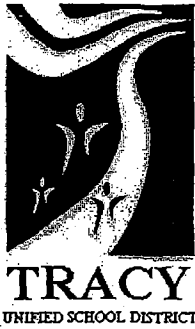
**Superintendent
Report:**

Dr. Franco today met with the district gang task force. He attended the MLK Breakfast and commented that Mrs. Headley's students from her 3rd grade class were great. He also acknowledged that Art Freiler School received a grant from Lawrence Livermore Lab. He attended the honors band and choir concert in Stockton. Tracy and West had the most students who received honors than any other district in the county. The Academic Decathlon is next week. They will compete at UOP and Tracy high has a team that will be participating. Thank you to all of our donations: Compagnia Dei Italia Bersaglieri donated \$1,000 to the Tracy High Catering Club; The Breakfast Lions Club donated \$500 to the Tracy High FFA; Target Field Trip Grant gave \$700 to Kelly School for field trips; Kimball High Athletic Boosters donated \$3, 774.42 which was split to various sports programs; Freiler School received \$1553.12 from their PTA; Tracy Breakfast Lions donated \$5,613.51 for Tracy High Athletics and \$800 from FBLA to Tracy High.

8:15 p.m.

Clerk

Date



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Dr. Sheila Harrision, Assistant Superintendent for Educational Services and Human Resources
DATE: January 28, 2011
SUBJECT: Recognize the Outstanding Employees of the Winter Term for the 2010-11 School Year

BACKGROUND: Three times each school year, nominations for outstanding employees are solicited from staff. A selection committee composed of two administrators, one classified/confidential representative, one certificated representative and one classified representative review the nominations and make the selections. This is the 27th year the District has been recognizing outstanding employees.

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

This agenda item meets Strategic Goal #7 - Develop and utilize partnership that contribute to the achievement of District Goals.

FUNDING: N/A

RECOMMENDATION: Recognize Gitte Foote (K-5), Anne Ostapiej (6-8), and Robert Silva (9-12) as Outstanding Classified Employees; Bev Pieretti (K-5), Fabeola Munoz (6-8), and Jeff Arnett (9-12) as Outstanding Certificated Employees; and Janet Skulina as Outstanding Certificated Management Employee for the Winter Term of the 2010-2011 school year.

Prepared by: Dr. Sheila Harrision, Assistant Superintendent for Educational Services and Human Resources



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: February 1, 2011
SUBJECT: Receive Report on the Tracy Unified School District Budget

BACKGROUND: On January 10th Governor Brown proposed the California State Budget for 2011-12. Because the State of California is the greatest source of funds for Tracy Unified School District operations, the Governor's January budget proposal is a key source of information for planning.

The report included the following key points:

1. The Governor proposes to balance the state budget by implementing \$12.5 billion in cuts to agencies other than K-12 education, and by generating \$12 billion of revenues by extending three existing taxes for five years.
2. The Governor proposes to maintain level funding for K-12 education so long as the tax measure is placed on the ballot and is approved by the electorate.
3. If the tax measure fails to be placed on the ballot or fails to receive approval by the electorate, Tracy Unified School District anticipates a loss of approximately \$5.7 million per year in revenues.
4. The tax measure is planned for a June election.
5. Because Tracy Unified School District is required to approve a balanced budget in June, and because the results of the election will not be known until then, the District must develop a budget which anticipates the reduced revenues.

RATIONALE: Staff members are reviewing the implications of this budget proposal and will provide a report on any new information available since the last School Board meeting.

FUNDING: There is no cost to hearing this report, but the California State Budget is the greatest source of funds available to the district and will impact budget planning.

RECOMMENDATION: Receive Report on the Tracy Unified School District Budget.

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



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent of Business Services
DATE: February 1, 2011
SUBJECT: Receive Update on Tracy High School Facilities Projects

BACKGROUND: Measure E, approved by the voters within Tracy Unified School District (TJUSD) on June 6, 2006, authorized the issuance of \$51 million in bonds. The Measure E project list included the construction of a stadium and pool complex and a theater complex at West High School; and, the modernization and renovation of the Tracy High School campus. With the completion of many of the projects on the bond list, district staff and our project architects, Rainforth Grau, are in the process of investigating various options for the remaining bond funds.

RATIONALE: A planning committee consisting of the three TUSD Board member Facilities Committee, the Superintendent, the Associate Superintendent of Business, district staff, project architects, project construction manager, Tracy High School Principal, and a THS Vice-Principal met to discuss moving forward with the balance of planning for the Tracy High School site.

Staff will present the status on the planning for Tracy High School and will review the recommendations from the facilities planning committee.

FUNDING: No funding implications at this time.

RECOMMENDATION: Receive Update on Tracy High School Facilities Projects

Prepared by: Bonny Carter, Director of Facilities and Planning



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. Jim Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: January 20, 2011
RE: Receive Report on Middle School Math Achievement.

BACKGROUND: At the September 28th Board meeting, a suggestion for improving middle school math scores was presented. This suggestion was referred to the District's Math Cadre for consideration. Math Cadre is a committee of teachers from grades K-8 working under the direction of Janice Bussey, Director of Staff Development. The committee addresses a variety of issues related to mathematics instruction throughout the District. In considering the recommendation presented last September, Math Cadre reviewed current practices and gave feedback to their effectiveness. The Director of Staff Development and the Director of Curriculum, Accountability, and Continuous Improvement reviewed those findings, along with the research, to develop recommendations regarding effective practices for improving student performance in middle school math.

RATIONALE: This report summarizes the evaluation of current District practices related to math instruction at the middle school grades and reviews the recommendations for improving student performance. 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 that all students meet or exceed grade level standards and results in closing the achievement gap.

FUNDING: No Cost

RECOMMENDATION: Receive Report on Middle School Math Achievement.

PREPARED BY: Dr. Carol Anderson-Woo, Director of Curriculum, Accountability and Continuous Improvement



BUSINESS SERVICES MEMORANDUM

TO: *aglob* Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: January 28, 2011
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/Tracy High School ASB: From: Tracy Breakfast Lions. The donation is in the amount of \$2,542.20 (check #3994). This donation is for the Tracy High School Girl's Basketball Tournament.
2. Tracy Unified School District/Tracy High School ASB: From: Tracy Freestyle Wrestling Club. The donation is in the amount of \$1,536.50 (check #783). This donation is for Tracy High School Wrestling.
3. Tracy Unified School District/Tracy High School ASB: From: California Future Business Leaders of America. The donation is in the amount of \$800.00 (check #1308). This donation is for Tracy High FBLA.
4. Tracy Unified School District/Kimball High School ASB: From: California Future Business Leaders of America. The donation is in the amount of \$500.00 (check #1322). This donation is for Kimball High FBLA from Grant SB70.
5. Tracy Unified School District/South West Park Elementary School: From: Paul Hussey, Sr. in Memory of Joe Schnieder. The donation has an estimated value of \$4,000.00. This donation included two microscopes for the school.
6. Tracy Unified School District/Kimball High School: From: Target Field Trip Grant (Scholarship America). The donation is in the amount of \$700.00 (check #487358). This grant will be used for a field trip to The San Francisco Museum of Modern Art for Mrs. Azama's art class.

7. Tracy Unified School District/Kimball High School: From: PG&E Corporation Foundation. The donation is in the amount of \$5,000.00 (check #0003083). This donation will be used specifically by Dr. Utt's Environmental and International Studies Pathway (EEL) for the "9th/10th Renewal Energy Lab".

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: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: January 28, 2011
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:	Biometrics4ALL
	Site:	District Education Center
	Item:	Annual Warranty & Maintenance Agreement
	Services:	Maintenance and support services for Biometrics4ALL software
	Cost:	\$1,467.45
	Project Funding:	General Fund

B.	Vendor:	Capture Technologies
	Site:	District Education Center
	Item:	Annual Full Field Service Agreement
	Services:	Photo ID Equipment with AIT
	Cost:	\$1,567.55
	Project Funding:	General Fund



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: January 28, 2011
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:	California Department of Education (CDE)
Site:	Monte Vista Middle School
Item:	Purchase Requisition-Ratify
Services:	Review plans and specifications for Monte Vista Middle School Modernization.
Cost:	\$6,885.90
Project Funding:	Measure S Bond Funds



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM:  Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: January 27, 2011
SUBJECT: Approve Agreement for Special Contract Services with Valley Community Counseling Services.

BACKGROUND: The Prevention Services Office coordinates the Student Assistant Program (SAP) which includes prevention and intervention services, mandatory counseling for substance abuse, anger management and gang intervention. The Student Assistant Program also offers onsite counseling and outside referrals and resources for students experiencing behavioral and/or mental health concerns. Training for staff regarding identification of mental health disorders in children and teens is an important component for prevention and intervention services.

RATIONALE: Administrators, Counselors, School Psychologists and Educators are often the first to see problem behaviors in youth including serious mental health concerns. This project will help staff better understand how serious mental illness and co-occurring disorders manifest in children and adolescents, learn about the signs and symptoms of mental health issues, identify developmentally appropriate and effective interventions and train staff on how to discuss these issues with parents. This supports Strategic Goal #2: Provide a safe environment for students and staff that is conducive to learning.

FUNDING: Fees for services are \$500 per training. The total expected cost for 2010/2011 school year is \$5,000. The fees will be paid through the Prevention and Early Intervention Plan funded by San Joaquin County Behavioral Health Services.

RECOMMENDATION: Approve Agreement for Special Contract Services with Valley Community Counseling Services.

Prepared by: Joan E. McCreedy, Coordinator Prevention Services Office

TRACY UNIFIED SCHOOL DISTRICT

1875 W. Lowell Ave., Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and Valley Community Counseling 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: Provide training for Administrators, Counselors, School Psychologists and Educators for early identification and intervention of serious mental illnesses and co-occurring disorders of children and adolescents.
2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of 10 trainings (2 hours per training) HOURS/DAY(s) (circle one), under the terms of this agreement at the following location District office and school sites.
3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:
 - a. District shall pay \$500 per HOUR/DAY/FLAT RATE (circle one), not to exceed a total of \$5,000. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
 - b. District [☐] SHALL; [☒] SHALL NOT reimburse Contractor for out-of-pocket expenses incurred during Contractor's performance of the services, including: mileage, meals and lodging in the district rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ _____ for the term of this agreement.
 - c. District shall make payment on a [☒] MONTHLY PROGRESS BASIS, [☐] SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by 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 terms of the agreement shall commence on February 15, 2011, and shall terminate on May 27, 2011.
5. This agreement may be terminated at any time during the term by either party upon thirty days written notice.
6. Contractor shall contact the District's designee, Joan E. McCreedy, Coordinator at (209) 830-3218 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 for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify District for:

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

8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any person or persons who are not parties to this Agreement except for employees of Contractor.
9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state, or local statutes, rules or regulations or with any policies of Contractor's current employer.
10. District shall become the owner 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:

David Love

Consultant Signature (1)

Tracy Unified School District

Social Security Number (2)

Date

Executive Director

Title

Account Number to be Charged:

6706 Embarcadero Drive

Address

Prevention Services Office

Department/Site Approval

Stockton, Ca. 95219

Joan E. McCready

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.

