

NOTICE
REGULAR MEETING OF THE GOVERNING BOARD
TRACY UNIFIED SCHOOL DISTRICT

DATE: TUESDAY, MAY 8, 2012

**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 Finding of Fact #11-12/69, 80, 82, 83, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 103, 105
 - 3.1.2 Application for Reinstatement #11-12/82, 83, 84
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.
 - 3.1.3 Waiver of Expulsion #11-12/11
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.
 - 3.1.4 PE Exemption – WHS #10324752
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.
 - 3.2 **Human Resources:**
 - 3.2.1 Release Probationary Classified Employee #UCL-165
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.
 - 3.2.2 Consider Public Employee/Employment/Discipline/Dismissal/Release
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.
 - 3.2.3 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:**

6a Finding of Fact #11-12/69, 80, 82, 83, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 103, 105

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

6b Report Out of Action Taken on Application for Reinstatement #11-12/82, 83, 84

Action: Vote: Yes ___; No ___; Absent ___; Abstain ___

6c Report Out of Action Taken on Waiver of Expulsion #11-12/11

Action: Vote: Yes ___; No ___; Absent ___; Abstain ___

6d Report Out of Action Taken on PE Exemption – WHS #10324752

Action: Vote: Yes ___; No ___; Absent ___; Abstain ___

6e Report Out of Action Taken on Release Probationary Classified Employee #UCL-165

Action: Vote: Yes ___; No ___; Absent ___; Abstain ___

7. **Approve Regular Minutes of April 17, 2012.**

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

1-4

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 Spring Term for the 2011-12 School Year

9.2 Recognize the Recipients of the Diversity & Equity Staff Recognition Award for the Spring Term of the 2011-12 School Year

9.3 Kimball High School Update on Staff Development Initiatives to Support Student Achievement

5

6

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.

Pg. No.

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

11.1 Administrative & Business Services: None.

11.2 Educational Services:

- | | | |
|---------------|---|------------|
| 11.2.1 | Receive Report on District Special Education Program | 7 |
| 11.2.2 | Receive Report on High School Journalism and Proposed Textbook Adoption | 8-9 |
| 11.2.3 | Receive Report on the common Core State Standards (CCSS) Part 2, Focus on Mathematics | 10 |

12. PUBLIC HEARING:

12.1 Human Resources:

- | | | |
|---------------|---|-----------|
| 12.1.1 | Receive Public Comments Regarding Negotiations with the California School Employees Association (CSEA) and the Tracy Unified School District (TUSD) | 11 |
|---------------|---|-----------|

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 | Approve 2011-2012 Designation of CIF Representatives to League | 12-14 |
| 13.1.2 | 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 | 15-16 |
| 13.1.3 | Approve Assembly, Service, Business and Food Vendors | 17-22 |
| 13.1.4 | Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda | 23-24 |
| 13.1.5 | Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda | 25-26 |
| 13.1.6 | Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda | 27-28 |

13.2	Educational Services:	Pg. Nr
13.2.1	Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending April 16, 2012	29-30
13.2.2	Revise Ratified Contract with Living Well BCS, Inc. for the 2011-2012 School Year	31
13.2.3	Revise Ratified Contract with Invo HealthCare Associates, Inc. for the 2011-2012 School Year	32
13.2.4	Ratify Contract with The Speech Pathology Group, Inc. for the 2011-2012 School Year	33-38
13.2.5	Approve Overnight Travel for the Girls Volleyball Team to Attend the North Valley Volleyball Officials Tournament in Redding, CA on August 24-25, 2012	39
13.2.6	Approve Overnight Travel for Kimball High School Leadership to Attend the California Association of Directors of Activities (CADA) Leadership Camp at UC Santa Barbara On July 19-22, 2012	40
13.2.7	Approve Overnight Travel for the Kimball High School Yearbook Design Students to Attend the Bay Area Yearbook Seminar at the California Maritime Academy in Vallejo, CA on June 20-22, 2012	41
13.2.8	Approve Overnight Travel for the Kimball High School HOSA Club to Participate in the National Leadership Conference in Orlando, FL June 20-23, 2012	42
13.2.9	Receive Update on Federal Program Monitoring (FPM)	43
13.3	Human Resources:	
13.3.1	Approve Classified, Certificated and/or Management Employment	44-45
13.3.2	Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment	46-47
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:	
14.1.1	Adopt Resolution No. 11-22 Designating May 20 th -26 th , 2012, as Classified School Employees Week	48-49
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent___; Abstain ___.	
14.1.2	Adopt Resolution No. 11-23 Establishing May 9, 2012, as the "Day of the Teacher"	50-51
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent___; Abstain ___.	
14.1.3	Approve 25 Cent Increase to Meal Prices for the 2012-13 School Year to be Compliant with the Health, Hunger-Free Kids Act of 2012	52
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent___; Abstain ___.	
14.1.4	Accept CalRecycle Grants for Kimball High School, Tracy High School and Poet-Christian K-8 School	53-54
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent___; Abstain ___.	
14.1.5	Approve Roebbelen Contracting, Inc. as the Lease-Lease Back Contractor for the Tracy High School Stadium and Improvement Project	55
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent___; Abstain ___.	

- | | | |
|---------------|--|----------------|
| 14.2 | Educational Services: | Pg. No. |
| 14.2.1 | Adopt Board Policy 5145.7 and Administrative Regulation 5145.7, Sexual and Gender Based Harassment (Second Reading) | 56-67 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.2.2 | Adopt Board Policy and Acknowledge Administrative Regulation 5129, Bullying Prevention TUSD (First Reading) | 68-76 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.2.3 | Approve Changes to K-5, 6-8 and High School Safety and Violence Prevention Handbooks | 77-89 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.2.4 | Approve Revisions to BP 5141.3, Health Examinations, to Eliminate Scoliosis Screening for Seventh Grade Girls and Eighth Grade Boys (First Reading) | 90-93 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3 | Human Resources: | |
| 14.3.1 | Adopt the District's Initial Bargaining Proposal for the California School Employees Association for the 2012-2013 School Year | 94-96 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3.2 | Approve New Job Description for Staff Development Specialist: English Learners | 97-100 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3.3 | Approve Revised Job Description For School Psychologist | 101-105 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3.4 | Approve New Job Description For School Psychologist/Behaviorist | 106-108 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3.5 | Approve New Job Description For School Psychologist/Mental Health Coordinator | 109-111 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 14.3.6 | Consider and Take Action on Resolution No. 11-21 on the Proposed Decision Related to Certificated Layoff Hearings. Administration Recommends that the Board Adopt the Administrative Law Judge's Proposed Decision and Release the Impacted Certificated Employees for the 2012-2013 School Year | 112-122 |
| | Action: Motion___; Second___. Vote: Yes ___; No___; Absent___; Abstain___. | |
| 15. | Board Reports: An opportunity for board members to discuss items of particular importance or interest in the district. | |
| 16. | Superintendent's Report: An opportunity for the superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities. | |
| 17. | Board Meeting Calendar: | |
| 17.1 | May 22, 2012 | |
| 17.2 | June 12, 2012 (Last regular meeting of 2011-2012) | |
| 17.3 | August 14, 2012 (First regular meeting of 2012-2013) | |

18. Upcoming Events:

18.1	May 25, 2012	Graduation: Tracy Adult School @ 7:00
18.2	May 28, 2012	No School, Memorial Day
18.3	May 30, 2012	Graduation: Stein @ 11:30
18.4	June 1, 2012	Last Day of School
18.5	June 2, 2012	Graduations: THS/WHS@8:30; KHS @10:30
18.6	August 13, 2012	First Day of 2012-2013 School Year

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, April 17, 2012**

5:30 PM: President Costa 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

7:08 PM: President Costa called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.

Closed Session: 6a Finding of Fact #11-12/73, 74, 75, 76, 78, 79
Action: Guzman, Gouveia. Vote: Yes-7; No-0.
6b Report Out of Action Taken on Waiver of Expulsion #11-12/8, 9, 10
Action: Vote: Yes-6; No-0; Absent-1(Vaughn)
6c Report Out of Action Taken on Consideration of Offer of Settlement 11-12/#1
Action: Uphold original expulsion. Vote: Yes-6; No-0; Absent-1(Vaughn)
6d Report Out of Action Taken on Discharge Classified Employee #UCL-164
Action: Vote: Yes-6; No-0; Absent-1(Vaughn)
6e Report Out of Action Taken on Approve the Non Re-Election of
Probationary Certificated Employee #UC-751, Pursuant to Education Code
Section 44929.21(b)
Action: Vote: Yes-6; No-0; Absent-1(Vaughn)

Employees Present: C. Minter, J. Cardoza, P. Hall, T. Sorgent, J. Bussey, J. Lawrence, D. Medek, J. Noll, B. Carter, G. Garner, A. Contenente, J. Anderson

Press: None.

Visitors Present: A. Phillips, N. Bhatti, T. Aiasan, R. Saaga, J. Romero, Y. Medina, K. Steege, L. Lawrence B. Lawrence, Y Latifi, M. Brown, C. Garrett, K. Cargile

Minutes: Approve Regular Minutes of March 27, 2012.
Action: Silva, Gouveia. Vote: Yes-6; No-0; Absent-0; Abstain-1(Crandall)

Student Rep Reports: None.

Recognition & Presentations: 9.1 Recognize and Congratulate Recognize and Congratulate Deanna Medek and Beau Lawrence for Winning Premier Community Credit Union Scholarships

Dr. Sheila Harrison, recognized students Deanna Medek and Beau Lawrence for showing exemplary performance throughout their academic years. Premier community Credit Union was originally founded as Stockton Teachers Credit Union. This program shows how proud they are of San Joaquin County students.

9.2 Recognize and Congratulate the Tracy High School Academic Decathlon

Team for Winning the San Joaquin County Academic Decathlon Competition

Assistant Superintendent, Dr. Sheila Harrison, recognized the Tracy High Academic Decathlon Team along with their Coach, Terri Sorgent. Dr. Franco presented them with certificates.

9.3 Tracy High School Update on Staff Development Initiatives to Support Student Achievement

Principal, Jason Noll, reported that they were given \$5,000 for staff development. With a school of 2000 students and 90 teachers they decided to focus on Math/Algebra. CST scores in 2009 had about 60.1% passing rate. Last year, they had 70%. He met with Janice Bussey and found a group to come in called "Aim for Algebra". They will know the results at the end of the year to give an idea to see how it affected test scores. Some of the teachers like the modules, some thought it put them behind. The students loved them. Next year they will be focusing on biology. They will use some of that money to have common lesson planning times and get subs so they could observe each other.

Hearing of Delegations:

None.

Information & Discussion Items:

11.1 Administrative & Business Services: None.

11.1.1 Receive Update on Measure E Facilities Project List

Director of Facilities, Bonny Carter, reviewed Measure E funding and the Priority 1 and Priority 2 project lists. The district will replace the West Side Irrigation pipeline that runs underneath the field.

11.1.2 Receive Update on the Tracy High School Stadium and Site Improvement Project and the Selection Process for a Lease-Leaseback Contractor

Architect, Kevin Arwood reviewed the site location of buildings and fields. They will put in new fencing and ADA gates and a fire lane in the back of the campus near the fields. He reviewed the soccer field and new stadium and seating. He presented the rendering of the stadium and grounds. He reviewed the timeline and we are currently on schedule. The Board has approved these items in the past.

11.1.3 Receive Report on the California Budget and Implications to Tracy Unified

Associate Superintendent, Dr. Casey Goodall, gave a routine update on the budget. Estimates on revenues were about \$900 million short on the January proposal. Personal income taxes and corporate taxes are also down. Sales tax and other revenues have increased. It was voted not to eliminate transitional kindergarten.

11.2 Educational Services:

11.2.1 Receive Report on the Common Core State Standards (CCSS)

Assistant Superintendent, Dr. Sheila Harrison, commented that this report will be given in four parts at separate meetings. Tonight will be an overview. The standards are to prepare students to succeed in a global economy. She reviewed the goals. There were various organizations involved in feedback and review. She reviewed a graph that showed reading ability needed. By spring of 2015, students will be taking the new assessments. Our District is building administrator knowledge and expertise by training management team in August. We are also building teacher leaders. The plan is to train teacher leaders the standards and they will train other teachers at their sites.

Public Hearing: 12.1 None.

Consent Items: Action: Swenson, Vaughn. 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 Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

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

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

13.2 Educational Services:

13.2.1 Approve Overnight Travel for Michael Costa and the Tracy High School Jazz Band to Attend the Reno Jazz Festival in Reno, NV on April 27-29, 2012

13.2.2 Ratify Overnight Travel for West High School Track Team to Attend the Arcadia Invitational Track Meet in Arcadia, California, April 5-8, 2012

13.2.3 Ratify Overnight Travel for Tracy High School Science Olympiad Team to Attend the NorCal Science Olympiad State Finals in Visalia, CA on April 13-14, 2012

13.2.4 Ratify Master Contract and Individual Services Agreement with Sierra Vista, NPS for the 2011-2012 School Year

13.2.5 Approve Out of State Travel for Dr. Mark Miller to Attend the 2012 School Neuropsychology Institute in Dallas, Texas on July 11-13, 2012

13.2.6 Approve Ten Year Renewal of Wide Area Network License Agreement with Sunesys

13.2.7 Ratify Contract with Allyson Moore, Behavior Consultant and Licensed Marriage, Family Therapist for the 2011-2012 School Year

13.2.8 Approve Overnight Travel for Debbie Johnson to Attend Nutrition and FACS Summer Conferences in Provo, Utah on June 11-14, 2012

- 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 Adopt Resolution No. 11-20 to Excuse Meeting Absence of Board Member
- Action: Swenson, Gouveia. **Vote:** Yes-6; No-0; Absent-0; Abstain-1(Crandall)
- 14.2 **Educational Services:**
- 14.2.1 Approve the District Summer School Programs for 2011-2012
- Action: Crandall, Vaughn. **Vote:** Yes- 7; No-0.
- 14.2.2 Adopt Board Policy 5145.7 and Administrative Regulation 5145.7, Sexual and Gender Based Harassment (First Reading)
- Action: Silva, Gouveia. **Vote:** Yes-7; No-0.
- 14.3 **Human Resources:**
- 14.3.1 Receive the District's Initial Bargaining Proposal for the California School Employees Association for the 2012-2013 School Year
- Action: Gouveia, Silva. **Vote:** Yes-7; No-0.

Board Reports:

Trustee Gouveia commended the young people and staff members who have been recognized for great achievements. He also thanked the community. Trustee Swenson commented that the district is looking at an undeveloped site. They are looking into the title to the land. He inquired about the land currently used for a trailer park by Tracy High. There are approximately 2 acres there with tire shop and old shell gas station. He asked if the same owner owns all the land or has it been parceled out. He also attended the WASC reception for West High. Trustee Guzman's daughter, Renata, will be attending the University of Nebraska in the fall. Trustee Crandall's youngest daughter graduates this year. She will play soccer for Las Positas. He attended the WASC reception for West high. It was nice to see students there. Trustee Vaughn passed. Trustee Silva attended the Common Core State Standards at the County Office of Education. Trustee Costa also attended the standards meeting. She has some concerns over the funding for the testing. She encouraged people to attend the building dedication from at Tracy High Saturday at 10:30 a.m. She also congratulated Tracy High AcaDec.

Superintendent Report:

Dr. Franco met today with the team from WASC and administration team from West High. There is a good feeling. The school looks good and the staff is participating. On Thursday night "Violins and Chevrolets" will be held at Tracy Chevrolet this Thursday at 7:00 p.m. Tracy High students will play the violin. The all district music festival went well and the Fire Marshall thought it was well done and we were prepared. The annual ping pong tournament will be held at Freiler School on May 11th at 3:30. The Tracy Hospital foundation has a new CEO with a fundraising background. He has an interest in seeing things done about childhood obesity. He will be working with Tracy Unified Food Services.

9:04 p.m.

Clerk

Date



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *SH* Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 24, 2012
SUBJECT: Recognize the Outstanding Employees of the Spring Term for the 2011-12 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 28th 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 Judith O'Leary (K-5), Alicia Orozco (6-8), and Barbara Rockey (9-12) as Outstanding Classified Employees; Sharon Shiroma-Lee (K-5), Christine Klapperich (6-8), and Mary "Nikki" Maddux (9-12) as Outstanding Certificated Employees; and Carla Washington as Outstanding Management Employee for the Spring Term of the 2011-2012 school year.

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



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~W~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resource
DATE: April 27, 2012
SUBJECT: Recognize the Recipients of the Diversity & Equity Staff Recognition Award for the Spring Term of the 2011-12 School Year

BACKGROUND: In December, 2011, the Board adopted a revision to the Board Policies and Administrative Regulations 4156.2 and 4256.2, Governing Board's Recognition of Employees. The revised Policies and Administrative Regulations reflect changes and the addition of the Superintendent's Diversity & Equity Committee Employee Award and Recognition Program. In compliance with the revised Board Policies and Administrative Regulations, the District began soliciting nominations for the Diversity & Equity Staff Recognition Award in February, 2012. A selection committee composed of a chairperson and members of the Superintendent's Diversity & Equity Committee met and reviewed the nominations and selected award winners in the Classified, Certificated, and Management categories for the spring term. This is the first time the District has recognized employees for this award.

RATIONALE: In accordance with the Board Policies and Administrative Regulations, the award recipients will be recognized by the Board of Education and have their picture displayed in the District Education Center for the following term.

This agenda item meets Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap is closed; Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: N/A

RECOMMENDATION: Recognize Esmeralda Mota (Classified), Annette Feldman (Certificated), and Paul Hall (Management) as the recipients of the Diversity & Equity Staff Recognition Award for the Spring Term of the 2011-12 School Year

Prepared by: Paul Hall, Director of Students Services & Curriculum



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. Jim Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 27, 2012
RE: Receive Report on District Special Education Program

BACKGROUND: The District provides a variety of programs to support Special Education students. It is important to update the School Board periodically regarding programs in the District and the academic achievement of students.

RATIONALE: Staff will provide an update on the District's Special Education Program.

FUNDING: None

RECOMMENDATION: Receive Report on District Special Education Program

PREPARED BY: Dr. Sheila Harrison, Assistant Superintendent for Educational Services & Human Resources



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 24, 2012
SUBJECT: Receive Report on High School Journalism and Proposed Textbook Adoption

BACKGROUND: Tracy Unified School District offers a Journalism course at all three of their comprehensive high schools. Currently, there is no adopted textbook for Journalism. Historically, the curriculum for the Journalism courses has been teacher generated and highly dependent on the background and interests of the teachers. This practice has led to the development of curriculum unique to each school. This creates quite a challenge for teachers teaching Journalism for the first time. When one teacher leaves and another takes over, there is no textbook or formal curriculum left for the new teacher. Thus, the new teacher must now develop his/her own unique curriculum. The successful development of this curriculum is once again dependent on the teacher's journalism background and interests.

In order to support new teachers and to provide a consistent journalism curriculum at all three high schools, Journalism teachers from Kimball High School, Tracy High School and West High School used an evaluating rubric to evaluate three Journalism textbooks. The evaluators found the textbook, *High School Journalism*, by Homer L. Hall and Logan H. Aimone, to be an excellent match for the Journalism course.

English Department/Elective

COURSE Grades 9-12	PUBLISHER	RECOMMENDED TEXT
Journalism	The Rosen Publishing Group, Inc.	<i>High School Journalism</i> , ©2009

RATIONALE: Of the three textbooks reviewed, the textbook, *High School Journalism*, exceeded teachers' needs in all content areas. For example, the textbook introduces the concept of journalism in a democracy, explains how news is gathered, describes how to produce a yearbook, and presents varied topics, situations and activities that appeal to a wide range of interests and learning styles. In addition, the reading level of the text is appropriate for high school students. The graphics and pictures that accompany the text reflect the rich diverse student population in the Tracy Unified School District. The organization of the text is logical and sequential.

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

- Student engagement in critical analysis and creative thought
- Support for student writing
- Examples of stories and references that feature events throughout the world

This agenda item meets Strategic Goal #1: Prepare all students for college and careers, and Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed.

FUNDING: The cost of the high school Journalism adoption will be approximately \$5,700. Funding for these materials will be provided through state instructional textbook funds.

RECOMMENDATION: Receive Report on High School Journalism and Proposed Textbook Adoption.

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



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. Jim Franco, Superintendent
FROM: *SH* Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 27, 2012
RE: Receive Report on the Common Core State Standards (CCSS) Part 2, Focus on Mathematics

BACKGROUND: The Common Core State Standards (CCSS) are rigorous, research-based standards for English-Language Arts and Mathematics for grades K-12. These English Language Arts and Mathematics Standards represent a set of expectations for student knowledge and skills that high school graduates need to master to succeed in college and careers. The standards are internationally benchmarked to ensure that our students are able to compete with students around the world and are focused and clear, allowing students, parents and teachers to understand what is expected of them. The Council of Chief State School Officers (CCSSO) and the National Governors Association Center for Best Practices (NGA Center) committed to developing a set of standards that will help prepare students for success in college and careers and in September 2009 released the College and Career Readiness standards that became the foundation for the CCSS. In August 2010, the California State Board of Education (SBE) voted unanimously to adopt the new Common Core State Standards for both English-Language Arts and Mathematics.

RATIONALE: It is important to update the School Board on changes in curriculum, instruction and assessment. Therefore, staff will provide an update on the Common Core State Standards (CCSS). The CCSS will be presented in four parts, during the April 17, May 8, May 22, and June 12, 2012 Board Meetings. The May 8 presentation will include a focus on Mathematics. This meets Strategic Goal #1: Prepare all students for college and careers and Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed.

FUNDING: None

RECOMMENDATION: Receive Report on the Common Core State Standards (CCSS) Part 2, Focus on Mathematics

PREPARED BY: Dr. Sheila Harrison, Assistant Superintendent for Educational Services & Human Resources



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *SH* Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Receive Public Comments Regarding Negotiations with the California School Employees Association (CSEA) and the Tracy Unified School District (TUSD)

BACKGROUND: The current three-year contract between the California School Employees Association (CSEA) and the Tracy Unified School District expires June 30, 2014. CSEA submitted its initial bargaining proposal for the 2012-2013 school year at the regularly scheduled board meeting on March 27, 2012. The District presented their initial bargaining proposal at the board meeting on April 17, 2012.

RATIONALE: This item is intended to provide an opportunity for the public to comment as provided in Government Code 3547 regarding negotiations.

FUNDING: N/A

RECOMMENDATION: Receive Public Comments Regarding Negotiations with the California School Employees Association (CSEA) and the Tracy Unified School District (TUSD)

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



ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Education
FROM: Dr. James C. Franco, Superintendent
DATE: May 1, 2012
SUBJECT: Approve 2012-2013 Designation of CIF Representatives to League

BACKGROUND: Each year, the California Interscholastic Federation requires the district to designate the names of the league representatives to make sure that the league representatives are designated by the school district governing board.

RATIONALE: It is a legal requirement that league representatives be so designated. If a governing board does not take appropriate action to designate representatives or this information is not given to Section offices with the required time frame, CIF is required to suspend voting privileges for the affected schools. Our designated representatives are listed on the attachment.

FUNDING: N/A

RECOMMENDATION: Approve 2012-2013 Designation of CIF Representatives to League.

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



MARIE M. ISHIDA, EXECUTIVE DIRECTOR

CALIFORNIA INTERSCHOLASTIC FEDERATION

CIF STATE OFFICE - 4650 DUCKBOHN DRIVE - SACRAMENTO, CA 95834 - (916) 239-4477 - FAX (916) 239-4478 - CIFSTATE.ORG

2012-2013 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE)** no later than July 2, 2012.

TRACY UNIFIED School District/Governing Board at its 5/08/12 meeting,
(Name of school district/governing board) (Date)
appointed the following individual(s) to serve for the 2012-2013 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES

NAME OF SCHOOL WEST HIGH
NAME OF REPRESENTATIVE JEFF FRASE POSITION PRINCIPAL
ADDRESS 1987 W. Lowell Ave CITY Tracy ZIP 95376
PHONE 209/830-3370 FAX 209/830-3371 E-MAIL jfrase@tusd.net

NAME OF SCHOOL WEST HIGH SCHOOL
NAME OF REPRESENTATIVE MATT LOGGINS POSITION Athletic Director
ADDRESS 1987 W. Lowell Ave CITY Tracy ZIP 95376
PHONE 209/830-3370 FAX 209/830-3371 E-MAIL mloggins@tusd.net

NAME OF SCHOOL TRACY HIGH SCHOOL
NAME OF REPRESENTATIVE JASON NOLL POSITION PRINCIPAL
ADDRESS 315 E. 11th Street CITY Tracy ZIP 95376
PHONE 209/830-3360 FAX 209/830-3361 E-MAIL jnoll@tusd.net

NAME OF SCHOOL TRACY HIGH SCHOOL
NAME OF REPRESENTATIVE GARY HENDERSON POSITION ATHLETIC DIRECTOR
ADDRESS 315 E. 11th Street CITY Tracy ZIP 95376
PHONE 209/830-3360 FAX 209/830-3361 E-MAIL ghenderson@tusd.net

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Dr. James Francis Signature _____

Address 1875 W. Lowell Ave City Tracy Zip 95376

Phone 209/830-3201 Fax 209/830-3204

PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE. SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.



MARIE H. ISHIDA, EXECUTIVE DIRECTOR

CALIFORNIA INTERSCHOLASTIC FEDERATION

CIF STATE OFFICE • 4658 DOCKHORN DRIVE • SACRAMENTO, CA 95834 • (916) 239-4477 • FAX (916) 239-4478 • CIFSTATE.ORG

2012-2013 Designation of CIF Representatives to League

PAGE 2 OF 2

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE** (ADDRESSES ON REVERSE SIDE) no later than July 2, 2012.

TRACY UNIFIED

School District/Governing Board at its 5/08/12 meeting,

(Name of school district/governing board)

(Date)

appointed the following individual(s) to serve for the 2012-2013 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES

NAME OF SCHOOL KIMBALL HIGH SCHOOL

NAME OF REPRESENTATIVE CHERYL DOMENICHELLI

POSITION PRINCIPAL

ADDRESS 3200 Jaguar Run

CITY Tracy

ZIP 95377

PHONE 209/832-6600 FAX 209/832-6601

E-MAIL cdomenichelli@tusd.net

NAME OF SCHOOL WEST HIGH SCHOOL

NAME OF REPRESENTATIVE STEVE THORNTON

POSITION ATHLETIC DIRECTOR

ADDRESS 3200 Jaguar Run

CITY Tracy

ZIP 95377

PHONE 209/832-6600 FAX 209/832-6601

E-MAIL sthornton@tusd.net

NAME OF SCHOOL

NAME OF REPRESENTATIVE

POSITION

ADDRESS

CITY

ZIP

PHONE

FAX

E-MAIL

NAME OF SCHOOL

NAME OF REPRESENTATIVE

POSITION

ADDRESS

CITY

ZIP

PHONE

FAX

E-MAIL

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Dr. James Francis Signature

Address

City

Zip

Phone

Fax

PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE. SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.



BUSINESS SERVICES MEMORANDUM

TO: James Franco, Superintendent
FROM: Casey Goodall, Associate Superintendent for Business Services
DATE: April 20, 2012
SUBJECT: Accept the Generous Donations from the Various Individuals, Business, and School Site Parent Teacher Organizations Listed Herein With Thanks and Appreciation from the Staff 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 IDC Scholarship: From: IDC Inc. The donation is in the amount of \$500.00 (ch. #41033). This donation will be used for the IDC Scholarship.
2. Tracy Unified School District/Tracy High School Gene Pombo Scholarship: From: A&M Pombo Partnership. The donation is in the amount of \$500.00 (ch. #8184). This donation will be used for the Gene Pombo Scholarship.
3. Tracy Unified School District/Tracy High School Ag Science Program: From: Barbara Anderson. The donation is in the amount of \$500.00 (ch. #4548). This donation will be used to support the Tracy High Ag Science program.
4. Tracy Unified School District/Tracy High School Football: From: United Healthcare Services. The donation is in the amount of \$600.00 (ch. #00415558) and will be used to benefit the Tracy High School Football program.
5. Tracy Unified School District/Kimball High School: From: City of Tracy. The donation is in the amount of \$5,000.00 (ch. #25303). This donation will be used for the purchase of portable solar and wind panels. [Note: this equipment is to be stored in classrooms, is not permanently installed, and is for instructional purposes only.]

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 or 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, the Maintenance and Operations, and/or the Facilities

Development Department 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 organizations listed herein with thanks and appreciation from the staff and students of the Tracy Unified School District

Prepared by: Casey Goodall, Associate Superintendent for Business Services



BUSINESS SERVICES MEMORANDUM

TO: James Franco, Superintendent
FROM: C. Goodall, Associate Superintendent for Business Services
DATE: April 27, 2012
SUBJECT: Approve Assembly, Service, Business and Food Vendors

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials.

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

To that end, the attached list of vendors has met all of the criteria to provide assemblies at TUSD sites, and their presentation has been deemed appropriate for TUSD students.

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

FUNDING: Per attached summary of requisitions.