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EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources.
DATE: January 25, 2011
SUBJECT: Approve Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at McKinley Elementary School.

BACKGROUND: Through discussions with our ELAC Committee and School Site Council our parents have expressed a desire to have a professional parent organization help them develop the skills necessary to help their children be more successful in school. After researching different parent programs, Parent Institute for Quality Education (PIQE) was selected. This training is designed to develop skills and techniques which will enable parents to address the educational needs of their school-aged children. Every child can learn and deserves the opportunity to attend and complete a college education. Parents and teachers must work together to ensure the educational success of every child.

RATIONALE: McKinley Elementary School is a Title 1 School. Sustained parent involvement is linked to student achievement and motivating students to stay in school. It is important to provide meaningful opportunities for parents/guardians to be involved in school activities. This supports Strategic Goal #5: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: The School Site shall pay \$5,000 for the first class (9 sessions), and \$2,000 for 1 additional class (9 sessions) running concurrently. Not to exceed a total of \$7,000 of Site Categorical funds.

RECOMMENDATION: Approve Agreement for Special Contract Services with Parent Institute for Quality Education (PIQE) to Provide Training for Parents at McKinley Elementary School.

Prepared by: Mrs. Carla Washington, Principal, McKinley Elementary School

TRACY UNIFIED SCHOOL DISTRICT

1875 W. Lowell Avenue, Tracy, California 95376

AGREEMENT FOR SPECIAL CONTRACT SERVICES

This agreement, by and between Tracy Unified School District, hereinafter referred to as "District," and Parent Institute for Quality Education 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: Provide a parent training course for the parents of the children enrolled at McKinley Elementary School. The training is designed to develop skills and techniques which will enable parents to address the educational needs of their school-aged children.
2. Contractor will provide the above services(s), as outlined in Paragraph 1, for a period of up to a total of 9 HOURS/DAY(s) (circle one), under the terms of this agreement at the following location: McKinley School
3. In consideration of the services performed by Contractor, District shall pay Contractor according to the following fee schedule:
 - a. District shall pay \$ 5,000.00 per HOUR/DAY/FLAT RATE (circle one), not to exceed a total of \$ 7,000.00. Contractor shall only be paid for work completed to the satisfaction of District through the termination date of this agreement.
 - b. District [☐] SHALL; ~~[☒]~~ 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 rates not to exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed those currently in effect for employees of the District. Reimbursement of expenses shall not exceed \$ _____ for the term of this agreement.
 - c. District shall make payment on a [☐] MONTHLY PROGRESS BASIS, ~~[☒]~~ SINGLE PAYMENT UPON COMPLETION OF THE DUTIES and within thirty (30) working days from Contractor's presentation of a detailed invoice or on a claim form provided by 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 terms of the agreement shall commence on March 1st, 2011, and shall terminate on May 3rd, 2011
5. This agreement may be terminated at any time during the term by either party upon 30 days written notice.
6. Contractor shall contact the District's designee, Carla Washington at (209) 830-3319 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 for loss, damage, or injury to person(s) or property resulting from, or caused by, the contractor's activities during or relating to the performance of service under this Agreement.

Contractor agrees to hold harmless and to indemnify District for:

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

8. This Agreement is for the personal services of the Contractor and Contractor may not assign the performance of the services to any person or persons who are not parties to this Agreement except for employees of Contractor.
9. Contractor certifies that his or her current employer, if any, is fully cognizant of this Agreement and that payments hereunder are not in conflict with any federal, state, or local statutes, rules or regulations or with any policies of Contractor's current employer.
10. District shall become the owner 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:

Contractor Signature (1)
Social Security Number (2)/Tax ID #
Date
Title
Address & Phone #

Tracy Unified School District
Date
Title
Account Number to be Charged
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.



SERVICES ACCEPTANCE MEMORANDUM OF UNDERSTANDING

To: Carla Washington-principal

From: Teresa Guerrero, Executive Director

Date: JAN 25, 2011

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the parties herein expressed, The Parent Institute for Quality Education (PIQE) and Mckinley Elem agree as follow:

RECITALS

- A. Scope of Services: PIQE will provide a parent training course for the parents of the children enrolled in the school above mentioned. PIQE will recruit parents by phone, provide a needs-assessment session, a series of weekly training sessions for parents culminating in a graduation ceremony with certificates given to parents who attend four sessions or more. The training is designed to develop skills and techniques which will enable parents to address the educational needs of their school-aged children.
- B. Location: Mckinley Elem
- C. Period of Performance: March 2011 - May 2011
- D. Compensation: \$5,000 for one class of 30 or less parent graduates, \$2,000 for each additional class.
- E. School funding from: School budget and or Title I
- F. In addition, schools where the PIQE program is provided will make available babysitting services as well as any refreshment to be provide to the parents

I accept these services at Mckinley Elem under the terms and conditions noted.

Washington
Principal

Jan 25, 2011
Date

Parent Institute Representative:

Teresa Guerrero
Teresa Guerrero, Executive Director PIQE



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services
& Human Resources
DATE: January 27, 2011
SUBJECT: Approve Overnight Travel for Kimball High School Cheerleaders to Attend Knott's Berry Farm in Buena Park, CA on March 18-20, 2011

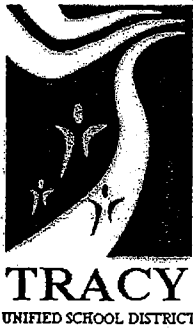
BACKGROUND: The Kimball High Cheerleaders have been invited to attend a cheerleading competition at Knott's Berry Farm in Buena Park, CA on March 18-20, 2011. They have worked hard to earn the right to compete at the national level. Seventeen (17) students, (1) advisor, and the (2) assistant coaches will attend this event. They will travel to Buena Park, CA on the morning of the March 18 and return home on Sunday, March 20, 2011. The parents will drive their own child to and from the event. Supervision will be provided by the advisor, coaches, and NCA event staff.

RATIONALE: The Kimball High School Cheerleaders have worked very hard to make this competition. It will give them a great opportunity to represent Tracy at a national competition where they can demonstrate their team dynamics. They will also have an opportunity to meet and interact with cheerleaders from across California. This meets 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 #7, Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: There will be no cost to the District. The total cost per member will be \$350.00, which includes the competition, entrance to Knott's Berry Farm, lodging, and meals. The funding for this trip will be paid by parent support and donations raised by the students and parents; for the girls to participate in competition. Knott's Berry Farm requires payment prior to the trip. The parents are driving the cheerleaders to Buena Park, CA and staying for the competition, so no further chaperones are needed.

RECOMMENDATION: Approve Overnight Travel for Kimball High School Cheerleaders to Attend Knott's Berry Farm in Buena Park, CA on March 18-20, 2011.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School.



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~Dr.~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services
& Human Resources
DATE: January 27, 2011
SUBJECT: Approve Travel for Kimball High School Football Teams to Attend
Fresno State University Football Team Camp on June 23-26, 2011

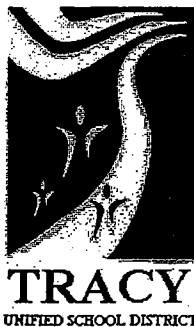
BACKGROUND: The Kimball High School (KHS) football teams would like to attend the Fresno State University Football Team Camp on June 23-26, 2011. This is an opportunity for our football teams to develop skills and techniques to improve our competitiveness on the field for the 2011 Valley Oak League season. Approximately 80 student athletes and 14 KHS coaches will travel to Fresno, CA. Student athletes and coaches will travel by charter bus and District vans, on Thursday, June 23, 2011. Athletes and coaches will stay in Fresno State University dorm rooms and have meals in the University's dining hall. Parents will pick up their children at Fresno State at noon on Sunday, June 26, 2011, and drive them back to Tracy. Supervision will be provided by KHS coaches along with the Fresno State football staff.

RATIONALE: Being a new varsity level football team, and for the first time having seniors, this will be a great opportunity to develop team unity by spending time together and learning new skills and techniques in a close environment. A family-type bond will develop while spending 60 consecutive hours together both on and off the football field. In addition, Kimball coaches will lead off the field team building skills including games, role play, and leadership models. A bonus is on-field instruction, encouragement, and motivation by Fresno State University football staff. This meets 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 #7: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: There will be no cost to the District. The total cost per participant will be \$300.00 which includes travel, housing, subsistence, and quality instruction by Fresno State Football staff. The funding for this trip will be paid by parent support, donations raised by the athletes and parents, and KHS Athletic Booster Club fundraising.

RECOMMENDATION: Approve Travel for Kimball High School Football Teams to Attend Fresno State University Football Team Camp on June 23-26, 2011

Prepared by: Cheryl Domenichelli, Principal, Kimball High School



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: January 28, 2011
SUBJECT: Approve Classified, Certificated, and/or Management Employment

BACKGROUND:

Andres, Apolinar

Carter, Patsy

Castelhano, Janet

Crader, Lisa

Day, Martha

CLASSIFIED

Utility Person III (New)
Transportation/Maintenance & Operations
*Filled by current TUSD employee
Range 36, Step D - \$19.04 per hour + ND
8 hours per day
Funding: Stabilization Funds 50% &
Transportation-Special Ed 50%

Food Service Worker (Replacement)
Monte Vista Middle School
Range 22, Step A - \$11.95 per hour
3 hours per day
Funding: Child Nutrition-School Program

Food Service Worker (New)
North School - Universal Breakfast Program
*Filled by current TUSD employee
Range 22, Step E - \$14.37 per hour
3 hours per day
Funding: Child Nutrition-School Program

Para Educator II (New – Adapted PE)
District Wide
Range 30, Step C - \$15.76 per hour
3 hours per day
Funding: Special Education

Food Service Worker (Replacement)
Tracy High School
Range 22, Step A - \$11.95 per hour
3 hours per day
Funding: Child Nutrition-School Program

Langland, Dana

Bus Driver (Replacement)
Transportation
*Filled by current TUSD employee
Range 36, Step A - \$16.53 per hour
5.5 hours per day
Funding: Transportation-Special Ed

Lorusso, Lori

School Supervision Assistant (Replacement)
Poet Christian School
Range 21, Step A - \$11.69 per hour
1.5 hours per day
Funding: General Fund

Mitchell, Suzette

Utility Person III (New)
Transportation/Maintenance & Operations
Range 36, Step A - \$16.53 per hour + ND
8 hours per day
Funding: Stabilization Funds 50% &
Transportation-Special Ed 50%