RECOMMENDATIONS: Approve Assembly, Service, Business and Food Vendors

PREPARED BY: Cindy Everhart, Facility Use Secretary

Board Approved	Vendor	Insurance Expires
ADDING THE FOLLOWING VENDORS FOR BOARD APPROVAL:		
	Oh My Dawgs Inc., Food Catering. Uoxina Aguirre - 836-0093, uoxina@comcast.net. www.ohmydawgs.com	10/12/2013
	Jester Games - Diablo presentation. Roxanne Lynch - 310-613-0331. Roxanne@thediablofest.com. www.thediablofest.com	4/25/2013
	International Printing Museum- Mark Barbour. 310-515-7166, mail@printmuseum.org, www.printmuseum.org	1/30/2013
	Dairy Council of CA Mobile Dairy Classroom, Leona Bettencourt, 916-263-3560 x413, ibettencourt@dairycouncilofca.org. Www.dairycouncilofca.org. Must follow Animal Policy Guidelines AR 6163.1 - Contact Cindy Everhart.	NO Charge, Tier 1
↓ APPROVED LIST BELOW BY EXPIRATION DATE↓		
10/25/11	Mustard Seed Faith Christian Center-faith based organizations outreaches to community events. Paul Hall - 830-3280 or 59-707-7214. phall@mac@mac.com. Www.msfcc.mac@mac.com	4/30/2012
2/12/08	Sparkles the Clown, Terry Donaldson - 835-8383, www.sparklesdelight.com	5/1/2012
2/12/08	Ravioli the Clown - Denis Martinez - 835.3535, www.raviolitheclown.com	5/1/2012
5/10/11	DJ Ran Productions-Mobile Disc Jockey Services. djan@mail.com, www.djan-tracy.webs.com, 229-3802, djanproductions@live.com	5/1/2012
9/13/11	Youth for Christ - Point Break Adolescent Resources. Violence Prevention Services. Contact Joan Stone in Prevention Services 830-3218.	5/1/2012
9/13/11	Athletic Perfection - Cheer Routine choreography. Jennifer Moore 609-8736, jennwhip29@hotmail.com, julie@athleticperfectioncheer.com, www.athleticperfectioncheer.com	5/14/2012

Board Approved	Vendor	Insurance Expires
5/24/11	Café Art - Julie (925) 373-0222, admin@ceramic-cafeart.com, www.ceramic-cafeart.com	5/26/2012
2/14/12	Sound Wave Mobile DJ Service - Dave Gomes - 510-938-7903, info@soundwavemobiledj.com, www.soundwavemobiledj.com	5/27/2012
9/13/11	Rachel's Challenge, Inc., Anti-Bulling, Character & Kindness Program. Tim Kiehne, 877-895-7060 x 709, tim@rachelschallenge.org, www.rachelschallenge.org	5/26/2012
10/11/11	City of Tracy Police Dept. "What not to bring to School" program. Irene Rose -831-4550	6/1/2012
10/11/11	Main Street Music, Inc. - Ken Cefalo, 835-1125, kencefalo@yahoo.com, www.tracyrocks.com	6/3/2012
2/14/12	PIQE-Parent Institute for Quality Education - Teresa Guerrero - 238-9496/484-8404, tguerrero@piqe.org, www.piqe.org	6/10/2012
12/14/10	David Greenberg-Author-360-560-7766. fax # 503-842-1290. authilus@teleport.com. www.authorsillustrators.com/greenberg/greenberg.htm	6/18/2012
4/12/11	Marquis Entertainment - DJ (209) 951-1982, www.marquisentdjs.com, enmar3@yahoo.com	7/1/2012
4/12/11	Explorit Science Center - 530-756-0191, explorit@explorit.org, www.explorit.org	7/21/2012
4/12/11	LMG Attractions-Dave Tillman, DJ Services, www.lmgattractions.com, 275-0226	8/1/2012
2/14/12	CAM Counseling and More - Lettie Ordone. 640-4179, 832-1094, lordonecam@yahoo.com. Www.lordonecam.com	8/7/2012
11/13/07	Bureau of Lectures & Ancient Artifacts John Tacha or Terry Lyman 800.255.0084, (FIRE SHOW NOT ALLOWED) www.assemblyline.com/index.html bureau@assemblyline.com	8/20/2012
4/12/11	John Searle - Stage Workshops, johnsearles1@aol.com, www.johnsearlesfigths.com/index.shtml	8/31/2012
3/8/11	Andrew Troisen, DDS. 833-1240	9/1/2012

Board Approved	Vendor	Insurance Expires
9/27/11	Marcel Eiland- DJ Services - 408-667-7803, maen3wera@gmail.com	9/8/2012
10/25/11	Amos Productions-DJ Services. Nicole - 1800-693-5003 or 925-449-3847. nicole@amospro.com or info@amospro.com	9/16/2012
1/25/11	Sorren Bennick Productions - Power of One Anti-Bullying Program, Sorren Bennick 1-866-816-5808, sorenbenick@sorenbenick.com; To view a video clip of the show, go to www.sorenbenick.com; enter the Power of One section, click on the Principals Only field, and use the password: "impact" and the username: "impact".	9/18/2012
10/24/11	Adriana Ribeiro - After school music lessons for students, 836-4056, adriankr@prodigy.net	10/1/2012
11/8/11	Famous Allstars - tumbling lessons. Michael Campos (209) 608-2476. famousallstars@gmail.com	10/28/2012
3/8/11	Peacemakers - Paul Hall -phall@tUSD.net or Kevin James kev4jam@sbcglobal.net	11/1/2012
12/13/11	Jumpstart Productions - Scott Greenburg Motivational speaker - (818) 785-7610, scott@scottgreenburg.com, www.scottgreenburg.com	9/24/2012
11/8/11	Fresh Entertainment - DJ/MC, Sound & Lighting Rental. Derek Mizuno 510-921-4373, derekmizuno@gmail.com	10/31/2012
8/28/07	Theater for Children, B Street Theater Programs, Lea Ladd, 916.443.5391 x112	12/1/2012
10/9/07	Mad Science, Danielle Mae Lee, danielle@madsciencesacto.com, 916-736-2924, Elena Michel elena@madsciencesacto.com (Fire & Ice Show not allowed)	12/1/2012
1/24/12	Larry Fagg - Fundraising. larryfagg@fundraisinglarryfagg.com. Student Discovery Program- 90 volunteer speakers @ high schools/college scholarship. larryfagg@sjcdiscovery.org. 408-242-2733	12/15/2012

Board Approved	Vendor	Insurance Expires
1/25/11	Kaiser Permanente - Dean Starnes, dean.starnes@kp.org, 510-987-2223, www.Kp.org/etp/ncal, Programs "Community Troupe", PEACE Signs "The Best Me", "Nightmare on Puberty ST." and "Secrets".	1/1/2013
11/9/10	Pacific Dental Services/Tracy Smiles/My Kids Dentist & Orthodontist-Meghan Stephens - 836-5441-stephensm@pacificdentalservices.com, Cammy Harvey - harveyc@pacificdentalservices.com. www.tracysmilesdental.com.	1/1/2013
8/9/11	Graphic & Wear, Steve Lewis, gicts@sbcglobal.net, steve@gicgraphicwear.com, www:gicgraphicwear.com, 723-9817	1/9/2013
12/13/11	Pegleg Entertainment DJ Services - John Lau (510) 867-0755. peglegentertainment@gmail.com, www.peglegentertainment.com	1/27/2013
9/13/11	California Weekly Explorer, Inc. History Programs, Barry Hovis, 714-247-2250, barrycwe@aol.com, info@californiaweekly.com, www.californiaweekly.com	2/1/2013
10/11/11	Rumors Productions - Jenna Teyshak/Jon Tyner - 640-8000, jenna@rpcdj.com, www.rpcdj.com	2/1/2013
11/13/07	Ancient Artifacts- Social studies Gold Rush presentations. Lourdes Schallock-916-799-0321, info@ancientartifacts.biz, www.ancientartifacts.biz	2/5/2013
8/28/07	Horizon Intertainment - Teen Truth Anti Bully JC Pohl 818 755 8800 , jc@teentruthlive.com	5/18/2013
9/27/11	New Creation Bible Fellowship-Kevin James-408-595-5704, www.ncbfracy.org. Power Zone Camp	9/1/2013
10/23/07	Lawrence Hall of Science, 510-642-1700, pfsreq@berkeley.edu, www.lawrencehallofscience.org	Indemnification approved, Tier 1
12/13/11	Stockton Ports Baseball By The Books - reading incentive program. Free of charge-chance to win free tickets. Margaret Sacchet-644-1900, msacchet@stocktonports.com, www.web.minorleaguebaseball.com/index.jsp?sid=t524	NO Charge, Tier 1
10/9/07	McDonalds Tammi Beck 916-962-1982	NO Charge, Tier 1
10/9/07	NASA Karin Costa 650-604-6077	NO Charge, Tier 1

Board Approved	Vendor	Insurance Expires
10/9/07	Otto the Auto Wendy Sanchez 415-565-2676 wendy_sanchez@csaa.com	NO Charge, Tier 1
10/9/07	Sandia Labs Joel Lipkan - jlipkin@comcast.net	NO Charge, Tier 1
2/10/09	JOE FOSS Institute, 480.348.0316, www.jfiweb.org	NO Charge, Tier 1
4/28/09	District 5 Dairy Princess, 639-1715	NO Charge, Tier 1
5/26/09	Get Real Behind The Wheel, Safe Driving Assembly targeted to 8th, 9th & 10th graders. Ken Ucci 209.601.6523 or Tom Simpson 612-4222. www.getrealbehindthewheel.org	NO Charge, Tier 1
5/26/09	Cowboys & Kids Reach Assembly, Penny Conway, www.reachkids.com, reachme@theriver.com	NO Charge, Tier 1
2/23/10	Boys Scouts - Civil War History presentation Preston Gilliam, 209-830-1870 or pgilliam@pacbell.net	NO Charge, Tier 1
*Section 308.3 Open Flame. A person shall not utilize or allow to be utilized, an open flame in Please remind your staff that candles, incense, cigarettes, or any item with an open flame are not not permitted.		
FOOD VENDORS:		
OUTDOORS ONLY - Make sure barbeques are 10 feet away from any building or structure. Place drip pans or tarps under barbeques to avoid spillage on pavement. Do not dump grease, oil, briquettes or barbeques anywhere on TUSD property or in garbage cans or dumpster. If accident spill occurs you are to provide an oil absorbent and clean properly.		
10/13/09	Famous Dave's BBQ Catering: 866-408-7427 fax 833- 9043 www.famousdaves.com	10/1/2012
10/25/11	Mi Esperanza Taqueria - Mexican food vendor. Omar Mendoza - 832-3020. 918 Central Ave.	10/15/2012
12/8/09	Texas Roadhouse- Tim Lund, 830-1133, store_tracy@texasroadhouse.com,	12/1/2012
*Section 308.3 Open Flame. A person shall not utilize or allow to be utilized, an open flame in Please remind your staff that candles, incense, cigarettes, or any item with an open flame are not		



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 30, 2012
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: DataWORKS Education Research Center
Site: Poet Christian School
Item: Agreement - Ratify
Services: Poet and Central School staff partnered in training in Explicit Direction Instruction (EDI) during the 2011/12 school year. Poet and Central staff will partner in training again to continue and expand on the EDI with DataWORKS during the 2012/13 school year.
Cost: \$7,000.00
Project Funding: Site Allocated Title II
-
- B. Vendor: Foam Experts Roofing
Site: McKinley Elementary
Item: Agreement
Services: Contractor to provide and install spray polyurethane foam and acrylic coating roofing to various portable classrooms.
Cost: \$56,973.00
Project Funding: Deferred Maintenance 11/12
-
- C. Vendor: Playgrounds Unlimited
Site: West High School – Shade Structure
Item: Change Order #1 - FINAL
Services: Amount of irrigation work was reduced around new shade structure footings.
Cost: (\$2,312.00)
Project Funding: West High School Capital Maintenance Fund; 50% TUSD, 50% City of Tracy
-
- D. Vendor: Playgrounds Unlimited
Site: West High School – Shade Structure
Item: Notice of Completion
Services: Contractor installed polygon modular walkway cover and re-routed existing irrigation system.
Cost: \$13,140.30 Change Orders: (\$2,312.00) Total Contract: \$10,828.30
Project Funding: West High School Capital Maintenance Fund; 50% TUSD, 50% City of Tracy
-



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 30, 2012
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: AMS.NET
Site: North Elementary School
Item: Agreement
Services: Cabling/Rack Infrastructure Project. Project #2012-ISET-009 – Modernization of Cabling Communications Infrastructure.
Cost: \$99,554.78
Project Funding: Measure S Bond Funds

B. Vendor: AMS.NET
Site: West High School Theatre and Small gym
Item: Change Order #1
Services: Materials for installing cameras. Security Camera Project.
Cost: \$1,996.00
Project Funding: Measure S Bond Funds

C. Vendor: AMS.NET
Site: West High School
Item: Quote -- Focus Contract #2009121
Services: Materials for installing cameras; Security Camera Project.
Cost: \$10,127.35
Project Funding: Measure S Bond Funds

D. Vendor: North Tower Environmental
Site: McKinley Elementary Modernization
Item: Proposal
Services: Increase to existing contract for asbestos and lead consulting services; estimate through the end of the project.
Cost: \$11,515.00
Project Funding: Measure S Bond Funds

E. Vendor: North Tower Environmental
Site: Monte Vista Middle School Modernization
Item: Proposal
Services: Increase to existing contract for asbestos and lead consulting services; estimate through the end of the project.
Cost: \$71,360.00
Project Funding: Measure S Bond Funds



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 30, 2012
SUBJECT: Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

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

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

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

FUNDING: Per attached summary of requisitions.

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

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

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

A. Vendor: F&H Construction
Site: West High School – Performing Arts Classroom Building
Item: Change Order #4
Services: Scope of work documented on the change order summary
Cost: \$10,128.94 Deduction from contingency allowance previously included in contract.
Project Funding: Measure E Bond Funds and State School Building Fund (SSBF)

B. Vendor: F&H Construction
Site: West High School – Performing Arts Classroom Building
Item: Change Order #5 - FINAL
Services: Scope of work documented on the change order summary
Cost: (\$83,721.62) Return of remaining contingency previously included in contract.
Project Funding: Measure E Bond Funds and State School Building Fund (SSBF)



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *HH* Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 16, 2012
SUBJECT: Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending April 16, 2012.

BACKGROUND: Pursuant to the Williams Settlement, the Valenzuela Settlement, and California Education Code Section 35186, every school must provide 1) sufficient textbooks and instructional materials, 2) school facilities that are clean, safe, and maintained in good repair, 3) a properly credentialed teacher for every classroom and 4) intensive remediation for up to two years for students who have completed grade 12 but not passed the California High School Exit Exam. Education Code, EC 35186(d), requires that school districts shall report summarized data on the nature and resolution of all Williams/Valenzuela uniform complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records. There were no complaints filed under the Williams/Valenzuela settlements during the January 15, 2012 – April 16, 2012 reporting period.