Mullaney, Dee

Food Service Worker (New)
Central School – Universal Breakfast Program
*Filled by current TUSD employee
Range 22, Step E - \$14.37 per hour
2.5 hours per day
Funding: Child Nutrition - School Program

Mullaney, Dee

Food Service Worker (New)
Central School – Lunch Program
*Filled by current TUSD employee
Range 22, Step E - \$14.37 per hour
2.5 hours per day
Funding: Child Nutrition – School Program

Pich, Marath

High School Library Technician (New)
Kimball High School
Range 31, Step A - \$14.73 per hour
5 hours per day
Funding: Stabilization Funds

Pratt, Vashayla

School Supervision Assistant (Replacement)
McKinley Elementary School
Range 21, Step A - \$11.69 per hour
1.5 hours per day
Funding: General Fund

Souza Jr., Kenneth

Maintenance Mechanic (Replacement)
District Service Center
Range 48, Step A - \$21.92 per hour
8 hours per day
Funding: Ongoing & Major Maintenance

Williams, Tia

Special Ed Para Educator I (Replacement)
Monte Vista Middle School
*Filled by current TUSD employee
Range 24, Step A - \$12.51 per hour
5 hours per day
Funding: Special Education

BACKGROUND:

Ballard, Brian

COACHES

Girls' Frosh/Soph Soccer
Kimball High School
Stipend: \$2,434.02

Banner, Dominique

Assistant Swim Coach
Tracy High School
Stipend: \$2,434.02

Grady, Dwayne

Assistant Track
Kimball High School
Stipend: \$2,922.14

Hargraves, Delos

Freshman Softball
Kimball High School
Stipend: \$2,434.02

Lenart, Jessica

Assistant Swim Coach
West High School
Stipend: \$2,434.02

Wichman, Rob

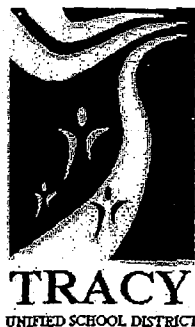
Sophomore Baseball
Kimball High School
Stipend: \$2,922.14

Windschitl Jr., Patrick

Assistant Swim Coach
West High School
Stipend: \$2,434.02

RECOMMENDATION: Approve Classified, Certificated and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~MA~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services
& Human Resources
DATE: January 28, 2011
SUBJECT: Accept Resignations/Retirements/Leave of Absence for Classified,
Certificated, and/or Management Employment

BACKGROUND:

NAME/TITLE

SITE

Aboud, Elena
Bus Driver/Cust/Grounds

Transportation/
Maintenance

Andres, Apolinar
Bus Driver/Cust/Grounds

Transportation/
Maintenance

Castelhano, Janet
Food Service Worker

McKinley

Souza Jr., Kenneth
School Supervision Assist.

MVMS

BACKGROUND:

NAME/TITLE

SITE

Langland, Dana
Elementary School
Secretary

McKinley

CLASSIFIED RESIGNATION

EFFECTIVE DATE

REASON

01/21/2011

Personal

01/27/2011

Accepted Utility
Person III position

01/14/2011

Accepted new
breakfast position at
North School

01/21/2011

Accepted Maint.
Mechanic position

CLASSIFIED CONFIDENTIAL MANAGEMENT RESIGNATION

EFFECTIVE DATE

REASON

01/28/2011

Accepted Bus Driver
position

RECOMMENDATION: Accept Resignations/Retirements/Leave of Absence for Classified,
Certificated, and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human
Resources



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~Dr. James C. Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: January 20, 2011
SUBJECT: Adopt Board Policy 0420.4, Charter Schools (2nd Reading)

BACKGROUND: Charter School requirements are very extensive and clearly defined by the State Superintendent of Public Education and the State Board of Education. Many new charters are approaching districts with the intent to open a charter school. It is the responsibility of the local educational agency to determine if the charter application meets all of the criteria and the charter will be approved by the district.

RATIONALE: As new charter applications are submitted to Tracy Unified School District it is important that Board Policies and Administrative Regulations are in place. This will provide consistency in acceptance or denial of each charter petition. This 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.

FUNDING: Not Applicable

RECOMMENDATION: Adopt Board Policy 0420.4, Charter Schools (2nd Reading)

Prepared by: Ms. Linda Boragno-Dopp, Director of Alternative Programs

Board Policy

BP 0420.4

Philosophy, Goals and Objectives

Charter Schools

The Governing Board believes that charter schools provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools. (cf. Education Code, _ 47601)

The Governing Board expects the education program of each charter school to fulfill the intent of the Charter Schools Act as listed in Education Code 47601. In reviewing petitions for the establishment of charter schools pursuant to this section, the Governing Board shall be guided by the intent of the Legislature. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for the review and approval of petitions. The Governing Board may deny a charter school request for presenting an unsound educational program if the educational program does not comply with the intent of the Charter Schools Act. (cf. Education Code Sections 47601 and 47605)

Charter schools must comply with the Charter Schools Act; otherwise, they are generally exempt from state laws governing school districts, except where specifically included. (cf. Education Code, _ 47610)

The charter between the District and the charter school is a contract that holds charter schools accountable for meeting measurable pupil outcomes and for other behaviors. Charter schools are obligated to comply with the provisions of federal law, specified state law, their charters, and administrative requirements that are components of Board oversight. Charters may not be unilaterally amended. Material revisions of the provisions of a charter require Board approval. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for the review and approval of material revisions of the provisions of a charter. The

Board may revoke charters with schools that fail to meet any of these requirements by following provisions in the California Charter Schools Act. (cf. Education Code, 47605)

The Board may interpret failure to open an approved charter school for more than two years following Board approval as evidence of inability to implement the charter school's educational program and thus, revoke the authorized charter..

In order to protect the District and students, the Superintendent or designee shall establish Administrative Regulations, consistent with Board Policy, including appropriate controls, defining oversight requirements and other aspects of the relationship between the charter school and the District. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for revocation and renewal of a charter.

The Board recognizes that charter schools are independent of the District, but shall endeavor to structure relationships between charter schools and the District that stimulate continual improvements in all public schools. The Board expects new charter developers to create their charter proposals independently from the District as one indication of their readiness to operate a charter school.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review a submitted petition and the supporting documentation. Such a committee may be used to evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel as appropriate regarding compliance of the proposal with legal requirements.

The Superintendent or designee may work with charter school operators to establish workable plans for technical assistance or other contracted services, after a Charter is granted, which the District may provide to charter schools for a fee.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation. If the Board denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the State Board of Education. A charter granted by the Governing Board may be up to five years, beginning July 1 of the first year the school enrolls students, unless revoked following provisions in the California Charter Schools Act. (cf. Education Code, _ 47605; 5 CCR 11967.5-11967.5.1)

Any charter granted by the Board shall contain adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, public governance systems, resolution of parent complaint systems and multiple measures for evaluating the educational program. In accordance with law,

charter provisions, and District administrative regulations, charters shall provide regular reports to the Board to assist the Board in fulfilling its oversight responsibility. These reports shall be in a form and timeline prescribed by the Administrative Regulations, consistent with Board policy, and shall include at least a reporting of: (1) fiscal accountability systems, (2) public governance systems, and (3) multiple measures for evaluating the educational program. The Superintendent or designee may inspect or observe any part of the charter school at any time. (cf. Education Code 47607; Code of Federal Regulations 0500 - Accountability).

All requests for new charters, major amendments, charter renewals, and conversions must be filed at a regular meeting of the Board, in forms and formats and by process defined in the Administrative Regulations, consistent with Board Policy. All filings must be complete as submitted to the public record. The Board will consider petition signatures that are more than six months old upon petition filing to be stale and will disregard them. Petitioners are strongly encouraged to file no later than November 15 of the year prior to their proposed school opening. In the case of petitions received after that date, the Governing Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation. The Board will accept a request to renew a charter that is not prior to 270 days from the expiration of the charter; following form, format and process defined in the Administrative Regulations, consistent with Board policy. Charter renewal petitions are strongly encouraged to be submitted to the Governing Board no later than 150 days prior to the expiration of the charter. Filings that request charter renewal must include, but not be limited to, a reporting of: fiscal accountability systems, public governance systems, multiple measures for evaluating the educational program, and student performance data.

All new charter schools operating in the District will operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the California Nonprofit Corporation Law and organized under Section 501(c)(3) of the Internal Revenue Service. The Board may choose to exercise its right to place a representative on any charter school's governing board at any time. The Board may select any individual it deems appropriate to serve in this capacity and to determine whether that person will be a voting or nonvoting member on the charter school's board. (c.f. Education Code 47604)

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and Charter school and adjusted as necessary.

The District shall not require any student to attend a charter school and shall not require any District employee to work at a charter school. (cf. Education Code 47605)

Legal Reference:

EDUCATION CODE

33054 Waivers

41365 - 41367 Charter School Revolving Loan Program

42100 Annual Statement of Receipts and Expenditures
 42238.51-42238.53 Funding for Charter Districts
 44237 Criminal Record Summary
 44830.1 Certificated Employees, Conviction of a Violent or Serious Felony
 45122.1 Classified Employees, Conviction of a Violent or Serious Felony
 46201 Instructional Minutes
 47600-47616.5 Establishment, Operation, Evaluation and Oversight of Charter Schools
 47610 Education Code General Exemption and Exceptions
 47640-47647 Special Education Funding for Charter Schools
 47652 Funding of First-Year Charter Schools
 48000 Minimum Age of Admission (Kindergarten)
 48010 Minimum Age of Admission (First Grade)
 48011 Minimum Age of Admission from Kindergarten or Other School
 51745-51749.3 General Independent Study
 52052 Alternative Accountability System
 54032 Limited English or Low-Achieving Pupils
 56026 Special Education
 56145-56146 Special Education Services in Charter Schools
 47600-47604.5 Charter School General Provisions
 47605-47608 Establishment of Charter Schools
 47610-47615 Charter School Operation
 47616.5-47616.7 Notice
 47620-47626 University Charter Schools
 47630-47632.5 Funding - General Provisions
 47633-47635 Funding - Charter School Block Grant
 47636-47638 Funding - Other Operational Funding Available to Charter Schools
 47640-47647 Funding - Special Education
 47650-47652 Funding - Apportionment
 47660-47664 Funding - Computations Affecting Sponsoring Local Educational Agencies
 60605 Academic Content and Performance Standards; Assessments
 60600-60618; 60630, 60640-60649 California Assessment of Academic Achievement;
 Standardized Testing and Reporting Program
 60850-60859 California High School Exit Examination

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
 5110-6910 California Corporations Code, Nonprofit Corporation Law
 54950-54963 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of Violent Felony
 1192.7 Definition of Serious Felony

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter Schools

11960 Charter School Average Daily Attendance
11963, 11963.1, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6 SB740 Funding Determination
11969.1-11969.9 Charter School Facilities
11967.5 & 11967.5.1 Criteria for the Review and Approval of State Board Charter School
Petitions
11700, 11700.1, 11701, 11701.5, 11702-11705 Independent Study
11965 Definitions, including Satisfactory Progress and Private Schools
11969 Numbering of Charter School Petitions
11967 Appeals on Charter Petitions That Have Been Denied

UNITED STATES CODE, TITLE 20

6311 Adequate Yearly Progress
6319 Qualifications of Teachers and Paraprofessionals
8061-8067 Charter Schools Program
8071 Charter School Facilities

CODE OF FEDERAL REGULATIONS, TITLE 34

200 Accountability

ATTORNEY GENERAL OPINIONS

96-1206 Ops. Cal. Atty. Gen. (1997)
80 Ops. Cal. Atty. Gen. 52 (1997)
70 Ops. Cal. Atty. Gen. 297(1995)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, 2002

CDE PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

USDOE DRAFT NONREGULATORY GUIDANCE

Charter School Program, August 31, 2003

The Impact of the New Title I Requirements on Charter Schools, March 24, 2003

WEB SITES

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

CDE: <http://www.cde.ca.gov/sp/cs/>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: www.qualitycharters.org

NSBA: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

8/25/04; 12/13/06A; 10/31/07A



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: January 20, 2011
SUBJECT: Acknowledge Administrative Regulation 0420.4, Charter Schools (2nd Reading)

BACKGROUND: Charter School requirements are very extensive and clearly defined by the State Superintendent of Public Education and the State Board of Education. Many new charters are approaching districts with the intent to open a charter school. It is the responsibility of the local educational agency to determine if the charter application meets all of the criteria and the charter will be approved by the district.

RATIONALE: As new charter applications are submitted to Tracy Unified School District it is important that Board Policies and Administrative Regulations are in place. This will provide consistency in acceptance or denial of each charter petition. This 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.

FUNDING: Not Applicable

RECOMMENDATION: Acknowledge Administrative Regulation 0420.4, Charter Schools (2nd Reading)

Prepared by: Ms. Linda Boragno-Dopp, Director of Alternative Programs

Administrative Regulation

Charter Schools

AR 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

Petition Signatures

To be considered by the Governing Board, a petition for the establishment of a charter school within the district must be signed by one of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Components of Charter Petition

A charter petition shall include affirmations of the conditions described in Education Code 47605(d) as well as descriptions of all of the following: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

If the proposed school will serve high school students, the petition shall describe the manner in

which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.

2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
3. The method by which student progress in meeting those student outcomes is to be measured.
4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements, if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. A description of the rights of any district employee upon leaving district employment to work in a charter school and of any rights of return to the district after employment at a

charter school.

14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

1. The facilities to be used by the school, including where the school intends to locate
(cf. 7160 - Charter School Facilities)
2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

All requests for new charters, major amendments, charter renewals, and conversions must be filed at a regular meeting of the Board. Each filing must include one original submission plus ten printed copies and one copy of the financial statements in Excel format and one copy of the entire submission, exactly as filed in a PDF format, with bookmarks, identical to the table of contents, on a CD-RW. The electronic copies of the required documents may be submitted as separate files on the same CD. Each filing should include a concise statement (250 words or fewer) of how the charter will fulfill the intent of the California Charter Schools Act, and a one page summary listing the name of the entity requesting the charter, the proposed name of the charter school, the grades to be served upon opening, the proposed month and year, the grades to be served at full development, the proposed location of the school, and the Lead Petitioner's name, mailing address, telephone number and email address. All pages must be numbered. The submission must include one set of original dated petition signatures with contact information enabling signature verification as required in the California Charter Schools Act and the District's administrative procedures. In accordance with Board policy, District staff will consider signatures that are more than six months old upon petition filing to be stale and will

discard them.

Requests for a new charter, conversion or a major charter amendment may be filed at any regular Board meeting occurring on or between August 1 and November 15 each year. The Board will accept a request to renew a charter at any regular Board meeting that is not prior to 270 days from the expiration of the charter. District staff will advertise a Board public hearing within 30 days of a filing and initiate staff work to support a recommendation to the Board for action within 60 days of filing. Petitioners will be allotted fifteen minutes for a presentation at the public hearing. Petitioners and the District may mutually agree to extend the decision-making process for up to 30 additional days. Concurrence will be recorded in writing and signed by both parties. (cf. Education Code 47605(b))

Location of Charter School

Unless otherwise exempted by law, any charter petition submitted to the Board on or after July 1, 2002, shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction (SPI) are notified before the charter school begins operations.
3. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

All charter schools shall be subject to these requirements by June 30, 2005, or upon the expiration of a charter that was in existence on January 1, 2003, whichever is later. Until the later of these dates, any charter school that provided educational services before July 1, 2002, shall be subject to these requirements only for new educational services or school sites it

establishes or acquires. (Education Code 47605.1)

Charter Approval/Denial

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

The Board shall grant the charter if doing so is consistent with sound educational practice. A charter shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b) listed in "Components of Charter Petition" above.

The Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

The Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code 47605)

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the special education local plan area (SELPA) in which the district participates. (Education Code 47605.7, 47647)

The approval or denial of a charter petition shall not be controlled by collective bargaining

agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

In granting charter petitions, the Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032. (Education Code 47605)

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent, the CDE, and the State Board of Education (SBE). (Education Code 47605)

Material Revisions

Material revisions to a charter may be made only with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

Renewals

A charter school seeking renewal of its charter shall submit a written request to the Board at least 120 days before the term of the charter is due to expire.

At least 90 days before the term of the charter is due to expire, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Board shall either grant or deny the request for renewal.

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

In addition, beginning on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to

receiving a charter renewal: (Education Code 47607)

1. The charter school attains its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
2. The charter school ranks in deciles 4-10 on the API in the prior year or in two of the last three years.
3. The charter school ranks in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The Board determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school.

The Board's determination shall be based on documented, clear, and convincing data; student achievement data from the Standardized Testing and Reporting Program, and any other available assessments, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall submit to the SPI copies of supporting documentation and a written summary of the basis for its determination.

A charter renewal may not be granted to a charter school prior to 30 days after the school submits related materials.

5. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

Revocations

The Board may revoke a charter whenever it finds, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement

4. Violated any provision of law

Prior to revocation, the Board shall notify the charter school of any violation(s) listed in items #1-4 above and give the school a reasonable opportunity to remedy the violation(s) unless the Board determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

If the charter school does not successfully remedy the above violation(s), the Board shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board and the charter school agree to a 30-day extension, the Board shall issue its final decision as to whether or not to revoke the charter. The Board shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the CDE. (Education Code 47607)

Requirements for Charter Schools

In providing general oversight of a charter school, the Board shall determine whether the school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability (Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)

(cf. 5111 - Admission)

5. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
6. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand. (Education Code 47605)
 - c. Other admissions preferences may be permitted by the Board on an individual school basis as consistent with law.
8. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

(cf. 4112.2 - Certification)

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the SBE (20 USC 6319; 34 CFR 300.18)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

10. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

(cf. 4112.5 /4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

(cf. 4222 - Teacher Aides/Paraprofessionals)

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

(cf. 6011 - Academic Standards)

(cf. 6162.51- Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

15. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

(cf. 6111 - School Calendar)

16. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

(cf. 6158 - Independent Study)

17. Identify and report to the SPI any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2)
18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
20. If a student subject to compulsory full-time education is expelled or leaves the charter

school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

21. By January 1, 2007, comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
22. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)
23. Annually prepare and submit financial reports to the district Board and the County Superintendent in accordance with the following reporting cycle:
 - a. By April 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
 - c. By March 1, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
 - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
 - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the CDE. (Education Code 47605)

Administrative and Other District Services

The district may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisory oversight. (Education Code 47613)

The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Waivers

If a charter school submits to the district an application for a waiver of any state Education Code provisions, the Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. (Education Code 33054)

The Superintendent or designee shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the Board recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the SBE. (Education Code 33054)

District Oversight

For each charter school under the Board's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

1. Identify at least one staff member as a contact person for the charter school
2. Visit the charter school at least annually
3. Ensure that the charter school complies with all reports required of charter schools by law
4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools"
5. Monitor one or more memorandum of understanding (MOU) to clarify the financial and

operational agreements between the district and the charter school. Any such MOU shall be reviewed on an annual basis by the Board and the charter school and adjusted as necessary. This annual review may be extended to three years based on positive evaluations

6. Provide timely notification to the CDE if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason

The Board and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)



EDUCATIONAL SERVICES MEMORANDUM

To: James Franco, Superintendent
From: ~~XX~~ Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
Date: January 28, 2011
Subject: Approve the Charter Renewal for the Tracy Learning Center's Discovery School

BACKGROUND: On December 14, 2010, a public hearing was held for Tracy Learning Center's application for renewal of the Discovery School Charter. There were no comments or objections made at the public hearing. The California Education Code requires that the Board of Trustees renders a final decision on the renewal application within 60 days of the date of submission of the charter application. The Board of Trustees may approve a charter renewal application if they are satisfied that the charter is consistent with the requirements set forth in the Tracy Unified School District's Charter School Board Policy 0420.4, Administrative Regulation 0420.4 and the Charter School Provisions of the California Education Code, 47607.

RATIONALE: Discovery School's 5-year charter will expire at the end of the 2010-11 school year. Discovery School has submitted the charter for a 5-year renewal per Education Code 47607. Tracy Unified School District staff and legal counsel have extensively reviewed Discovery School's renewal application to determine if it meets the guidelines and criteria set forth in the Charter School Provisions of the California Educational Code, TUSD BP 0420.4 and AR 0420.4.

It is the finding of the district staff and legal counsel that the charter renewal application meets the above mentioned guidelines and criteria. Therefore, the district staff and legal counsel recommend that the Tracy Unified School District Board of Trustees approves the Discovery School charter renewal for a five-year period beginning with the 2011-2012 school year.

This agenda item meets District Goal # 1 – Provide a variety of learning opportunities through standards bases 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: N/A

RECOMMENDATIONS: Approve the Charter Renewal for the Tracy Learning Center's Discovery School

Prepared by: Linda Dopp, Director of Alternative Programs

**CHARTER RENEWAL
FOR
DISCOVERY CHARTER SCHOOL
JULY 1, 2011 THROUGH JUNE 30, 2016
A CALIFORNIA PUBLIC CHARTER SCHOOL**

Introduction

It is the intent of the Legislature, in enacting the Charter Schools Act of 1992, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
- (c) Encourage the use of differentiated and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide a viable model within the public school system to stimulate continual improvements in all public schools.