RATIONALE: The quarterly report for the period of January 15, 2012 through April 16, 2012 has been submitted to the San Joaquin County Office of Education and must be reported to the local school board. The report summarizes the complaints received through the Williams Uniform Complaint Process as well as the resolution of each of those complaints. This report supports Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed and Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: No cost

RECOMMENDATION: Receive Update on Quarterly Williams/Valenzuela Uniform Complaint Reports for the Quarter Ending April 16, 2012.

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

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

District: Tracy Joint Unified School District

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

Quarterly Report Submission Date: ☐ January 17, 2012
 (check one) ☒ April 16, 2012
☐ July 16, 2012
☐ October 15, 2012

Date for information to be reported publicly at governing board meeting: May 8, 2012

Please check the box that applies:

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

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

Dr. James Franco
 Print Name of District Superintendent


 Signature of District Superintendent

3-31-12
 Date



TRACY
UNIFIED SCHOOL DISTRICT

EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 18, 2012
SUBJECT: **Revise Ratified Contract with Living Well BCS, Inc. for the 2011-2012 School Year**

BACKGROUND: Special Education students may require consultation services from an Autism Specialist as part of their Individual Education Plan. A contract with Living Well BCS, Inc. was ratified by the Board of Education at the December 13, 2011 Board meeting for one of our Special Education students who currently has autism consultation written into his/her IEP. Additional students need these services also and Kristi Miklusicak has agreed to provide services. A purchase order increase is necessary to prevent a lag in services, per State and Federal laws.

RATIONALE: We do not have an autism specialist employed in the District, so we need to provide services through a contract arrangement. Kristi Miklusicak will provide functional analysis assessments – assessing students with severe behavior issues, report writing and Individual Education Plan attendance related to the development of a Positive Behavior Intervention Plan. Nonpublic agency contracted services are part of the continuum of services districts must provide to students with exceptional needs. This request supports District Goal 2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed; Goal 3: Provide a safe and equitable learning environment for all students and staff; and Goal 7: Develop and utilize partnerships to achieve District goals.

FUNDING: Expenses for this contract are billed at \$90.00 per hour. Total contract expenses need to be increased from \$14,400.00 to \$25,000.00 from July 1, 2011 through June 30, 2012. Funding for Nonpublic agency expenses are budgeted in account #01-6500-0-5750-1180-5800-800-2542.

RECOMMENDATION: Revise Ratified Contract with Living Well BCS, Inc. for the 2011-2012 School Year

Prepared by: Dr. Janet Skulina, Director of Special Education



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 25, 2012
SUBJECT: **Revise Ratified Contract with Invo HealthCare Associates, Inc. for the 2011-2012 School Year**

BACKGROUND: Special Education students may require specialized instruction and support from outside service providers. A contract with Invo HealthCare Associates, Inc. was previously ratified by the Board of Education at the January 24, 2012 Board meeting for a student who recieved Home/Hospital based instruction, including occupational therapy services as stated in his IEP. Additional students need these services. Invo HealthCare Associates, Inc. has agreed to provide the needed and legally required occupational therapy services for the additional students. A purchase order increase is necessary to prevent a lag in services, per State and Federal laws.

RATIONALE: School districts must offer a continuum of services including, when necessary, occupational therapy to students with exceptional needs. This request supports District Goal 3: Provide a safe and equitable learning environment for all students and staff, and District Goal 7: Develop and utilize partnerships to achieve District goals.

FUNDING: The contract rate is \$80.00 per hour, with the total increased from \$4,000.00 to \$20,000.00 during the 2011-2012 school year. Expenses are budgeted in account #01-6500-0-5770-1110-5800-800-2542.

RECOMMENDATION: Revise Ratified Contract with Invo HealthCare Associates, Inc. for the 2011-2012 School Year

Prepared by: Dr. Janet Skulina, Director of Special Education.



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 18, 2012
SUBJECT: Ratify Contract with The Speech Pathology Group, Inc. for the 2011-2012 School Year

BACKGROUND: Special education students may require Language, Speech and Hearing (LSH) services as part of their Individual Education Plan (IEP). A District LSH provider is on leave for the remainder of the school year. In the past, the District has contracted with The Speech Pathology Group, Inc. when the District needed SLP coverage. We would like to contract with this company in order to continue providing Language, Speech & Hearing (LSH) services to the special education students at George Kelly Elementary School. Ratification is necessary so that services specified on the IEP can be provided in a compliant manner.

RATIONALE: A school district must provide designated instructional services in order for a child to benefit from his/her special education program. Speech therapy is a designated instructional service. This request supports District Goal 2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed and Goal 7: Develop and utilize partnerships to achieve District goals.

FUNDING: Expenses for this contract are billed at \$75.00 per hour for 30 hours per week. Total contract expenses will not exceed \$35,000.00 from February 21, 2012 through June 30, 2012. Nonpublic agency expenses are budgeted in account 01-6500-0-5750-1180-5800-800-2503.

RECOMMENDATION: Ratify Contract with The Speech Pathology Group, Inc. for the 2011-2012 School Year

Prepared by: Dr. Janet A. Skulina, Director of Special Education Department

The Speech Pathology Group, Inc.

2021 Ygnacio Valley Rd, C-103

Walnut Creek, CA 94598

Ph (925) 945-1474

Fx: (925) 945-1768

**AGREEMENT BETWEEN
TRACY UNIFIED SCHOOL DISTRICT AND
THE SPEECH PATHOLOGY GROUP, INC.**

THIS AGREEMENT is effective February 21, 2012 by and between the Tracy Unified School District (hereinafter "District") and The Speech Pathology Group (hereinafter "Contractor").

District hereby engages Contractor to render described services under the terms and conditions of this Agreement.

1. Performance of Services:

- a. Contractor agrees to perform the services described on Addendum "A" (hereinafter "Services") attachment to this Agreement as an independent contractor. Contractor will determine the means, manner, method, and details of performing the Services. Contractor shall be responsible for providing the materials and tools, necessary for the performance of the Services.
- b. Contractor represents that Contractor has the qualifications and ability to perform the Services in a professional manner, without the advice, control, or supervision of the District. Contractor shall be solely responsible for the professional performance of the Services, and shall receive no assistance, direction, or control from District. Contractor shall have sole discretion and control of Contractor's services and the manner in which they are performed.

2. **Compensation & Terms for Payment:** Contractor shall submit written demand monthly for payment, said demand shall be made on a form and in the manner prescribed by the Contractor detailing dates/hours of services provided. Contractor shall submit said demands for payment for services rendered no later than forty-five (45) days from the end of the month in which said Services were actually rendered. District shall make payment in an amount equal to the number hours of service provided multiplied by the agreed upon hourly rate within thirty (30) days of receipt of invoice. Any amounts past due shall accrue interest from the due date until paid at the rate of 18% per annum.

3. **Contract Term and Termination:** This Agreement will become effective on February 21, 2012. This Agreement will terminate upon the completion of the Services (as stated in addendum A) or when terminated as set forth below.

- a. Either party may terminate this Agreement at any time by giving twenty-(20) business days written notice (as referenced in number 4 of this contract) to the other party. Contract changes, amendments or cancellations must be communicated directly with Contractor's Director or Clinical Manager. As a professional courtesy, please do not discuss contract changes, costs, or pending employment changes with contractor's employees. The Contractor will inform its' employees of changes or cancellations to the contract. Should either party default in the performance of this Agreement or materially breach any of its provisions, the non-breaching party may terminate this Agreement by giving written notice to the breaching party. Termination shall be effective immediately on receipt of said notice.

4. **Notice:** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or fax transmission with verbal confirmation of receipt, addressed as follows:

DISTRICT

Name: Tracy Unified School District
Address: 1875 W. Lowell Ave.
City/St/Zip: Tracy, CA 95376
Phone: (209) 830-3200
Fax: (209) 830-3204

CONTRACTOR

The Speech Pathology Group, Inc.
2021 Ygnacio Valley Rd, C-103
Walnut Creek, CA 94598
(925) 945-1474
(925) 945-1768
Tax ID#94-3290122

Any notice personally given or sent by certified mail or fax transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service.

5. **Relationship of the Parties:** Please note that all Contractors' employees are employed on an "At Will" basis and therefore cannot be required to provide a 20-day notice of termination. Contractor does request that employees provide a minimum of 20-day notice of termination. Contractor shall not be responsible for any loss or claim of damage whatsoever incurred by District/Facility in the event Contractor cannot provide a Speech-Language Therapist due to resignation of Contracted Therapist or Contracted Therapist is not able to provide services for any reason. However, Contractor will use all efforts to replace the Speech-Language Therapist, if one is available in the area.
 - a. Contractor enters into this Agreement as, and shall continue to be, an independent contractor. Under no circumstances shall Contractor be considered an employee of District within the meaning of any federal, state, or local law or regulation including, but not limited to, laws or regulations governing unemployment insurance, old age benefits, workers' compensation, industrial illness or accident coverage, taxes, or labor and employment in general.
 - b. Under no circumstances shall Contractor look to District as his/her employer, or as a partner, agent, or principal. Contractor shall not be entitled to any benefits accorded to District's employees, including, without limitation, workers' compensation, disability insurance, vacation, or sick pay.
 - c. Contractor shall be responsible for providing, at Contractor's expense, and in the Contractor's name, disability, workers' compensation or other insurance, as well as licenses and permits usual or necessary for conducting the Services hereunder.
 6. **Management of Speech Pathology Group Staff:** Each employee of Contractor is assigned a Clinical Manager. The Clinical Manager is available to provide assistance and support by helping contractor's employees access requested materials/assessments, explaining District/Facility procedures and forms, answering questions related to federal/state regulations and eligibility criteria, providing intervention suggestions and helping to resolve site related issues. The Clinical Manager may make site visits and/or provide Service Coverage for a contracted therapist that is ill or may have excessive absences. Clinical Management services to be provided within contracted hours for assigned therapist as designated in Addendum A.
 7. **Federal & State Taxes:** Contractor shall pay, when and as due, any and all local, state and federal income or other taxes incurred as a result of Contractor's compensation hereunder, including estimated taxes, and shall provide District with proof of said payment upon demand. Contractor hereby indemnifies District for any claims, losses, costs, fees, liabilities, damages, or injuries suffered by District arising out of Contractor's breach of this Section.
 8. **Fingerprinting and Criminal Records Check of Contractor's Employees:** CONTRACTOR shall comply with the requirements of California Education Code section 44237, 3501.1 and 35021.2 including, but not limited to: obtaining clearance from both the California Department of Justice (hereinafter referred to as "CDOJ") and clearance from the Federal Bureau of Investigation (hereinafter referred to as "FBI") for CONTRACTOR'S employees and volunteers, unless CONTRACTOR determines that the volunteers will have no direct contact with LEA pupils, prior to service with any LEA pupil. CONTRACTOR hereby agrees that CONTRACTOR'S employees and volunteers, unless CONTRACTOR determines that the volunteers will have no direct contact with LEA pupils, shall not come in contact with LEA pupils until CDOJ and FBI clearance are ascertained. CONTRACTOR shall certify in writing to LEA that none of its employees, and volunteers, unless CONTRACTOR determines that the volunteers will have no direct contact with LEA pupils, or contractors, who may come into contact with LEA pupils have been convicted of a violent or serious felony as those terms are defined in California Education Code section 44237(h), unless despite the employee's conviction of a violent or serious felony, he or she has met the criteria to be eligible for employment pursuant to California Education Code section 44237 (i) or (j). In addition, CONTRACTOR shall make a request for subsequent arrest service from the CDOJ as required by California Penal Code section 11105.2.
- The California Speech-Language Pathology and Audiology Board, a division of the California Department of Consumer Affairs, maintains finger print clearance for all licensed therapists. If District/Facility policy requires contractor's employee to obtain separate and additional live scan prior to placement at facility site, they may do so at District's/Facility's expense.
9. **Caseload Maximum:** Contractor agrees to a maximum caseload of 55 students for each full time therapist and a maximum caseload of 40 students for any caseload that solely consists of students classified as SH, AAC, and/or

preschool. Combination caseloads will be prorated based on caseload roster provided by district. *It should be noted that both ASHA and CTA recommend a caseload limit of 40 students for K through 12 public schools.

10. **Rules and Regulations:** All results and regulations of the Board of Education and all federal, state, and local laws, ordinances and regulations are to be observed strictly by Contractor pursuant to this Agreement.
11. **Indemnification:**
 - a. Contractor shall and does hereby indemnify, defend, and hold harmless District, and District's officers, employees, agents and representatives from and against any and all claims, demands, losses, costs, expenses, obligations, liabilities and damages, including, without limitation, interest, penalties, and reasonable attorneys fees and costs, that District may incur or suffer and that arise, result from, or are related to any breach or failure of Contractor to perform any of the representations, warranties, and agreements contained in this Agreement.
 - b. District shall and does hereby indemnify, defend, and hold harmless Contractor, and Contractor's officers, employees, agents and representatives from and against any and all claims, demands, losses, costs, expenses, obligations, liabilities and damages, including, without limitation, interest, penalties, and reasonable attorneys fees and costs, that Contractor may incur or suffer and that arise, result from, or are related to any breach or failure of District to perform any of the representations, warranties, and agreements contained in this Agreement.
12. **Ownership of Designs and Plans:** Contractor agrees that all designs, plans, reports, specifications, drawings, schematics, prototypes, models, inventions and all other information and items made during the course of this Agreement and arising from the Services shall be owned by and assigned to District as its sole and exclusive property.
13. **Non-Compete:** During the term of this Agreement and for the immediate twelve calendar months following termination of this Agreement, Walnut Creek School District shall not hire, nor solicit for hire, either directly or indirectly, as an employee or contractor, any of the contractor's employees, independent contractors, agents or sub-contractor in the field of speech pathology who have rendered speech pathology services to the District/Facility on behalf of the Contractor. In addition, the District/Facility also agrees and warrants paying Contractor 50% of the therapist's annual income upon employment with the District/Facility should there be a breach in this section of the Agreement.
14. **Supplies & Equipment:** Contractor will provide therapy and diagnostic materials as needed, if they are not available at school district/site. Should the contracting District require computer generated reports and IEPs, then it is the District's responsibility to either provide a computer to the contracted employee or provide access to a computer at the contractor employee's assigned site(s). If a computer is not available, then it is understood that all documentation will be hand written.
15. **California Law:** This Agreement shall be governed by and the rights, duties and obligations of the parties shall be determined and enforced in accordance with the laws of the State of California. The parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Contra Costa County, California.
16. **Attorneys' Fees:** If either party files any action or brings any proceedings against the other arising out of the Agreement, the prevailing party shall be entitled to recover, in addition to its costs of suit and damages, reasonable attorneys' fees to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not suit proceeds to final judgment. No sum for attorneys' fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to its costs or attorneys' fees.
17. **Waiver:** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
18. **Time for Site Specific Trainings/Requirements:** District agrees to compensate Contractor, for time spent by Contractor's employee, for orientation/trainings, teacher workdays, non-student days when teachers are required to report to work, speech meetings, staff development days, and the like. Attendance for these services will be provided in accordance with the weekly contracted hours set forth in Addendum A. District also agrees to pay Contractor for any additional time required by Contractor's employee to become proficient with any District/Facility required

procedure (i.e.: computerized IEPs, Medi-Cal reports, positive behavior intervention, etc). Any hours in excess of contracted hours set forth in Addendum A will require prior approval from District/Facility designee.