The Charter Schools Act ("Act") (Education Code Sections 47600 et seq.) requires each charter school to have a "charter" that outlines, at a minimum, the sixteen (16) components set forth in Section 47605((b)(5)) of the Act. The following provisions of this charter set forth the required components under Section 47605 of the Act.

AFFIRMATIONS/ASSURANCES

As the authorized lead petitioner, I, Virginia Stewart, Executive Director, hereby certify that the information submitted in this second renewal petition for the Discovery Charter School, a California public charter school operated by Tracy Learning Center, a California nonprofit public benefit corporation, which is located within the boundaries of the Tracy Unified School District is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if renewed, the Discovery Charter School or "Charter School":

1. Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
2. Shall be deemed the exclusive public school employer of the employees of the Discovery Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605 (b)(5)(O)]
3. Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
4. Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
5. Shall admit all students who wish to attend the Discovery Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case the applications are added to the waiting list in order of receipt. Admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. [Ref. Education Code Section 47605(d)(2)(A)-(B)]
6. Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code). [Ref. Education Code Section 47605(d)(1)]
7. Shall adhere to all provisions of federal law applicable to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
8. Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
9. Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
10. Shall at all times maintain all insurance coverage required by this charter and the then current Memorandum of Understanding between Tracy Learning Center and the District ("MOU").

11. Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D)

12. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]

13. Will follow any and all other federal, state, and local laws and regulations that apply to the Discovery Charter School including but not limited to:

a. The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.

b. The Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.

c. The Charter School shall comply with all geographic requirements imposed by applicable law on the locations of its facilities.

d. The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.

e. The Charter School shall comply with all applicable portions of the No Child Left Behind Act.

f. The Charter School shall comply with the Public Records Act.

g. The Charter School shall comply with the Family Educational Rights and Privacy Act.

h. The governing board of Tracy Learning Center which operates the Charter School shall comply with the Ralph M. Brown Act.

i. The Charter School shall meet or exceed the legally required minimum of school days.

Lead Petitioner

Date

1. THE EDUCATIONAL PROGRAM

"A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners." Education Code Section 47605(b)(5)(A).

A Vision for Learning in the 21st Century

The Discovery Charter School ("Discovery Charter School" or "DCS" or "School") is operated by Tracy Learning Center, a California nonprofit public benefit corporation ("Tracy Learning Center" or "Corporation"). The Tracy Learning Center is an innovative collaborative where the threads of education, business and research are woven into a compelling new learning opportunity in which students of all ages, parents, the community and business are active participants and true partners. The Tracy Learning Center is a place where learning results from accessing information through continuous dynamic interactions. Tracy Learning Center, as a whole, includes kindergarten through college level educational programs that are a vital part of the learning and training of our future citizens; and as a middle school, DCS serves students in the 5th through 8th grades.

The Tracy Learning Center is a unique experience where education, business and research organizations create a world of learning not confined by walls, time or traditional resources. It is a place where every student uses state of the art technology to enable learning through continuous dynamic interaction among students, educators, parents, business and the extended community.

Discovery Charter School Mission Statement

The mission of the Discovery Charter School is to equip students age nine through fourteen with the skills necessary to better understand themselves, their relationship with learning and prepare the students to fulfill their responsibilities as citizens of the 21st Century, as well as to provide these students with opportunities for success in high school and ultimately for access to higher education. Through the learning experience at Discovery Charter School, the students will learn to utilize, manipulate and share information thereby enabling them to become self-motivated, competent and life-long learners. The school will meet the needs of every student by making possible engaging, relevant, and intellectually challenging learning opportunities that are at the appropriate level of intervention to meet individual needs.

The educational climate will foster student learning utilizing different modalities and will provide a non-threatening environment in which learners are motivated. The teachers will act as facilitators providing opportunities for small group instruction and individualized learning. Teachers will also create a community which empowers students to discover the unique qualities of their own learning.

Whom does the School educate?

The District's diversity is represented in present enrollment at the School and its demographics are consistent with those of the District. The admissions lottery and procedures are described in Section 8, Admissions and Requirements.

The following is the anticipated student population by year for the current year and the next five years.

	Grade Level	2010-11 # of Students	2011-12 # of Students	2012 -13 # of Students	2013 -14 # of Students	2014 - 15 # of Students	2015-16 # of Students
Middle School	5 th Grade	90	90	90	90	90	135
	6 th Grade	90	90	90	90	135	135
Pre High School Academy	7 th Grade	90	90	90	135	135	135
	8 th Grade	90	90	90	135	135	135
	Totals	360	360	360	450	495	540

Enrollment will increase as facilities are generated either through building on another site or moving the high school to a new facility. Full enrollment for Discovery will be 135 per grade level making up three distinct teams of 180.

The following describes Discovery's demographics for the academic year 2010-11 as well as the previous year.

Academic Year	Asian	Pacific Islander & Filipino	Hispanic/Latino	African American	Caucasian	Other
2009-10	16.2%	1.0 %	23.7 %	12.0 %	37.3%	9.8 %
2010-11	18.4%	0.8 %	25.4 %	11.9 %	35.1%	8.4 %

Curriculum and Content:

Discovery Charter School is named with the student population needs in mind. The school recognizes that the middle years are a difficult time of passage for students. While the students continue to develop academically, they have new concerns about their body image, peer acceptance, and a new awareness of the opposite sex. They are emerging as young adults one day, worried about future careers, and the next day retreating into the shelter of childhood. This is a time of introspection, a time of learning about self and others, hence the name Discovery Charter School.

The focal point for study at this school is the discovery of one's self as a learner, as a peer, and as a member of the larger community. Students assess their strengths and weaknesses as well as their approaches to learning. They realize their unique talents and appreciate those of others. While self-esteem through success as a learner is paramount, students are encouraged to pursue other talents or approaches to learning that are not as natural or easy for them. The Discovery Charter School emphasizes certain core values including honesty, inventiveness, healthy living, curiosity, a balance of interests and respect. These core values guide the actions of the students and help them to grow socially and emotionally as they engage in challenging individual and team activities. There are close school-family partnerships and positive role modeling from the older students in the multi-age setting as well as from the staff. Students master their academic studies by experiencing a balance of group instruction and meaningful interdisciplinary projects. Technology is a key element for curriculum delivery and project work. The projects and the instruction focus on transfer of learning from one subject area to others in a seamless curriculum. The curriculum has been developed to meet all statewide standards as adopted by the California State Board of Education.

See also the description of academic courses set forth in the subpart of this Component 1 ("The Educational Program") that is entitled "Methods to Assess Pupil Progress towards Meeting Outcomes" below.

Student Needs and Instructional Strategies:

The program at Discovery Charter School, addresses many pressing issues in education today: the need for a longer and continuous school year, a smaller student-teacher ratio (no more than 30:1 ratio) within a smaller team setting.

It has long been recognized that the traditional school calendar no longer meets the needs of today's urban society. The School's program takes the concept of year-round education one step further by initiating a true year-round program of 205 days, mirroring more closely the world of business. While the students do have vacations at traditional times, the academic calendar is seamless which eliminates the need for repeated instruction and allows for continuous and accelerated learning. The program addresses the need for relevant and challenging learning opportunities in a small group setting that is designed to accommodate individual learning styles. Further, the State of California has recognized a growing need for the integrated implementation of technology within the school setting. The School continues the integrated use of technology begun with its creation in 2001 by continually upgrading and increasing its inventory.

Technology is a key element for curriculum delivery and project work. The projects and the instruction focus on transfer of learning from one subject area to others in a seamless curriculum. The transfer of learning is enhanced by connecting grade level courses with school wide theme for each school year. The curriculum meets all statewide standards as adopted by the California State Board of Education.

The instructional strategies designed to meet student needs are built upon the following significant characteristics of learning for the 21st century:

Not confined to a single place: Learning is not confined to the classroom. Rather anyone, anywhere has access to worldwide resources with personal, wireless, pocket technology. Learning, thus, is wherever students and staff are.

Not confined to a time: What truly sets Discovery Charter School and Tracy Learning Center apart from other public schools is an extended academic year of 205 days designed to include the traditional extra time other school provide through optional summer school. This coupled with extended school day hours provides students with a learning time advantage.

Not confined to a single person: The School is not organized around state standards only, rather the needs of students at different levels of skill and ability are considered. Grouping for instruction is based on previous academic achievement particularly in math. Students are grouped for instruction to allow for individual and supportive help from their teachers.

Not confined to a single style: Instruction is differentiated to meet the needs of diverse learners within learning group settings. The school uses a variety of assessment strategies as well as instructional delivery techniques.

Not confined to paper based information: Traditional textbook instruction is no longer the primary source of information. Students and staff utilize current multimedia resources for learning and demonstrating knowledge.

Not confined to memorization: Historically, academic success has been based on a student's ability to memorize. What is needed is a shift from equating success with rote learning to effective analytical processing skills. With the amount of information doubling in increasingly shorter periods of time and the availability of more powerful search engines, students' perception of information and their application of this knowledge become critical and expected at Discovery.

Communication skills: Emphasis is placed on all forms of communication. Students are instructed in forms of writing as well as ways to present information orally.

Reading and writing skills: Reading all forms of literature and non-fiction are included in the language arts classes as well as in Reading Comprehension and Grammar Masters. The students are placed in a reading Zone based on testing for Accelerated Reading and are tested on the books they read. Writing is a focal part of the language arts program.

Problem solving and critical thinking: Students engage in project based learning in several of the curriculum areas each year. Projects are connected to unit learning in math, science and social studies as well as an outcome of literature. Students not only apply information, they work in cooperative groups to complete tasks.

Information literacy: This involves the ability to move beyond simple data to significant information. It includes recognizing trends in a rapidly changing world, utilizing complex search techniques, determining appropriate media for specific projects, interpreting graphical representations, and understanding technical manipulation and bias in a multimedia environment. Students now take a course called Research and Design one trimester each year to help develop these skills. They are also required to complete an integrated project each year dealing with current events and the connection to Discovery themes.

Technology as a tool: The focus is not on technology itself, but on tasks with technology as a vehicle for learning and communicating. Linking the school to the home, as well as to the global community, technology enables us to work smarter rather than just harder. Students learn how to use movie maker, Word, Excel and Powerpoint to present information they have learned.

Personal skills: The "new 21st century" essential skills in this area include goal setting, self-assessment, entrepreneurship, team learning/working, time management, and stress management for an environment of unrelenting change. Students engage in a course each day called character and careers. Over the four years at Discovery, students learn how to sharpen and develop these skills.

Plan for English Language Learners

Overview

Discovery Charter School will meet all applicable legal requirements of federal law relative to equal access to curriculum for English Learners (EL) and education code section 300. The school shall evaluate the success of its EL students and modify its program if necessary to ensure the success of EL students.

Home Language Survey

The school will administer the Home Language Survey upon a student's initial enrollment into the school on enrollment forms.

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment and at least annually thereafter between July 1 and October 31 until re-designated as fluent English proficient. Only students classified as EL are to be tested annually. FEP students are not tested on the CELDT annually. Reclassified FEPs shall be monitored for two years following reclassification to ensure the students are still achieving academic parity with English only students.

The school will notify all parents of its responsibility for CELDT testing and of CELDT results within 30 days of receiving results from the test contractor. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including but not limited to all of the following:

- Assessment of language proficiency using an objective assessment instrument including but not limited to the California English Language Development test or CELDT.
- Participation of the pupils' classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.
- Parental opinion and consultation achieved through notice to parent or guardians of the language reclassification and placement including a description of the reclassification process and the parent's opportunity to participate and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the process.
- Comparison of the pupil's performance in basic skills against empirically established ranges of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.
- Students will achieve a score of 300 or better on the CST.

2. Measurable Pupil Outcomes

"The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program." Education Code Section 47605(b)(5)(B).

Students of Discovery Charter School demonstrate the following skills, which have been developed to align with state standards, before completion of the 8th Grade year:

All skills are measured using the State Testing and charter-approved unit tests for each curriculum area. See also the "Methods to Assess Pupil Progress towards Meeting Outcomes" below.

Core Academic Skills.

- **History/Social Studies:** Students have a world view and a sense of world history as well as a clear understanding of the foundation of the United States through to the Civil War time period. They understand, through the discussion of current events, the relationship of the past to present world conditions.
- **Mathematics:** Higher achieving students have mastered the basic elementary skills for math and demonstrate proficient mastery of Algebra. Students in the average math groups are well prepared to perform well in high school Algebra. Those students at the lower levels of math are ready to be successful in Pre-Algebra at the high school level. These levels of mastery are determined through curriculum tests, state tests and the high school placement test.
- **Language Arts:** Students demonstrate strong reading, writing, listening, speaking, and presentation skills, in multiple forms of expression (e.g., written, oral, multimedia), with communication skills appropriate to the setting and audience. They comprehend and interpret multiple forms of expression, including literature from various time periods and cultures. The students are proficient writers as demonstrated by the state writing sample in seventh grade. They understand and can apply the rules of grammar and have a wide range of experience reading contemporary and classical literature in full novel format.
- **Science:** Students successfully utilize scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physics, chemistry, biology, ecology, astronomy and earth sciences. Two full years of science are taught at DCS. The non-core science years include a half hour a day review of science concepts.

Life Skills. *Students develop skills, which will enable them to pursue their own path of learning throughout their adult lives, including:*

- Knowledge of pertinent issues of health and the development of a personal physical fitness program is a key part of the Physical Education program at DCS.
- The ability to effectively use technology for a variety of reasons is integrated into every course taught.
- Problem-solving, analyzing, and applying knowledge using critical thinking skills is expected within each classroom setting.
- Study skills and habits, e.g., note-taking, research skills, studying strategies are enhanced during the four years in DCS. Students are taught how to manage their time and materials in order to:
 - plan their time; work effectively with others, initiate, and complete a project
 - reflect on and evaluate one's own learning
- Investigation of and experience with careers during the fifteen minute C and C for grades 7 and 8 known as the Pre High School Academy (PSHA)

Social/Interpersonal Skills. *Students demonstrate:*

- Strong citizenship and leadership skills by planning and implementing service learning projects and curriculum based projects for the class and team.
- Ability to collaborate and work effectively with others in cooperative groups

In order to best serve our students and community, the Discovery Charter School will continue to examine and refine its list of student outcomes over time to reflect the School's mission and any material changes to state or local standards that support such mission. Over the course of the last ten years, Discovery has chosen to re-invent itself to keep current with student needs. This last year teams were expanded from Gold and Garnet to Gold and Garnet 5-6 called Middle School and Gold and Garnet 7-8 called Pre High School Academy. The staff and administration, after discussing issues with several focus groups of students, realized that the needs of the two age levels needed different approaches to learning and cultural norms. The 2010 school year opened with the two levels of DCS.

3. Methods to Assess Pupil Progress Towards Meeting Outcomes

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

The Program for Meeting Student Needs and Assessing Outcomes:

The curriculum for DCS has been written and is housed electronically on the staff portal. Staff is expected to follow the curriculum of each course. The curriculum includes: teacher notes, homework, projects, quizzes and tests as well as a variety of multi-media enhancements. Teachers modify the curriculum for different learning levels.

Teachers assess learning in a variety of ways: projects, group work, class participation, activities, quizzes and tests.

The curriculum for Discovery is extensive and is only possible due to a longer school year (205 days) and a longer school day (7:55 to 3:50). There are additional days added to the staff calendar for in service. No minimum days or early dismissal are part of the program.

<u>Course</u>	<u>Description and Focus</u>	<u>Measurement</u>
Unity	Begins each day with all students outside for morning announcements, birthdays, celebrations and the pledge to the flag. Conducted or supervised by the learning director. The two levels (MS and PHSA) meet in different areas of the campus.	Observation
Language Arts	This is the core language arts class for students. There is a year A and a year B curriculum for the two years in middle school. Novels are focused on the content of the year (i.e., social studies or science.) The curriculum includes vocabulary, spelling, writing, grammar and reading. Additionally there are two years of curriculum for PHSA which again focuses the novels on the content area.	State Testing School and State writing samples Approved unit tests accompanying written charter curriculum
Mathematics	This is the core math taught each year. Students are either finishing elementary math, or beginning pre-algebra. Students are grouped for their core classes based on their math level. In PHSA all students take one of three levels of math: Pre-Algebra, Algebra or Geometry.	State testing School-approved unit tests for each curriculum area
Science	This core class focuses on earth and life science. It is taught one of the two years in middle school. It includes activities, labs and science camp.	State testing and school-approved unit tests for each curriculum area

Science Review	<p>Middle school students who are not in core science have a non lab oriented science review of fourth, fifth and sixth grade standards in a half hour class daily.</p> <p>PHSA students who are not in the core science class have a review of physical science over the course of the year in a half hour non lab class each day.</p>	Observation, discussion, projects and school-approved tests
Social Studies	<p>This core class focuses on early man through the middle ages and is taught one of the two years in middle school. Students engage in many activities, field trips and projects.</p> <p>In PHSA, the social studies curriculum focuses on Post Revolution through the Civil War. Every other year, these students may participate in a trip to Washington DC.</p>	<p>State testing</p> <p>Unit tests for each curriculum area and projects assigned to students for each unit</p>
Social Studies GAP	<p>Middle school students review early man through the middle ages for 30 minutes each day with some novels included to help expand information.</p> <p>PHSA students fill in the missing piece of social studies from grade 6 to 7. That piece is early explorers through the Revolutionary War, Novels are also included to enhance this time period.</p>	Discussion and projects
Physical Education and Health	<p>This course is taught every year in middle school for an hour a day. Physical education teachers blend the need for skill development with fair play and exercise with concepts related to health.</p> <p>While some of the health issues are more mature for PHSA, the style and focus of PE remains the same.</p>	Observation and State physical testing results
C and C (Character and Career Training)	<p>This is taught once a day for ten to fifteen minutes before or after lunch. In the middle school it focuses on character.</p> <p>In PHSA, the emphasis is placed on careers and the skills and education needed for becoming future professional leaders.</p>	Discussion in class that follows the curriculum approved by the charter
Reading Comprehension	<p>This course is taught every day for thirty minutes. It highlights strategies for reading comprehension and other reading skills and allows for additional novel reading as a class as well as time for AR testing.</p> <p>This is the same for PHSA.</p>	<p>Accelerated Reading results for individual students</p> <p>State reading comprehension scores</p>

Global Studies	Students read and discuss current news each day. It is the same curriculum for all grades. It is also tied to the four themes of DCS: life, migration, energy and power.	Discussion and final, annual project assigned to each student
Math Tech	This is a special addition to math taught twice a week for the purposes of expanding math application using technology or math tools. One instructional level group engages in this opportunity per trimester.	Projects that apply math concepts
Grammar Masters	This is a special addition to Language Arts to zero in specifically on grammar diagramming skills following one of the three levels of sentence structure booklets on the portal. One instructional group has his course each trimester for two days a week.	Approved grammar tests contained within the charter-approved curriculum for grammar skills
Electives	Students select one elective per trimester. The three teachers in each pod offer an elective such as art, drawing, crafts etc. The students go to this elective three times a week for forty five minutes each day.	Observation and project outcomes
Clubs	Students generate ideas for clubs and may join one each month. These clubs are supervised by a teacher in the team. Clubs as well as electives are within the 5-6 or 7-8. They do not mix. These clubs meet twice a week for forty five minutes.	Observation

Programs for Students in all Grades at Discovery:

Students with special needs identified through an IEP are accommodated by the differentiated class groupings. Teacher modification and support within those groupings allow for student success. IEPs are reviewed and students are monitored to be certain progress is being made within the support given as measured by state assessments and/or school assessments. Speech students are scheduled for speech once a week.

Students are taught to monitor their grades through "parent connect," an on-line grading service. They are given e-mail addresses to use at school if they do not have access to e-mail at home. In addition, once a week teachers have students write their grade in their agenda which the school gives each student at the start of the year.

Parents may select to have their child work with staff in an after school study club from 4:15 to 5:30.

Pods of teachers identify students with organizational, social or academic needs and call for SST meetings to work with the parents and the staff to help the student achieve. Goals are set and monitored.

Within each pod, students are placed in a high, middle or low learning level group. All groups work on the same content. Teachers modify or structure the class to give the kind of support needed for each level. Performance levels are monitored yearly using multiple measures and a student may move up or down depending on outcomes each year. Some students may even change levels within a year, although not usually after the first trimester.

General Assessment Information:

Discovery students' outcomes and achievements are measured using the foregoing annual state testing and the STAR test, and are evaluated based on the following criteria set forth in Section 47607(b): (1) meeting or exceeding the API growth target for the applicable year, (2) ranking within deciles 4 to 10 on the API for the applicable year, (3) ranking in deciles 4 to 10 on the API for a demographically comparable school for the applicable year.

<u>Year</u>	<u>Target API</u>	<u>Actual API</u>
2007-08	800	791
2008-09	800	805
2009-10	800	818

Excellence in performance is encouraged by work that is highly interesting to each student, and achievement of goals help produce increasing confidence and ability to contribute to the community. Discovery Charter School students consistently set standards for themselves that often are far beyond state-mandated standards because of the opportunity to pursue internships and independent study within the structure of an extended school day and learning opportunities which transcend the school walls with wireless networking for all students.