19. **List of Services to be Performed by Contractor:** Contractor will provide Services that align with the scope and practice for Speech and Language Pathology, as defined by the California Speech-Language Pathology and Audiology Board, for provision of speech/language therapy services in the public school setting. Services to include direct and indirect activities as they pertain to eligible students on caseload and in accordance with the Individual Education Plan (IEP) which will define the type and frequency of service that each student is to receive.

District will provide contracted therapist with site's most current caseload list, to be updated on a monthly basis, via district generated roster lists.

20. **Entire Agreement of Parties:** This Agreement constitutes the entire agreement between the parties and supersedes all prior discussions, negotiations and agreement, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both parties.

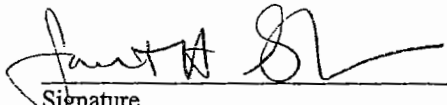
It is understood that contracted services will be provided and caseload demands will be met, by a certified, licensed, and/or credentialed Speech-Language Pathologist (SLP), and/or a licensed Speech-Language Pathology Assistant (SLPA), when under the supervision of a certified and licensed SLP.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

DISTRICT

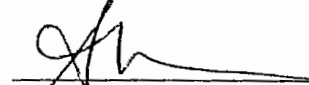
Joan Stark, Director of SLP

Name and Title of Authorized Representative


Signature

3-12-12
Date

CONTRACTOR


Susan Stark, M.S., CCC-SLP
Director

2/21/12
Date

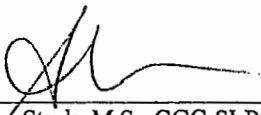
School Year 2011-2012
Tracy Unified School District
Addendum A

STAFFING PLACEMENT SUMMARY:

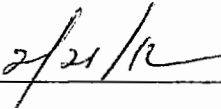
Therapist's Name:	Darlene Swirsky, SLP-A
School Site:	George Kelly Elementary
# Day(s) per week:	3 - 4 days/week (pending caseload numbers)
# Hours per wk:	22.5 - 30 hrs/wk
Start Date:	2/21/12
End Date:	6/01/12
Hourly Rate:	\$75.00
Clinical Supervisor:	District SLP will assume clinical supervision responsibilities for SLP-A

Contractor agrees to provide services within the total contracted hours as set forth above. Daily hours may flex pending caseload requirements (i.e. IEP meetings, progress reports, parent conferences); however, total weekly hours will remain within the hours set forth above.

Caseload requirements: For full-time therapist, caseloads are not to exceed 55 students in a week. Caseloads consisting of SH, AC, or Preschool students are not to exceed 40 students in a week.



Susan Stark, M.S., CCC-SLP
Director



Date

Signature of Authorized Representative

Date

Name and Title of Authorized Representative



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. Jim Franco, Superintendent
FROM: *JH* Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 23, 2012
RE: Approve Overnight Travel for the Girls Volleyball Team to Attend the North Valley Volleyball Officials Tournament in Redding, CA on August 24- 25, 2012.

BACKGROUND: Twelve to eighteen of the Tracy High Girl's Varsity Volleyball Team, Coach Mahina Tankersley and three parents would like to participate in the North Valley Volleyball Officials Tournament in Redding, CA on August 24-25, 2012. Coach Mahina Tankersley, Assistant Coach David Daily and team parents will provide supervision during the tournament. The number of students will be determined by team tryouts, which will be held in August. The coaches and team parents will drive the team; all drivers will be District approved. The team will be staying at the La Quinta Inn in Redding, CA.

RATIONALE: The Volleyball team is strengthened by the opportunity to play together in this tournament. This time together will allow for "team building" on and off the court. This is a wonderful opportunity and ties in with Strategic Goals #3: Provide a safe and equitable learning environment for all students and staff and Strategic Goal #7: Develop and utilize partnerships to achieve District Goals.

FUNDING: Costs for the tournament, transportation, accommodations in Redding and food will total \$1000.00 and is being paid by the Tracy High Volleyball ASB account which was earned by fundraising.

RECOMMENDATION: Approve Overnight Travel for the Girls Volleyball Team to Attend the North Valley Volleyball Officials Tournament in Redding, CA on August 24-25, 2012.

Prepared by: Mr. Jason Noll, Principal



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: April 17, 2012
SUBJECT: Approve Overnight Travel for Kimball High School Leadership to Attend the California Association of Directors of Activities (CADA) Leadership Camp at UC Santa Barbara on July 19-22, 2012.

BACKGROUND: The Kimball High School (KHS) Leadership class has been invited to attend the California Association of Directors of Activities (CADA) Summer Leadership Camp at UC Santa Barbara in Santa Barbara, CA from July 19-22, 2012. Six to ten students, Mr. Soeth (advisor) and two parents will attend this event. They will travel to Santa Barbara, CA on the evening of July 19 and return home during the afternoon of July 22, 2012. Two District approved parents and Mr. Soeth will be driving the students to the event using their private vehicle. Students and Mr. Soeth will be staying at the UC Santa Barbara dorms. Supervision will be provided by Mr. Soeth, parent volunteers and CADA camp staff.

RATIONALE: Students will be attending over twelve individual workshops where they will gain insight and knowledge into activity ideas and organizational strategies for school events. Additionally, these students and the adviser will be able to network with high school students from all over the state of California as they share ideas and learn what other schools are doing on their respective campuses. This meets Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed and Strategic Goal #7: Develop and utilize partnerships to achieve District Goals.

FUNDING: There will be no cost to the District. The total cost per member will be \$550.00, which includes entry fees, lodging, and meals. Funding for this trip will be paid through a combination of fundraising opportunities and personal funding for the participants electing to participate in this camp.

RECOMMENDATION: Approve Overnight Travel for Kimball High School Leadership to Attend the California Association of Directors of Activities (CADA) Leadership Camp at UC Santa Barbara on July 19-22, 2012.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~W~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 24, 2012
SUBJECT: Approve Overnight Travel for the Kimball High School Yearbook Design Students to Attend the Bay Area Yearbook Seminar at the California Maritime Academy in Vallejo, CA on June 20-22, 2012.

BACKGROUND: The leaders of the Kimball High School Yearbook Design class would like to attend the Bay Area Yearbook Seminar. Five students and Christopher Munger (advisor) will attend the seminar. Transportation will be provided by each student's parent. The students and advisor will be staying in the dorms at the California Maritime Academy in Vallejo, CA.

RATIONALE: Kimball's Yearbook Design class is in its infancy. The opportunity to participate in a three-day intensive yearbook seminar will be invaluable to the Kimball High School Yearbook students. It will provide the students the importance of teamwork. At the seminar, students will create a theme, plan the page ladder, and design the templates for the 2012-2013 yearbook. This aligns with Strategic Goal #4: Utilize technology as a tool for improvement in instruction, and to increase efficiency in operations across the District and Goal #5: Continuously improve fiscal, facilities and operational processes.

FUNDING: There will be no cost to the District. Registration, food and lodging will be paid by Jostens for the yearbook students and advisor.

RECOMMENDATION: Approve Overnight Travel for the Kimball High School Yearbook Design Students to Attend the Bay Area Yearbook Seminar at the California Maritime Academy in Vallejo, CA on June 20-22, 2012.

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



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: ~~W~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services
& Human Resources
DATE: April 17, 2012
SUBJECT: Approve Overnight Travel for the Kimball High School HOSA Club to Participate in the National Leadership Conference in Orlando, FL June 20-23, 2012.

BACKGROUND: The Kimball High School (KHS) Health Occupations Students of America (HOSA) Club members would like to attend the National Leadership Conference that will be held at Disney's Coronado Springs Resort in Orlando, FL on June 20-23, 2012. Three to six HOSA members will participate in this event. The participants will stay at Disney's Coronado Springs Resort in Orlando, FL. Transportation to the airport will be provided by District van and/or the parents of each student. Supervision will be provided by Mr. Medek (advisor) and the HOSA event staff.

RATIONALE: It is the goal of KHS to provide students with increased health occupation opportunities. This is in direct alignment with the Health Science Pathway. The KHS HOSA participant's have qualified to represent the State of California at the National Conference through state level academic competition. Attending this conference will provide the opportunity for KHS HOSA members to participate in informational workshops, compete in academic and skill oriented activities, submit members for special recognition, and become a part of the larger National HOSA organization. This aligns with Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed and Goal #7: Develop and utilize partnerships to achieve District goals.

FUNDING: There will be no cost to the District. The cost per participant will include air fare, transportation, hotel accommodations and food. These costs will be covered by a combination of personal funding and fundraising opportunities. The Perkins CTE Grant will cover student registration and advisor accommodations. The total costs not to exceed \$7,000.00.

RECOMMENDATION: Approve Overnight Travel for the Kimball High School HOSA Club to Participate in the National Leadership Conference in Orlando, FL June 20-23, 2012.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources~~
DATE: April 20, 2012
SUBJECT: Receive Update on Federal Program Monitoring (FPM)

BACKGROUND: Federal and State laws require that districts be monitored to ensure they meet fiscal and program requirements of federal categorical programs and mandated areas of State responsibility and funding. This process is called Federal Program Monitoring (FPM) and is coordinated by the FPM Office of the California Department of Education. Districts are assigned to one of four cycles (Tracy Unified is in Cycle D). Each year districts from two cycles are selected for either an on-site or an online review. Under this schedule districts may be reviewed every two years. The CDE analyzes a variety of criteria to determine which districts to review each year. Typically 60 districts are selected for on-site review and 60 districts are selected for online review each year.

RATIONAL: Tracy Unified was selected for an online review for the 2011-12 school year. The district was reviewed in 9 program areas. The CDE has developed FPM Instruments for each program which contain the Federal and State legal requirements and listings of required and suggested evidence that districts are to provide in order to demonstrate compliance with the legal requirements. For an online review, documentation is uploaded to a web-based system and those documents are then reviewed by identified FPM team members at CDE. The initial uploading of evidence was completed on March 15th and was reviewed by the FPM team leaders. Additional evidence or explanation was provided when requested. The official review was conducted the week of April 16-20, 2012. The District was found to be compliant in all of the areas reviewed. This report will provide detail on the FPM process. This report supports Strategic Goal #1: Prepare all students for college and careers, Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap between the identified student subgroups is closed, Strategic Goal #5: Continuously improve fiscal, facilities and operational processes and Strategic Goal #6: Develop and support a high performing workforce.

FUNDING: No Cost

RECOMMENDATION: Receive Update on Federal Program Monitoring (FPM)

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



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Sheila Harrison, Assistant Superintendent of Educational Services &
Human Resources
DATE: April 27, 2012
SUBJECT: Approve Classified, Certificated, and/or Management Employment

BACKGROUND:

Albinson, Janis

CLASSIFIED

K-8 Library Technician (Replacement)
Central Elementary School
Range 30, Step C - \$15.76 per hour
5 hours per day/Tuesday through Friday
Funding: State Lottery

Ellis, Gavin

School Supervision Assistant (Replacement)
Jacobson Elementary School
Range 21, Step C - \$12.81 per hour
2 hours per day
Funding: General Fund

Leopoldo, Natalie

Student Body Bookkeeper/Health Clerk
(Replacement)
Kimball High School
Range 34, Step C - \$17.32 per hour
8 hours per day
Funding: Federal JOBS Money

Miller-Singh, Sharon

High School Library Technician (Replacement)
West High School
Range 31, Step A - \$14.73 per hour
20 hours per week
Funding: State Lottery

Pratt, Vashayla

Para Educator I (Replacement)
Villalovoz Elementary School
Range 24, Step A - \$12.51 per hour
3 hours per day
Funding: EIA

Silva, Michele

Para Educator I (Replacement)
Villalovoz Elementary School
Range 24, Step A - \$12.51 per hour
3 hours per day
Funding: Title I

RECOMMENDATION: Approve Classified, Certificated and/or Management Employment

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



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services
 & Human Resources
DATE: April 27, 2012
SUBJECT: Accept Resignations/Retirements/Leave of Absence for Classified,
 Certificated, and/or Management Employment

BACKGROUND:

CERTIFICATED RETIREMENT

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>
Armstrong, Josephine Speech/Language Pathologist	DEC	06/02/12
Smith, Geraldine SDC (Pre-School)	Hirsch	07/30/12
Madrigal, Maria SDC	KHS	06/02/12

BACKGROUND:

CERTIFICATED RESIGNATION

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Brown, James (Kirk) Science	THS	06/01/12	Personal

BACKGROUND:

CLASSIFIED RETIREMENT

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>
Prasad, Lalita Food Service Worker	Villalovoz	06/01/12

BACKGROUND:**CLASSIFIED RESIGNATION**

<u>NAME/TITLE</u>	<u>SITE</u>	<u>EFFECTIVE DATE</u>	<u>REASON</u>
Crandall, Cynthia Para Educator I	WHS	04/13/12	Personal
Pratt, Vashayla School Supervision Assist.	Art Freiler	04/13/12	Accepted Para Ed I position at Villa
Silva, Michele School Supervision Assist.	Hirsch	04/18/12	Accepted Para Ed I position at Villa
Toland, Michelle School Supervision Assist.	WMS	04/03/12	Personal

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



ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Trustees
FROM: Dr. James C. Franco, Superintendent
DATE: May 1, 2012
SUBJECT: Adopt Resolution No. 11-22 Designating May 20th-26th, 2012, as Classified School Employees Week

BACKGROUND: The California Public School system employs approximately 230,000 classified staff. The Legislature of the State of California has designated May 20th-26th, 2012, as Classified Employees Week. This is a time to recognize the many contributions of classified school employees to public education.

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

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

FUNDING: N/A

RECOMMENDATION: Adopt Resolution No. 11-22 Designating May 20th-26th, 2012, as Classified Employees Week.

Prepared by: Dr. James C. Franco, Superintendent



TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 11-22
Resolution Designating the Week of May 20th – 26th, 2012, as
Classified School Employee Week

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

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

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

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

THEREFORE, BE IT RESOLVED, that the Tracy Unified School District hereby recognizes and wishes to honor the contribution of the classified professionals to quality education in the state of California and in the Tracy Unified School District and declares the week of May 20-26, 2012, as Classified School Employee Week in the Tracy Unified School District.

PASSED AND ADOPTED this 8th day of May, 2012, at a regular meeting of the Board of Education of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

President
Board of Education
Tracy Unified School District

Clerk
Board of Education
Tracy Unified School District



ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Trustees
FROM: Dr. James C. Franco, Superintendent
DATE: May 1, 2012
SUBJECT: Adopt Resolution No. 11-23 Establishing May 9, 2012, as the “Day of the Teacher”

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

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

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

FUNDING: N/A

RECOMMENDATION: Adopt Resolution No. 11-23 Establishing May 9, 2012, as the “Day of the Teacher”.

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



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 11-23
Establishing May 9, 2012, as the “Day of the Teacher”**

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

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

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the *Tracy Unified School District Board of Education* join the Governor and State Legislature in declaring May 9, 2012, as California’s 30th annual “*Day of the Teacher*,” and

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

PASSED AND ADOPTED this 8th day of May, 2012, by the Board of Trustees of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 25, 2012
SUBJECT: Approve 25 Cent Increase to Meal Prices for the 2012-13 School Year to be Compliant with the Health, Hunger-Free Kids Act of 2010

BACKGROUND: The Healthy, Hunger-Free Kids Act of 2010 requires school food authorities (SFAs) participating in the National School Lunch Program to ensure sufficient funds are provided to the nonprofit school food service account for lunches served to students not eligible for free or reduced price meals. There are two ways to meet this requirement: either through the prices charged for "paid" lunches or through other non-Federal sources provided to the nonprofit school food service account. The USDA provides guidance on the calculations SFAs must make in order to ensure they are in compliance with these requirements for the 2012-13 School Year.

RATIONALE: On February 15, 2012, the USDA Food Nutrition Services (FNS) issued a memo directing school districts charging less than \$2.51 for paid lunches to adjust their average meal prices in accordance with a specified formula. Tracy Unified School District currently charges \$2.00 for K-5 students and \$2.50 for 6th through 12th grade students, therefore, meal prices must be adjusted.

To be compliant, the Tracy Unified School District Food Service Department recommends raising the cost of the elementary school lunch to \$2.25 and increasing the price of the secondary school lunch to \$2.75 for a net increase, per lunch, of 0.25 cents.

RECOMMENDATION: Approve 25 Cent Increase to Meal Prices for the 2012-13 School Year to be Compliant with the Health, Hunger-Free Kids Act of 2010

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



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 20, 2012
SUBJECT: Accept CalRecycle Grants for Kimball High School, Tracy High School, and Poet-Christian K-8 School

BACKGROUND: Tracy resident Christina Frankel has worked with representatives of three TUSD schools, and has written grants to facilitate expansion of recycling programs at those sites. The grant requests were subsequently approved by the California Department of Resources Recycling and Recovery (CalRecycle), which funds projects in support of a society that uses less, recycles more, and takes resource conservation to higher and higher levels.

RATIONALE: CalRecycle's vision is to inspire and challenge Californians to achieve the highest waste reduction, recycling and reuse goals in the nation, and the proposed projects include endorsements from the City of Tracy and Tracy Delta Solid Waste Management, Inc.

The City of Tracy is an enthusiastic partner in each of the proposed recycling projects. They agree that funding programs to assist local organizations, like schools, has tangible benefits which are of great importance to the local community. It also spurs market development and expansion activities while encouraging long term sustainable practices in the community. The proposed projects tie into the City of Tracy's Sustainability Action Plan's agenda by reducing the waste stream for schools, starting with the core concept of targeted beverage container recycling.

Tracy Delta Solid Waste Management Inc. is excited about the opportunity to be a community partner, recognizing the three proposed projects as innovative ways to benefit the community as a whole and to assist them in achieving their waste management goals.

FUNDING: The Kimball High School grant is for \$14,000 to start a campus recycling program. The Tracy High School grant is also for \$14,000, but is intended to expand an existing recycling program to increase beverage recycling for student and faculty on-campus recycling, as well as to start recycling for special events that occur on campus, home game sporting events, and graduations. The Poet-Christian School grant is for \$5,500 expand the existing campus recycling program. The City of Tracy is contributing an additional \$1,000 for each of the recycling programs.

RECOMMENDATION: Accept CalRecycle Grants for Kimball High School, Tracy High School, and Poet-Christian K-8 School

Prepared by: Dr. Casey 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: May 1, 2012
Subject: Approve Roebbelen Contracting, Inc. as the Lease-Leaseback Contractor for the Tracy High School Stadium and Improvement Project

BACKGROUND: On December 14, 2010, the Board authorized the release of a Request for Qualifications (RFQ) for Lease-Leaseback Contractors for the Modernization of Monte Vista and McKinley Elementary Schools. TUSD has successfully used the Lease-Leaseback delivery method for Kimball High School and various West High and Tracy High Measure E projects with good results. Staff believes that this project delivery method would again benefit TUSD on the Tracy High School Stadium and Improvement Project.

A selection committee reviewed 14 responses to TUSD's advertised RFQ. Eight candidates were selected to continue on to the interview process. The interview panel consisted of: K. Arwood, Rainforth Grau Architects, A. Continente, RGM & Associates, J. Costa, TUSD Board Member, C. Goodall, Associate Superintendent for Business and B. Carter, Director of Facilities.

On February 22, 2011, the Board approved a 'shortlist' of lease-leaseback contractors that may be contacted for "additional information" on an as needed basis as projects are developed.

RATIONALE: On April 6, 2012, the District requested "additional information" regarding the Tracy High School and Improvement project. Roebbelen Contracting was then asked to be interviewed on May 1, 2012. Based upon their responses, the critical nature of the project timeline and the experience Roebbelen Contracting has with the Tracy High School site; staff is recommending that the Board approve Roebbelen Contracting, Inc. for the Tracy High School Stadium and Improvement project.

FUNDING: Measure E Bond Funds and State School Facilities Funding Project Savings

RECOMMENDATIONS: Approve Roebbelen Contracting, Inc. as the Lease-Leaseback Contractor for the Tracy high School Stadium and Improvement Project

Prepared by: Bonny Carter, Director of Facilities and Planning



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 26, 2012
SUBJECT: Adopt Board Policy 5145.7 and Acknowledge Administrative Regulation 5145.7, Sexual and Gender Based Harassment (Second Reading)

BACKGROUND: The Office of Civil Rights recently reviewed Tracy Unified School District Board Policy and Administrative Regulation 5145.7, Sexual and Gender Based Harassment due to a past OCR complaint about a student being bullied and a hostile environment being present. The school officials took appropriate disciplinary action with the students involved; however, there continued to be a hostile educational environment.

RATIONALE: The revisions made were to ensure full implementation by changing the title from the original (Sexual Harassment) to the title of the Sexual and Gender Based Harassment Board Policy and Administrative Regulation 5145.7 and to ensure investigations include the examination of areas of the victim's social environment. Only the title was changed in Board Policy 5145.7, however, the Administrative Regulation (AR) 5145.7 was out of compliance and needed a total revision by the District's attorney, Sally Jensen Dutcher and the Office of Civil Rights. This complies with Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Not Applicable

RECOMMENDATION: Adopt Board Policy 5145.7 and Acknowledge Administrative Regulation 5145.7, Sexual and Gender Based Harassment (Second Reading)

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

Students

BP 5145.7

SEXUAL AND GENDER-BASED HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits sexual and gender-based harassment of any employee, student, or other person at school or at any school-related activity. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law.

It shall be a violation of this policy for any district employee to harass another district employee, applicant or student through conduct or communications of a sexual nature as defined in Administrative Regulation 4119.11. It shall also be a violation of this policy for students to harass other students or district employees through conduct or communications of a sexual nature as defined in Administrative Regulation 5145.7.

Information

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual harassment. Such information shall include:

1. Examples of acts and behavior which constitute sexual harassment
2. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation, gender identity, or gender expression.

They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.

Students shall be informed that they should immediately contact the principal or designee if they feel they are being harassed.

4. Students shall be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained

Complaint Process

The Board expects students or staff to immediately report incidents of sexual harassment to the principal or designee, to another district administrator or a faculty member. Any student who

feels that he/she is being harassed should immediately contact the principal or designee at his/her school.

Staff shall immediately report complaints of sexual harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated. The investigation shall include identification of any other students, in addition to the complainant, who may have been subjected to the prohibited harassment and who may have been subjected to a hostile environment.

If a situation involving sexual harassment is not promptly investigated and remedied by the principal or designee, a complaint of harassment can be filed in accordance with AR 1312.1 – Complaints Concerning District Employees or AR 1312.3 – Uniform Complaint Procedures. The principal or designee or district administrator shall determine which procedure is appropriate.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process, except as necessary to carry out the investigation or take other subsequent necessary action.

Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-related activity is in violation of this policy and shall be subject to disciplinary action... For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Effects of Sexual Harassment

The Superintendent or designee shall ensure that if sexual harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim(s). The types of actions will vary depending on the circumstances, but may include discipline of the harasser, counseling and/or other support services for any person found to have been subjected to

prohibited harassment, or separation of the victim(s) and the harasser. When separation of the victim and harasser is warranted, the Superintendent or designee shall not unduly burden the victim.

Legal Reference:

CIVIL CODE

51.9 Liability for sexual harassment; business, service and Professional relationships

1714.1 Liability of parents/guardians for willful misconduct of Minor

EDUCATION CODE

200-264.2 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2et seq. Title IX, 1972 Education Act Amendments

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

TUSD Adopted: 6/9/98

Revised:

SEXUAL AND GENDER-BASED HARASSMENT

A. Purpose and Scope

The Governing Board is committed to maintaining an environment free of sexual harassment.

B. General

1. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by a district employee to a student or another district employee, or when made by a student to another student, of the same or opposite sex in the educational setting, where:
 - a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress; or
 - b) Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
 - c) The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance or of creating an intimidating, hostile or offensive educational or work environment.
 - d) Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school or any district program or activity.
2. Other types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:
 - a) Unwelcome leering, sexual flirtations, or propositions.
 - b) Sexual suggestions or obscene letters, notes, invitations, unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
 - c) Attempts to pull down pants or gym shorts or flip up skirts.

- d) Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures or computer-generated images of a sexual nature
- e) Graphic verbal comments about an individual's body or overly personal conversation
- f) Teasing, name-calling or sexual remarks about an individual's gender identity, gender expression or sexual orientation.
- g) Massaging, grabbing, fondling, stroking, or brushing the body
- e) Spreading sexual rumors.
- f) Touching an individual's body or clothes in a sexual way.
- g) Impeding or blocking normal movements.
- h) Purposefully limiting a student's access to educational tools.
- i) Displaying sexually suggestive objects in the educational or work environment.
- j) Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
- k) Implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation or other discipline will be used. Within the educational environment, implying will withhold or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- l) Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- m) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

In determining whether the alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered.

C. Forms & Additional References

None

D. Procedures

1. Student Harassment

Any student who feels that he or she is being sexually harassed by an employee, another administrator or faculty member and report the harassment without fear of reprisal. The student does not have to report the harassment to his or her teacher, especially if the student believes that the teacher is the harasser. The student can make this report along or with his or her parent/guardian.

A district employee who receives a report of sexual harassment of a student or who witnesses the sexual harassment of a student shall immediately report the harassment to the Assistant Superintendent of Education Services and Human Resources (if alleged harassment is by a district employee) or the principal or principal's designee (if the alleged harassment is by another student). Administrators, upon receiving a sexual harassment report from a student, shall inform the student of his or her rights and shall make every effort to assist the student in securing those rights. The administrator shall provide the student with a copy of the sexual harassment policy as well as the Administrative Regulations which contains procedures for filing complaints regarding sexual harassment.

Each complaint of sexual harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. Formal complaints of sexual harassment filed in accordance with the complaint procedures contained in Administrative Regulations 4119.11; 4219.11; and 5145.7 will be investigated in accordance with "Step 2" of those procedures. If the complaint requests that his or her name not be disclosed to the harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order to file a formal complaint of sexual harassment, however, the student must be willing to disclose his or her name to the alleged harasser.

Students who allege sexual harassment by their teacher may request to be transferred out of the teacher's class. The district will attempt to accommodate such requests to the extent practicable. Students who believe that a district employee (e.g., teacher, staff member, etc.) has touched them inappropriately or made inappropriate comments to them of a sexual nature should report such conduct immediately. Even if such behavior is not considered sexual harassment under this policy, it may be in violation of other rules and standards of conduct of the district.

2. Harassment of Employees/Staff/Applicants for Employment

Any employee or applicant for employment who feels he or she has been sexually harassed should immediately report such incidents to his or her supervisor, the Assistant Superintendent of Education Services and Human Resources, or any other member of the Administration, without fear of reprisal. An employee or staff member need not first report the harassment to his or her supervisor, especially if the employee or staff member believes the supervisor engaged in or

knowingly tolerated any harassment. policy and Administrative Regulation which contains complaint procedures for filing a formal sexual harassment complaint will be provided to the complainant and to any other individual upon request.

Any supervisor or administrator who receives a sexual harassment complaint shall notify the Superintendent or the Assistant Superintendent of Education Services and Human Resources, who shall ensure that the complaint is appropriately and promptly investigated. (See complaint procedures which are included Administrative Regulation 4118.11 and 4218.11 for the necessary steps: in filing a formal complaint of sexual harassment.)

3. Any Other Persons Alleging Harassment By A District Employment, or Student

Any person who alleges sexual harassment by any employee, or student in the district may file a complaint under the complaint procedures contained in Administrative Regulation 4118.11; 4218.11; and 5145.8.

4. Sanctions

A substantiated charge of sexual harassment against an employee of the district shall subject the employee to disciplinary action, up to and including discharge. Such discipline shall be consistent with the California Education Code and any collective bargaining agreement, if applicable. If the conduct complained of constitutes sexual harassment under this policy, a charge of such conduct will be substantiated where a preponderance of evidence supports the allegations.

A substantiated charge against a student in grades 4 through 12 in the district shall subject that student to student disciplinary action, up to and including suspension or expulsion, consistent with the student discipline code and the California Education Code. If the conduct complained of constitutes sexual harassment under this policy, a charge of such conduct will be substantiated where substantial evidence supports the allegations.

5. Notifications – Employees

A copy of the sexual harassment policy and administrative regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual harassment policy and the administrative regulation which contains the complaint procedures will be circulated to all employees of the district at the beginning of the first quarter or semester of the school year, and to any new employee at the time that the new employee is hired. A copy of the policy and administrative regulation shall also appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the instruction.