Staff and students analyze test results by sub groups and categories and identify relative strengths and weaknesses. Goals are set and curriculum is reviewed to help strengthen weaknesses. Every year the students are told the goal for API that has been set.

4. GOVERNANCE STRUCTURE

"The governance structure of the school including, but not limited to, the process to be followed by the school to ensure parental involvement." Education Code Section 47605(b)(5)(D).

As permitted under, and in accordance with the Act, Discovery Charter School is operated as and by a California nonprofit public benefit corporation, Tracy Learning Center. The School is governed in accordance with the Tracy Learning Center's corporate Bylaws, applicable provisions of the California Corporations Code, the Act and applicable portions of the Ralph M. Brown Act (California Government Code Section 54950 *et seq.*) ("Brown Act"). The Corporation retains the right to enter into charter agreements to establish other charter schools within the District or with other sponsors to establish charter schools outside of the District subject to the processes set forth in the Act. The School agrees that the District shall not be liable for, and that the School shall defend, indemnify and hold harmless the District, its officers, agents or employees from, any liability for injuries to person or property arising from any act or omission of the School, its directors, officers, agents, employees, or students while subject to the supervision of the School. The District shall not be liable for any of the debts or financial obligations of the School.

Tracy Learning Center also operates the Primary Charter School ("Primary") and Millennium High School ("Millennium"), both of the charters of which were granted by the District.

Tracy Learning Center's Board of Directors ("Board") governs the Discovery Charter School including, without limitation, approving the Discovery Charter School's budget, financial records, contracts, hiring and acceptance of resignations, and evaluation and approval of the School's Executive Director. The Board currently is composed of nine (9) members, who are nominated from the community at-large.

Openings are published in the weekly newsletter and the Board selects from those applying. The Board represents many different aspects of the community businesses as well as parents. Staff serves as consultants to the Board.

The Board may delegate any of its roles and responsibilities to any committee, officer, or other person(s) to the extent permitted by law.

Tracy Learning Center and the parents adopted a set of parent involvement policies and strategies, subject to approval of the Board. These policies are available on the Corporation's website at www.tracylc.net.

In accordance with applicable law, Tracy Learning Center maintains general liability policy with limits of at least \$1million per occurrence and under which the District is named as an additional insured. In addition, Tracy Learning Center maintains an officers' and directors' errors and omissions policy covering its officers and directors.

Tracy Learning Center has adopted a Conflict of Interest Code as required by the Political Reform Act, Government Code Section 81000 et seq. The Code requires that all the Board members and certain high-level School employees and consultants publicly recuse themselves and refrain from discussing and voting on matters which could materially affect their financial interests. Additionally, the Code requires these individuals to disclose annually certain financial interests which could be materially affected by their positions at the School.

Discovery Charter School is non-sectarian in its programs, admissions, policies, employment practices, and all other operations, does not charge tuition, and does not discriminate on the basis of race, ethnicity, national origin, gender or disability.

The Corporation, as Discovery Charter School, and the District pledge to continue to work in cooperation with all local education agencies (LEAs) and special education local plan areas (SELPA) to ensure that a free and appropriate education is provided to all students with exceptional needs.

Discovery Charter School is deemed a "public school of the local education agency that granted the charter" for purposes of providing special education and related services pursuant to Education Code Section 47641(b).

Notwithstanding the foregoing, the Corporation, as Discovery Charter School, shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641 (a) and the District shall not hinder or otherwise impede the efforts of the Corporation to do so. In the event that the Corporation opts not to establish independent LEA and/or SELPA status, the School shall remain an arm of the District for special education purposes per Education Code Section 47641 (b), and shall continue to receive funding and services pursuant to the terms of the then current memorandum of understanding between the District and the Corporation.

The Corporation, as Discovery Charter School (as well as Primary Charter School and Millennium High School), has been granted the exclusive use of the property and facility known as the H.A. Clover Campus (located on E. Beverly and Holly Street, Tracy) under the terms of a written agreement with the District until June 30, 2012. Tracy Learning Center and the District agree to negotiate, in good faith, with respect to entering into a new written agreement for the H.A. Clover Campus for the period following June 30, 2012.

5. EMPLOYEE QUALIFICATIONS

"The qualifications to be met by individuals to be employed by the school." Education Code Section 47605(b)(5)(E).

The Corporation, as Discovery Charter School, retains or employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing, and who are "highly qualified" as such term is defined in the federal No Child Left Behind Act of 2001. These teachers teach the core academic classes of mathematics, language arts, science, and history/social studies. These teachers are responsible for overseeing the students' academic progress and for monitoring grading and matriculation decisions as specified in the School's operational policies. Teachers considered for employment are those who share the vision and mission of Discovery Charter School and the Tracy Learning Center.

The Corporation, as Discovery Charter School, may also employ or retain non-certificated instructional support staff. Non-certificated instructional support staff shall have an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity. Instructional support staff does not assign grades or approve student work assignments without the approval of a teacher except in non-core or non-college preparatory courses and activities. All non-instructional staff possesses experience and expertise appropriate for their position within the School as outlined in the School's staffing plan and the School's adopted personnel policies.

Within the provisions of the law, the Corporation, as Discovery Charter School, reserves the right to recruit, interview and hire anyone at anytime who has the best qualifications to fill any of its position vacancies.

6. HEALTH AND SAFETY PROCEDURES

"The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237." Education Code Section 47605(b)(5)(F).

The Corporation, as Discovery Charter School, has adopted and implemented a comprehensive set of health, safety, and risk management policies all of which are available on the Corporation's website at www.tracylc.net. Any amendment to such policies will be promptly posted to the website. These policies meet the following requirements:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- A requirement that all faculty and staff are examined for tuberculosis as required by Education Code Section 49406.
- A requirement for screening of pupils' vision and hearing, and screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
- Policies and procedures for response to natural disasters and emergencies, including fires and earthquakes.
- Policies relating to preventing contact with blood-borne pathogens.
- A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.
- Policies relating to the administration of prescription drugs and other medicines.
- A policy that, to the extent required by the applicable law, the School will be located in a facility that is compliant with the State Building Code or Field Act.
- A policy establishing that the School functions as a drug, alcohol, and tobacco free workplace.

- A requirement that prior to the School employing any individual, each prospective employee of the School submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.
- A requirement that each volunteer at the School submit to a background check.

These policies are available on the Corporation's website at www.tracylc.net and are incorporated as appropriate into the School's student and staff handbooks. They will be reviewed on an ongoing basis in the School's staff development efforts and governing board policies.

7. MEANS TO ACHIEVE RACIAL/ETHNIC BALANCE REFLECTIVE OF DISTRICT

"The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted." Education Code Section 47605 (b)(5)(G).

The recruitment strategy that the Corporation, as Discovery Charter School, has utilized over the last ten years has resulted in a large number of students waiting to attend Discovery. Because of the student population limitations at the current site on which Discovery operates and the already long waiting list, additional recruitment efforts will result in students being added to the waiting list, rather than current admission. Despite the foregoing, Discovery's racial and ethnic balance, reflective of the District, is well maintained. Note the chart in the Demographics section.

The Corporation will engage in recruitment efforts as are reasonably required to maintain Discovery's student population and ensure racial and ethnic balance reflective of the population in the District's geographic area. Such efforts would include, but would not necessarily be limited to, the following elements or strategies to encourage a racial and ethnic balance among students that is reflective of the District:

- An enrollment process scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the District.
- Outreach meetings sponsored by Discovery to reach prospective students and parents, with certain staff members available who speak both English and Spanish and informational material available in both English and Spanish.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial ethnic and interest groups represented in the District, including advertisements in newspapers in the Tracy area.

8. ADMISSION REQUIREMENTS

"Admission requirements, if applicable." Education Code Section 47605(b)(5)(H)

Admission to the School is open to residents of the State of California. Pupils are considered for admissions without regard to ethnicity, national origin, gender or disability. Prospective students are expected to have completed the promotion standards for their grade level. Students and parents or guardians are required to attend a an interview to better understand the student's academic level for instructional group placement and to provide them with an orientation regarding the Discovery's instructional and operational philosophy and are expected to complete an application packet which qualifies the applicant for an interview.. A waiting list of qualified applicants at each grade level is

maintained to fill vacancies. Applicants are considered "qualified" if they have completed the application to attend Discovery. Many students have been on the waiting list for several years. Any available slots are filled by Discovery contacting the next applicant on the waiting list (which is carried over at the end of each year. Applicants do not have to reapply each year to remain on the waiting list. A student who has been expelled from another district or the District and has not completed the terms of the expulsion will not be considered for enrollment.

As described above, the Corporation, as Discovery Charter School, has, through its recruiting efforts, striven to achieve and has achieved a mix of students that reflects the general population within the territorial jurisdiction of the District. While it is the intention of Discovery to serve students who live in the Tracy community, if more students qualify than can be admitted, a lottery will be used to select students for admission. The lottery selection process considers selection by grade rather than in general, and as described above, a waiting list of qualified applicants at each grade level is maintained to fill vacancies that occur during the school year.

Preference for enrollment will be given in order of priority according to the Corporation's policy to: 1. students coming from Primary Charter School, 2. siblings of currently enrolled students in any of the three charter schools operated by the Corporation in the District (Primary, Discovery and Millennium), 3. children of the Tracy Learning Center Board, 4. Children of school staff members, and 5. the established waiting list.

9. FINANCIAL AUDIT

"The manner in which an annual, independent, financial audit shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year, to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the State Department of Education by December 15 of each year." Education Code Section 47605 (b)(5)(I).

The Board will form an audit committee each fiscal year to oversee selection of an independent auditor and the completion of an annual audit of the School's financial affairs. The audit will be conducted in accordance with generally accepted accounting principles applicable to the School.

To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars. It is anticipated that the annual audit will be completed by October 15 of each year and that a copy of the auditor's findings will be forwarded to the chief financial officer of the District. The Board audit committee will review any audit exceptions or deficiencies and report to the Board with recommendations on how to resolve them. The Board will report to the School District regarding how the exceptions and deficiencies have been or will be resolved. Any disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process contained in Section 14, Dispute Resolutions. A copy of the annual audit report will be sent to the District, the State Controllers Office, the County Superintendent of Schools, and the State Department of Education by December 15 of each year. The Corporation will compile and provide to the District an annual performance report for the School.

The Corporation and District will also jointly develop an annual site visitation process and protocol to enable the District to gather information needed to confirm the School's performance and compliance with the terms of this charter.

10. PUPIL SUSPENSION AND EXPULSION

"The procedures by which pupils can be suspended or expelled." Education Code Section 47605(b)(5)(J).

In accordance with California Education Code Section 48900 *et seq.*, the Corporation, as Discovery Charter School, adopted and maintains the District's comprehensive set of student discipline policies. These policies are printed and distributed as part of the School's student handbook and clearly describe the School's expectations regarding attendance, mutual respect, substance abuse, violence, safety, and work habits. Each student and his or her parent or guardian is expected to read and understand the policies prior to enrollment. The discipline policy itself is an opportunity for learning. Students are expected to act as responsible members of the community, and staff will support the students in attaining this goal. All such policies are available on the Corporation's website at www.tracylc.net. The Executive Director has initial responsibility for making a determination as to whether a student shall be suspended or expelled for violation of School policies, and may, pursuant to the School's adopted policies, discipline and ultimately suspend students who fail to comply with the terms of a remediation agreement. Students who present an immediate threat to health and safety may also be immediately suspended and later expelled by the Board upon recommendation of the School's Executive Director. The School's policies provide all students with an opportunity for due process and conform to applicable federal law regarding students with exceptional needs, confidentiality, and access to records. Any hearings provided to students conform with applicable laws regarding special needs, confidentiality, and access to records. The Board of the Corporation approves any student expulsions, and the Corporation notifies the District of any such expulsions. Any expulsion recommendation may be appealed to the Board. The Board has the right to modify or rescind any suspension or any recommended expulsion initially approved by the Executive Director.

If a student is expelled or leaves Discovery Charter School without completing the school year for any reason, Tracy Learning Center shall notify the District of the student's last known address within 30 days, and shall, upon request by the District, provide the District with a copy of the cumulative records of the student, including a transcript of grades or report card, and health information.

11. RETIREMENT SYSTEM

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

Staff employed by the Corporation at the Discovery Charter School participate in the following programs: (1) certified employees participate in the State Teachers Retirement System ("STRS"), (2) classified employees participate in the Public Employees Retirement System ("PERS") and the federal social security system, and (3) all other employees participate in the federal social security system.

Corporation provides the information concerning PERS and STRS to applicants for positions at the School as required by Government Code Section 47611(b).

As and to the extent the Corporation's School employees participate in the STRS or PERS systems, or a system otherwise allowed by law, the District shall cooperate as necessary to forward any required payroll deductions and related data. The Corporation shall pay the District its actual costs for the provision of these services.

12. ATTENDANCE ALTERNATIVE

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

Students who opt not to attend Discovery Charter School may attend school in their district of residence or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of their district or county of residence.

13. DESCRIPTION OF EMPLOYEE RIGHTS

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

School staff employed by the Corporation who have left permanent status employment in the District to work at the Discovery Charter School shall not have the automatic right to return to a comparable position within the District. The Corporation will provide such employee benefits (other than as described above) to its employees as the Corporation shall determine.

14. DISPUTE RESOLUTION PROCESS, OVERSIGHT, REPORTING and RENEWAL

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

Intent

The intent of this dispute resolution process is to (1) resolve disputes within the School pursuant to the School's policies, (2) minimize the oversight burden on the district, (3) ensure a fair and timely resolution to disputes, and (4) frame a charter oversight and renewal process and timeline so as to avoid disputes regarding oversight and renewal matters.

Public Comments

The staff and the Board members and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.

Disputes Arising From Within the School

Disputes arising from within the School, including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and Board members, shall be resolved pursuant to policies and processes developed by the Corporation.

The District shall refer any complaints or reports regarding such disputes to the Board for resolution pursuant to the charter school's policies; the Corporation shall provide written notice to the District within a reasonable period of time of the resolution of any complaint referred by the District. The District agrees not to intervene or become involved in the dispute unless the dispute has given the District reasonable cause to believe that a violation of this charter or related laws or agreements has occurred, or unless the Board has requested the District to intervene in the dispute.

Disputes Between the Corporation and Charter School and the District

In the event that the Corporation or the District has disputes regarding the terms of this charter or any other issue regarding Discovery and the substance of the dispute would not constitute grounds for revocation under the Act, both parties agree to follow the process outlined below.

In the event of a dispute between the Corporation and the District, the staff and Board members and the Corporation, and the members of the board of the District and the District agree to first frame the issue in written format and refer the issue to the superintendent of the District and the Executive Director of the School. In the event that the District believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement.

The Executive Director and superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two governing board members from their respective boards who shall jointly meet with the superintendent of the District and the Executive Director of the School and attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the superintendent and the Executive Director shall meet to jointly identify a neutral, third party arbitrator. The format of the arbitration session shall be developed jointly by the superintendent and the Executive Director, and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The findings or recommendations of the arbitrator shall be non-binding, unless the respective governing boards of the Corporation and District jointly agree to bind themselves. The cost of the arbitrator shall be borne equally by the Corporation and the District.

Oversight, Reporting, Revocation, and Renewal

The District board may inspect or observe any part of the school at any time, but shall provide reasonable notice to the Executive Director of the School prior to any observation or inspection. The District shall provide such notice at least three working days prior to the inspection or observation unless (i) the Board or Director agrees otherwise, or (ii) the District reasonably (A) believes that there is a severe and imminent threat to the health or safety of the School's students, and (B) provides the Executive Director with a written notice of the basis for such belief upon arrival of District personnel at the School for such inspection or observation. Inspection, observation, monitoring, and oversight activities may not be assigned or subcontracted to a third party by the District without the prior written consent of the Board.

As provided in Government Code Section 47607(c), this charter may be revoked if the District finds, through a showing of substantial evidence, that the School (i) committed a material violation of any of the conditions, standards or procedures in this charter, or (ii) failed to meet or pursue any of the students outcomes identified in this charter, or (iii) failed to meet generally accepted accounting principles, or engaging in fiscal mismanagement, or (iv) violated any provision of law.

If the governing board of the District believes it has cause to revoke this charter, the district board agrees to notify the Board in writing, noting the specific reasons for which the charter may be revoked, and grant the Corporation and the School reasonable time to respond to the notice and take corrective action, unless the District determines in writing that the violation constitutes a severe and imminent threat to the health or safety of the students at the School as described in Government Code Section 47607(d).

Prior to any revocation for failure to remedy a violation described in Government Code Section 47607(c), and after expiration of the School's reasonable opportunity to remedy such violation without successfully remedying the same, the District shall provide the Corporation and the School with a notice of intent to revoke and notice of the facts supporting revocation. Within 30 days after providing such notice of intent to revoke, the District shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter; and within 30 days after such public hearing, the District

shall issue a final decision to revoke or decline to revoke the charter (unless the District and the Corporation and School agree to extend the 30-day period to issue such decision for an additional 30 days). The District shall not revoke the charter unless it makes written factual findings ("Factual Findings") supported by substantial evidence, specific to the School and its charter, that supports its Factual Findings.

If the District revokes the School's charter under Government Code Section 47607, the Corporation and School may appeal the revocation to the County Board of Education within 30 days following the District's final decision to revoke. The County Board of Education may reverse the revocation decision if the County Board of Education determines that the Factual Findings are not supported by substantial evidence; and if the County Board of Education reverses the revocation decision, the District may appeal the reversal to the State Board of Education ("State Board").

With respect to any revocation of this charter or nonrenewal of this charter, the Corporation and the Charter School shall have all rights and remedies provided under the Act including, without limitation, rights of appeal set forth in Section 47607, and alternatives for submission of applications for renewal set forth in Section 47607.5, and under other applicable law.

The board of the District agrees to receive and review the annual fiscal and annual performance report. Within two months of the receipt of this review, the District must notify the Board as to whether it considers the School to be making satisfactory progress relative to the goals specified in this charter. This annual notification will include the specific reasons for the District's conclusions.

15. LABOR RELATIONS

"A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act" Education Code Section 47605 (b)(5)(O).

The Corporation shall be deemed the exclusive public school employer of the employees working at the School for the purpose of the Educational Employment Relations Act.

16. AGREED PROCESS ON CLOSURE OF SCHOOL

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

The Corporation and the School will comply with the provisions of the California Code of Regulations applicable to charter school closures. The following procedures, which are consistent with such provisions, shall apply in the event the School closes. The following procedures apply regardless of the reason for closure.

1. Closure of the School will be documented by official action of the Corporation's Board. Unless the Board designates another responsible entity, the Corporation shall conduct the closure-related activities (the Corporation or such other designated responsible entity is hereinafter referred to as "Designated Entity").
2. The Designated Entity will promptly provide notification of the closure of the School to (i) the parents (guardians) of students, (ii) the District, (iii) the County Office of Education, (iv) the applicable special education local plan area, (v) PERS, STRS and the

Social Security Administration, and (vi) the California Department of Education. Such notification shall provide the following information:

- A. The effective date of closure of the School;
 - B. The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
 - C. The students' schools districts of residence; and
 - D. The manner in which parents (guardians) may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements. (Transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.)
3. The Designated Entity will be provided with a list of students in each grade level and the classes they have completed, together with information on the students' district of residence.
 4. The Designated Entity shall take custody of and maintain all student records, all state assessment results, and any special education records, except as otherwise provided in this charter for such records and/or assessment results.
 5. The School's personnel records shall be transferred and/or maintained by the Designated Entity in accordance with applicable law.
 6. An independent final audit shall be completed within 6 months following closure of the School (which audit shall function as the annual audit with respect to the School), and shall include the following:
 - A. An accounting of all financial assets of the School (including cash and accounts receivable and an inventory of property, equipment and other items of material value;
 - B. An accounting of the liabilities of the School (including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans and unpaid staff compensation; and
 - C. An assessment of the disposition of any restricted funds received by or due to the School.
 7. On closure of the School, the Corporation's net assets utilized by the School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues related to students attending the School, remain the sole property of the Corporation, and the Corporation shall remain responsible for all liabilities related to the School; provided that if (i) any grant funds and restricted categorical funds are required by state or federal law or the terms of the grant under which they were received to be returned to their source upon the closure of the School, the Corporation shall return the same to their source, or (ii) if any donated materials or property are required by the conditions established by the donor at the time of the

donation to be returned upon the closure of the School, the Corporation shall return the same.

8. Annual reports with respect to the School will be completed and filed as required under Education Code Section 47604.33.
9. The Corporation shall be responsible for the costs and expenses related to the foregoing activities related to closure of the School.

In connection with any dissolution of the Corporation, the provisions of the California Nonprofit Public Benefit Corporation Law (Corporations Code Sections 5110 *et seq.*) apply to the Corporation; and any of its assets remaining after payment of or adequate provision for its liabilities shall be distributed in accordance with its Articles of Incorporation and the California Nonprofit Public Benefit Corporation Law.

17. MISCELLANEOUS

Term: The Charter School shall be renewed for a 5-year term upon approval of this charter by the board of the District. The term of this charter shall be five (5) years commencing July 1, 2011 and expiring June 30, 2016.

Approved by the Tracy Learning Center Board on _____

President's signature _____

Approved by the Tracy Unified School District on _____

Superintendent's Signature _____