All employees additionally shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing ("DFEH") that includes information in sexual harassment, including the legal remedies and complaint process available through the DFEH and directions on how to contact this agency. A notice advising employees of the DFEH's requirements, including the prohibition against unlawful harassment based on sex, shall be posted at the main administrative building. The address and telephone number of the DFEH are as follows:

Department of Fair Employment and Housing
2000 O Street, Suite 120
Sacramento, CA 95814
(916) 455-9918

Federal agencies enforcing the prohibition of sexual harassment are the Equal Employment and Opportunity Commission ("EEOC") and the Office of Civil Rights ("OCR"). The addresses and telephone number of these agencies are as follows:

Office of Civil Rights
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102

Equal Employment Opportunity Commission
1265 West Shaw Avenue, Room 103
Fresno, CA 93711

6. Notifications – Students

A copy of this policy shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual harassment policy and administrative regulation which contains the complaint procedures will be given to all 6-12 students and parents or guardians upon enrollment and annually thereafter. A copy shall be provided as part of any orientation program conducted for new students at the beginning of each trimester semester, or summer session, as applicable. Notification of policy will be given to parents. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

Students may also file a separate claim of sexual harassment with the OCR. The address and telephone number of the OCR is listed under the notifications section for employees. The time limit for filing a complaint with the OCR is 180 days from the date the act of sexual harassment occurred, or if a student decides to file a complaint internally with the district under the complaint procedures outlined in Administrative Regulation 5145.7, sixty (60) days after that complaint process is exhausted.

7. Complaint Procedures

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent
1875 W. Lowell Ave., Tracy CA 95376
830-3200

Assistant Superintendent of Educational Services and Human Resources
1875 W. Lowell Ave., Tracy CA 95376
830-3260

Director Student Services and Curriculum
1875 W. Lowell Ave., Tracy CA 95376
830-3280

It is desirable that problems and complaints of alleged sexual harassment brought by students, employees, parents or other members of the community be resolved in a prompt and equitable manner. If possible, such problems and complaints should be resolved in an informal manner. If the complaint cannot be resolved informally the following procedures shall be followed for filing a formal complaint of sexual harassment:

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. The Superintendent or designee will maintain a log of complaints received, providing each with a code number and date stamp.

All types of complaints regarding sex equity and sexual harassment must be initiated, in writing, within sixty (60) calendar days of the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

Step 2: Investigation of Complaint

Within sixty-(60)-school-days-from receipt-of-the-complaint, excluding summer-session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

Step 3: Response

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complaint within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

Step 4: Final Written Decision

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint.
2. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee or student was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action. However, when a student is expelled as a result of a substantiated charge of sexual harassment, the expulsion record shall be a non-privileged, dis-closable public record.

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appears.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

E. Record Retention

None

F. Reports Required

Sexual Harassment (student log)

G. Responsible Administrative Unit

Human Resources
Educational Services
Student Services

H. Approved by:

Assistant Superintendent of Educational Services and Human Resources
Director Student Services and Curriculum

TUSD Acknowledged: 6/9/98

Revised:



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 30, 2012
SUBJECT: Adopt Board Policy and Acknowledge Administrative Regulation 5129, Bullying Prevention TUSD (First Reading)

BACKGROUND: The Office of Civil Rights recently reviewed Tracy Unified School District Board Policy and Administrative Regulation 5129, Bullying Prevention due to a past OCR complaint about a student being bullied and hostile environment being present. The school officials disciplined the students involved; however there continued to be a hostile educational environment.

RATIONAL: The revisions made were to ensure that increased implementation of Bullying Prevention and for investigations to look at areas of the social environment of the victim. This complies with Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: Not Applicable

RECOMMENDATION: Adopt Board Policy and Administrative Regulation 5129 Bullying Prevention TUSD (First Reading)

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

BULLYING PREVENTION POLICY

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

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

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, that is disruptive, that causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment. Bullying acts or conduct can include sexual harassment, hate violence, discriminatory harassment, threats, or intimidation directed toward one or more pupils. Discriminatory harassment and sexual harassment are a violation of students' civil rights and are also prohibited by Board Policies 5145.3-Nondiscrimination/Harassment and 5145.7-Sexual Harassment.

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

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

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

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

every student.

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

234.1 Safe Place to Learn

35294.2 School Safety Plan

32261 Intergovernmental Agencies School Safety

48900 (r) Grounds for Suspension/Expulsion

TUSD Board Approved April 28, 2009

Bullying Prevention TUSD**Bully Investigation Procedures****A. Purpose and Scope**

To provide guidance and direction for all District employees regarding Bullying / Harassment, including cyberspace and tech bullying.

B. General – Definition

~~Behavior that means one or more acts by a pupil or a group of pupils directed against another pupil that constitutes hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, that causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment, and includes acts that are committed personally or by means of an electronic act and social isolation or manipulation. An “electronic act” means the transmission of a communication, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. (California Education Code 48900 (r))~~

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- 1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's person or property.**
- 2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.**
- 3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.**
- 4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))**

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

When bullying acts or conduct are based on the actual or perceived characteristics of gender, gender identity, gender expression or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, staff members should address and refer complaints about such acts for consideration and investigation under the District's Sexual Harassment Policy (BP 5145.7).

When bullying acts or conduct are based on the actual or perceived characteristics of disability, nationality, race or ethnicity or religion or association with a person or group with one or more of these actual or perceived characteristics, staff members should address such acts and refer complaints about such acts for consideration and investigation under the District's Nondiscrimination/Harassment Policy (BP 5145.3).

C. Forms Used and Additional References

Bullying /Harassment Claim Interview Sheet

Bullying /Harassment (Informal versus Formal Complaint –Summary of Procedures)

D. Procedures

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

General Procedures - Students

Any student who feels he or she is being bullied or harassed should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the Bullying / Harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any Bullying / Harassment of the student. The student may make this report alone or with his or her parent/guardian.

An employee who receives a report of Bullying / Harassment of a student or who witnesses the Bullying / Harassment of a student shall immediately report the incident first to the site administrator or site designee then to the Assistant Superintendent of Education Services and Human Resources (if alleged Bullying / Harassment is by an employee). Administrators, upon receiving a report of Bullying / Harassment from a student, shall provide the student with a copy of the Bullying / Harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding Bullying/ Harassment, parents /guardians of the student (victim) shall be contacted.

Each complaint of Bullying / Harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. If the student requests that his or her name not be disclosed to the alleged harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order

to file a formal complaint of Bullying / Harassment, the student must be willing to disclose his or her name to the alleged harasser. Parent or legal guardian shall be informed of the investigation.

General Procedures - Any Other Persons

Any person who alleges Bullying / Harassment by any employee or student in the District may file a complaint under the complaint procedures contained in Administrative Regulation 4119.11; 4219.11; and 5145.7.

Formal Complaint Procedures

The Board designates the following compliance officers to receive and investigate complaints and ensure compliance with law:

Superintendent or designee 830-3200 ext. 1004, or e-mail: jfranco@tUSD.net

Assistant Superintendent of Educational Services and Human Resources 830-3260 ext. 1304, or e-mail: sjharrison@tUSD.net

Director of Student Services and Curriculum 830-3280 ext. 1605, or e-mail: phall@tUSD.net

Principle or site designee please call site number, for e-mail please see site: <https://www.tracy.k12.ca.us/Pages/MainHomePage.aspx>

All complaints can be mailed to: Tracy Unified School District, 1875 W. Lowell Ave. Tracy, CA. 95376

It is desirable that complaints of Bullying / Harassment be resolved in a prompt and appropriate manner. If possible, such complaints should be resolved in an informal manner. If the complaint cannot be resolved informally, the following procedures shall be followed for filing a formal complaint of Bullying / Harassment.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged Bullying/Harassment.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints of Bullying / Harassment must be initiated, in writing within sixty (60) calendar days of the date the alleged violation occurred

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, superintendent or designee shall help him/her to file the complaint.

Step 2: Investigation of Complaint

Within sixty (60) school days from receipt of the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or

designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

Step 3: Response

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting.

The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

Step 4: Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

- * The findings and disposition of the complaint.
- * Notice of the complainant's right to appeal the decision to the Tracy Unified School District Board of Trustees and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state **that appropriate action was taken and that the employee or student was informed of the District's Bullying Policy.** The report shall not give any further information as to the nature of the corrective or disciplinary action. However, when a student is expelled as a result of a substantiated charge of bullying, the expulsion record shall be a non-privileged, disclose-able public record. The Tracy Unified School District board decision is the final decision.

Corrective Action

A substantiated complaint of Bullying / Harassment may subject the offending employee or student to corrective action, up to and including suspension and discharge/expulsion. Such corrective action shall be consistent with the California Education Code and any collective bargaining agreement or student discipline code, if applicable.

In the event of harassment by an individual who is not an employee or student of the District, the District will take whatever legal corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered Bullying / Harassment under this policy, it may be in violation of other rules and standards of conduct of the District. The District may discipline an employee or student for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. Supervisors may be held personally liable under the law for acts of harassment.

Retaliation and Confidentiality

The District forbids retaliation against anyone for reporting Bullying / Harassment, filing a complaint pursuant to this policy, assisting in making a Bullying / Harassment complaint, or cooperating in a Bullying / Harassment investigation. Anyone experiencing or witnessing any conduct they believe to be retaliatory are to immediately follow the procedures outlined above. In an investigation and in imposing any discipline, the District will attempt to preserve confidentiality to the extent the circumstances permit.

Notification – Students and Parents

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and the Administrative Regulation which contains the complaint procedures will be distributed to all students of the District at the beginning of the first trimester or semester of the school year, and to any new student at the time that the new student is enrolled. A copy of the Bullying / Harassment Policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

Notification – Students

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and Administrative Regulation which contain the complaint procedures will be sent to all students and parents or guardians upon enrollment and annually thereafter. A copy of the Bullying Policy and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of Bullying / Harassment.

Students may also file a separate claim of Bullying / Harassment with the Office of Civil Rights (OCR). The address and telephone number of the OCR is listed under the notifications section for employees.

E. Reports Required

Investigation report regarding allegations of harassment.

F. Record Retention

Student and Personnel file when appropriate.

G. Responsible Administrative Units

Human Resources

Student Services

H. Approved By

Assistant Superintendent of Education and Human Resources

Director of Student Services & Curriculum

Student AR 5129 Bullying Prevention TUSD Acknowledged: 9/28/10



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 18, 2012
SUBJECT: Approve Changes to K-5, 6-8 and High School Safety and Violence Prevention Handbooks

BACKGROUND: The Board of Trustees is asked yearly to accept revisions and changes to School Handbooks. The K-5, 6-8 and High School Safety and Violence Prevention Handbooks have a variety of proposed changes.

RATIONALE: Changes in School Handbooks need to be reviewed with the Board of Trustees. It is important that Handbooks are reviewed yearly for accuracy and compliance with new laws, regulations and policies. K-5, 6-8 and High School administration and staff review Handbooks on site and then propose changes to the Director of Student Services. The Director of Student Services works with all the schools to maintain uniformity between their Handbooks. The proposed changes are then presented to the Board for approval. This agenda item meets Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff.

FUNDING: N/A

RECOMMENDATION: Approve Changes to K-5, 6-8 and High School Safety and Violence Prevention Handbooks

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

Changes to be made to the K-5, 6-8 and High School Handbooks for 2012-2013

1. Military related absences.

- h. Any pupil who is a dependent of military personnel shall be granted up to 5 days of excused absence or independent study when the parent is either deployed or returning from a deployment.

2. Time restrictions as to when students can arrive to campus before school and when students must leave after school.

Students should not be dropped off any earlier than 5 minutes prior to the opening of the school breakfast program. Students should be picked up from school no later than 15 minutes after the dismissal bell. Inter/Intra-district transfers may be revoked due to violations of these times. Students who are not participating in approved after-school extra-curricular or athletic programs must leave the campus within 15 minutes of dismissal. Continuous violation of this policy may result in the student being transported to Tracy Police Department for supervision and parent notification.

3. Change Parent Link name to Aeries Parent Portal name.

Aeries Parent Portal.

4. Insert definition of chronic truant.

Education Code 48263.6 - Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

5. Add wording regarding teacher consequences for tardy 1-4 on p. 11 (High School only).

Students who do not fulfill teacher consequence may be teacher suspended.

6. Add deadline for credits for athletic eligibility p. 17 (High School only).

THE LAST DAY TO ACCEPT AND APPLY OUTSIDE CREDITS FOR ELIGIBILITY IS THE FIRST DAY OF SCHOOL IN THE FALL SEMESTER.

7. SAT and ACT dates changed for 2012-2013 school year on p. 25 (High School only)

8. Head Injury Concussion Information added.

Head Injury/Concussion

EC 49475. (a) If a school district elects to offer an athletic program, the school district shall comply with both of the following:

- (1) An athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the activity for the remainder of the day, and shall not be permitted to return to the activity until he or she is evaluated by a licensed health care provider, trained in the management of concussions, acting within the scope of his or her practice. The

athlete shall not be permitted to return to the activity until he or she receives written clearance to return to the activity from that licensed health care provider.

(2) On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition.

(b) This section does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course required pursuant to subdivision (d) of Section 51220.

9. Pertussis Information added.

PERTUSSIS

On September 29, 2010, a new law was passed (AB 354) that changed California immunization requirements for students entering 7th grade in public and private schools.

- All students entering 7th–12th grades in the coming school year (2011– 2012) must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7th birthday. This means that ALL current 6th–11th graders must get up to date now.
- Schools will turn away students who are not up to date beginning July 1, 2012.
- All students entering 9th grade in the coming school year (2012– 2013) must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7th birthday. This means that ALL current 8th graders must get up to date before entering 9th grade.

Remember to ask your physician about other vaccines your child may need, and bring your child's yellow immunization card to the visit. Please return a copy of ALL up to date immunizations to your child's school.

For questions, please call your primary physician today or call the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

No students will be allowed to attend school, without up to date immunizations.

10. Administering of Epilepsy meds added.

Administration of Epilepsy Medication

A parent or guardian of a pupil with epilepsy who has been prescribed an emergency anti-seizure medication by the pupil's health care provider may request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to

administer the anti-seizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available.

11. Minors: Medical care Consent added (Middle and High School Only).

Minors: Medical Care Consent

FC 6926. (a) A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment, if the disease or condition is one that is required by law or regulation adopted pursuant to law to be reported to the local health officer, or is a related sexually transmitted disease, as may be determined by the State Public Health Officer.

(b) Minor who is 12 years or older may consent to medical care related to the prevention of a sexually transmitted disease.

(c) The minor's parents or guardian are not liable for payment for medical care provided pursuant to this section.

12. Cameras will be installed at school changed to cameras are installed at school.

Cameras ~~will be~~ are installed at the school sites

13. Add rights for administrators regarding release of pupil information.

release pupil directory information (per Education Code Section 49076).

14. Under Board Rights, add the chain of command.

then the administration, then the Director of Student Services

15. Add Ed Code 48900.5 regarding ability to suspend.

48900.5. Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

16. Add Ed Code 48903 regarding total number of suspension days.

48903. (a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.

(b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.

17. Add In-House suspension information (Middle and High School Only).

In-House Suspension

Support Room is a classroom learning center where students are required to work independently. Support Room is used as an administrative placement in lieu of suspension. It is offered one day each week on Friday. Students with excessive support room placements are subject to suspension. Students may request to make up work missed due to placement in Support Room. The teacher shall provide all assignments and tests that the pupil will miss while suspended in Support Room (Education Code 48911.1).

18. Add information regarding Ed Code 48900.7 Terroristic Threats.

48900.7. (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

19. Add In-House suspension information (Middle and High School Only).

In-House Suspension

Support Room is a classroom learning center where students are required to work independently. Support Room is used as an administrative placement in lieu of suspension. It is offered one day each week on Friday. Students with excessive support room placements are subject to suspension. Students may request to make up work missed due to placement in Support Room. The teacher shall provide all assignments and tests that the pupil will miss while suspended in Support Room (Education Code 48911.1).

20. Student Success Team (SST) meeting info added to SAP information.

A meeting may be held in conjunction with a Student Success Team (SST) meeting, which is aimed at improving student's academic and behavioral functioning.

21. Consequences specific to fights added at the beginning of 48900 list (first, second, and third fight).

"Students who are involved in two (2) fights in any academic year or high school students who are involved in three (3) fights within their high school career (grades 9-12) and for whom a NO FIGHTING CONTRACT has been executed, shall be recommended for expulsion unless the principal finds that expulsion is inappropriate due to circumstances."

First fight: suspension and Fight Contract signed.

Second fight: Suspension and recommendation for expulsion with restrictions implemented. (Principal may request suspended-expulsion)

Third fight: Suspension and expulsion recommended.

22. Changes in consequences for Defiance of Authority (Middle and High School Only).

<p>IV. Defiance of Authority</p> <p>Refusal to follow school rules and regulations or take directions from a staff member, security or other responsible adult such as horseplay or failure to serve detention or Saturday School. (EC 48900 k)</p>	<p>Administrative decision which could include one of the following: warning, Parent Conf. Administrative detention, Saturday School, In-House suspension, or 1-5 day Suspension or teacher suspension.</p>	<p>Administrative decision which could include: All day In-House suspension or One to five (1-5) day suspension from school. Administrative decision which could include one of the following: warning, Parent Conf. Administrative detention, Saturday School, In-House suspension, or 1-5 day Suspension or teacher suspension</p>	<p>Administrative decision which could include: 1-5 day suspension from school. Administrative decision which could include one of the following: warning, Parent Conf. Administrative detention, Saturday School, In-House suspension, or 1-5 day Suspension or teacher suspension</p>	<p>Administrative 1-5 day suspension from school and recommendation for expulsion. Administrative decision which could include one of the following: warning, Parent Conf. Administrative detention, Saturday School, In-House suspension, or 1-5 day Suspension or teacher suspension and recommendation for expulsion.</p>
--	---	--	--	---

23. Add specific consequence; reword consequence, for being out of class without a pass (truant) (Middle and High School Only).

<p>XVII. Out of Class</p> <p>Without an acceptable hall pass. (EC 48900 k)</p>	<p>Assigned to serve a Saturday School DAY (choice of two consecutive dates). Student is truant and assigned two hours Saturday School.</p>	<p>Assigned to serve a Saturday School DAY OR 1 day In-House suspension. Student is truant and assigned two hours Saturday School.</p>	<p>1-2 days home suspension.</p>	<p>2-5 day suspension from school.</p>
---	--	---	----------------------------------	--

24. Add BP 5129 on bullying.

Students

BP 5129

BULLYING PREVENTION POLICY

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

The Tracy Unified School District will not tolerate bullying which shall be defined as:

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, that is disruptive, that causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment. Bullying acts or conduct can include sexual harassment, hate violence, discriminatory harassment, threats, or intimidation directed toward one or more pupils. Discriminatory harassment and sexual harassment are a violation of students' civil rights and are also prohibited by Board Policies 5145.3-Nondiscrimination/Harassment and 5145.7-Sexual Harassment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

234.1 Safe Place to Learn

35294.2 School Safety Plan

32261 Intergovernmental Agencies School Safety

48900(r) Grounds for Suspension/Expulsion

TUSD Board Approved April 28, 2009

25. Add specific wording to Bullying consequences.

I. Bullying

EC-48900 (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 322.61, directed specifically toward a pupil or school personnel. As defined by 322.61, "Bullying" means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4. An "electronic act" means the transmission of a communication, including, but not necessarily limited to, a message, text, sound or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not necessarily limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

26. Add specific language to consequences for making terroristic threats on.

Terroristic Threats

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Maximum</u>
<p>48900.7: (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.</p> <p>(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.</p>	<p>Administrative decision which would include one of the following: Parent conference, and/or suspension from school for 1-5 days and possible recommendation for expulsion.</p>	<p>3-5 day suspension and possible recommendation for expulsion.</p>	<p>3-5 day suspension and possible recommendation for expulsion.</p>	<p>Five (5) day suspension and possible recommendation for expulsion.</p>

27. Include information on AB 1156 regarding bullying and inter-district transfers.

AB 1156 - A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined, committed by a pupil of the school district of residence be given priority for inter-district attendance under any existing inter-district attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an inter-district attendance agreement, at the request of the person having legal custody of the pupil.

28. Insert information on BP 5145.7 regarding sexual harassment.

Sexual Harassment

Parent/Student

Students

BP 5145.7

SEXUAL AND GENDER-BASED HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits sexual and gender-based harassment of any employee, student, or other person at school or at any school-related activity. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law.

It shall be a violation of this policy for any district employee to harass another district employee, applicant or student through conduct or communications of a sexual nature as defined in Administrative Regulation 4119.11. It shall also be a violation of this policy for students to harass other students or district employees through conduct or communications of a sexual nature as defined in Administrative Regulation 5145.7.

Information

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual harassment. Such information shall include:

1. Examples of acts and behavior which constitute sexual harassment
2. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation, gender identity, or gender expression.

They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.

Students shall be informed that they should immediately contact the principal or designee if they feel they are being harassed.

4. Students shall be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained

Complaint Process

The Board expects students or staff to immediately report incidents of sexual harassment to the principal or designee, to another district administrator or a faculty member. Any student who feels that he/she is being harassed should immediately contact the principal or designee at his/her school.

Staff shall immediately report complaints of sexual harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated. The investigation shall include identification of any other students, in addition to the complainant, who may have been subjected to the prohibited harassment and who may have been subjected to a hostile environment.

If a situation involving sexual harassment is not promptly investigated and remedied by the principal or designee, a complaint of harassment can be filed in accordance with AR 1312.1 –

Complaints Concerning District Employees or AR 1312.3 – Uniform Complaint Procedures. The principal or designee or district administrator shall determine which procedure is appropriate.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process, except as necessary to carry out the investigation or take other subsequent necessary action.

Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-related activity is in violation of this policy and shall be subject to disciplinary action... For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Effects of Sexual Harassment

The Superintendent or designee shall ensure that if sexual harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim(s). The types of actions will vary depending on the circumstances, but may include discipline of the harasser, counseling and/or other support services for any person found to have been subjected to prohibited harassment, or separation of the victim(s) and the harasser. When separation of the victim and harasser is warranted, the Superintendent or designee shall not unduly burden the victim.

Legal Reference:

CIVIL CODE

51.9 Liability for sexual harassment; business, service and Professional relationships

1714.1 Liability of parents/guardians for willful misconduct of Minor

EDUCATION CODE

200-264.2 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2et seq. Title IX, 1972 Education Act Amendments

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

TUSD Adopted: 6/9/98

Revised:

29. Remove information that deals with employee sexual harassment.

~~Any employee, who feels he or she has been discriminated against and/or harassed on the basis of sex, or any legally protected status, should immediately report such conduct to his or her supervisor, the Assistant Superintendent for Human Resources, or any other member of the Administration, without fear of reprisal. The employee need not first report the harassment to his or her supervisor, especially if the employee believes the supervisor engaged in or knowingly tolerated any harassment of the employee.~~

30. Remove notification of employee sexual discrimination.

~~Notification—Employees~~

~~A copy of the sexual harassment policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.~~

~~Notice of the sexual harassment policy and the Administrative Regulation which contains the complaint procedures will be distributed to all employees of the District at the beginning of the first quarter or semester of the school year, and to any new employee at the time that the new employee is hired. A copy of the sexual harassment policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.~~

~~All employees additionally shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing ("DFEH") that includes information on sexual harassment, including the legal remedies and complaint process available through the DFEH and directions on how to contact this agency. A notice advising employees of the DFEH's requirements, including the prohibition against unlawful harassment based on~~

sex, shall be posted at the main administrative building. The address and telephone number of the DFEH are as follows



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Approve Revisions to BP 5141.3, Health Examinations, to Eliminate Scoliosis Screening for Seventh Grade Girls and Eighth Grade Boys (First Reading)

BACKGROUND: Previously public school districts were mandated to do scoliosis screenings for seventh grade girls and eighth grade boys. This screening was to be done by a credentialed School Nurse or Public Health Nurse. On October 8, 2010, Governor Arnold Schwarzenegger signed Senate Bill 870 (Chapter 712, Statutes of 2010), the Budget Act of 2010. In addition, he signed various "trailer bills", which amend the California Education Code (EC) and other California Codes to reflect technical changes necessary to implement the budget.

The budget package made changes to several of the funded mandates to reduce costs. The budget suspended mandated scoliosis screening through 2013, pursuant to California Education Code, Section 49451, to provide for the screening of every female pupil in grade 7 and every male pupil in grade 8, for the condition known as scoliosis.

RATIONALE: Tracy Unified has only one full-time credentialed School Nurse at this time and as a result of severe cuts in the Budget Act of 2010, it is not cost effective for Tracy Unified to provide scoliosis screening. Upon Board approval, notification letters will be sent home to parents. This agenda item meets District Goal #5: Continuously improve fiscal, facilities and operational processes.

FUNDING: No cost to the District

RECOMMENDATION: Approve Revisions to BP 5141.3, Health Examinations, to Eliminate Scoliosis Screening for Seventh Grade Girls and Eighth Grade Boys (First Reading)

Prepared by: Cynthia Edmiston, Coordinator of Health Services

HEALTH EXAMINATIONS

The Governing Board recognizes the importance of periodic health examinations conducted according to state health regulations.

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the Board shall require that periodic examinations be conducted which include tests for vision, and hearing. ~~and scoliosis.~~ All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

A parent/guardian may annually file a statement with the principal withholding consent to any physical examination of his/her child. The child shall be exempt, but shall be subject to exclusion due to a suspected contagious or infectious disease.

The principal of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examination.

Vision & Hearing

Students shall have their vision and hearing tested by qualified personnel authorized by the district upon first enrollment in elementary school. Further examination shall take place every three years until the student has completed 8th grade. The results of the vision and hearing exam shall be entered into the student's health record. All students shall be tested for visual acuity and hearing. Color vision shall be tested once and only in male students. External observations of the student's eyes, visual performance and perception shall be done by the school nurse and the classroom teacher.

Visual and hearing defects shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report shall not include a referral to any private practitioner. The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, or county department of public health.

Scoliosis Screening

~~The Board shall provide for the screening of students for the condition known as scoliosis. Every female student in the 7th grade and every male student in the 8th grade shall be screened. The screening shall follow the standards established by the State Department of Education and shall be performed by qualified personnel as specified by law.~~

HEALTH EXAMINATIONS (Continued)

~~Persons performing the screening shall not solicit, encourage or advise treatment to the student. The same shall apply to any other condition discovered in the course of the screening for scoliosis.~~

~~The parent/guardian of any student suspected of having scoliosis shall be notified. The notice shall include an explanation of scoliosis, the significance of treatment at an early age, and the public services available for treatment. A referral to the appropriate community resources for diagnosis and treatment shall be made.~~

Interscholastic Athletic Competition

All students who participate as cheerleaders, song leaders, or athletes in interscholastic sports are required to file a current medical examination. Compliance with the medical examination requirement is not necessary for participants in a play day or a field day activity occurring occasionally during a school year in which students of one or more particular grade levels from two or more schools in the district participate in athletic contests.

If a student sustains an injury or serious illness, the student may be required by school personnel to have another examination prior to further interscholastic competition.

A student who has been excused from the physical education program because of a medical reason may not participate in any interscholastic athletic competition.

All students engaging in interscholastic athletic competition are required to meet accident insurance requirements prescribed by law.

Child Health and Disability Prevention Program

When parents/guardians enroll their children in kindergarten, the district shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The district shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disability Prevention Program, and about the evaluation services and other benefits provided under Division 106, Part 2, Chapter 3, Article 6 of the Health and Safety Code. The district shall encourage parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

HEALTH EXAMINATIONS (Continued)**Legal Reference:****EDUCATION CODE**

48211-48214	Persons excluded
49400-49410	General powers-school boards (re: pupil health)
49450-49457	Physical examinations (of pupils)

HEALTH AND SAFETY CODE

121475-121520	Tuberculosis tests for pupils
124100, 124105	Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

590-596	Vision screening
---------	------------------



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Adopt the District's Initial Bargaining Proposal for the California School Employees Association for the 2012-2013 School Year

BACKGROUND: The current three-year contract between the California School Employees Association (CSEA) and the Tracy Unified School District expires June 30, 2014. CSEA submitted its initial bargaining proposal for the 2012-2013 school year at the regularly scheduled board meeting on March 27, 2012. The District presented their initial bargaining proposal at the board meeting on April 17, 2012.

RATIONALE: Pursuant to the current Master Agreement between TUSD and CSEA of 2011-2012, 2012-2013, 2013-2014, the District must also submit its initial bargaining proposal within 30 days after receipt of the Association's proposal. The CSEA is requesting to meet and negotiate with the District for the Articles shown on the attached proposal. The District also chooses to open Article XIX, Sick Leave, and Article XXVI, Vacation Leave.

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

FUNDING: N/A

RECOMMENDATION: Adopt the District's Initial Bargaining Proposal for the California School Employees Association for the 2012-2013 School Year

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



California
School
Employees
Association

5375 West Lane
Stockton, CA 95210

(209) 472-2170
(800) 757-4229
FAX: (209) 472-2089

www.csea.com

Member of the AFL-CIO

*The nation's largest
independent classified
employee association*

*Member of the National
Association of Classified
School Employees
(NACSE), representing
independent public
employees throughout
the nation*



March 19, 2012

VIA FACSIMILE & U.S. MAIL
(209) 830-3264

Dr. Sheila J. Harrison, Assistant Superintendent
Human Resources
Tracy Unified School District
1875 W. Lowell Avenue
Tracy, CA 95376

RE: CSEA Initial Bargaining Proposal for Contract Reopener

Dear Dr. Harrison:

Pursuant to the agreement between the California School Employees Association and its Tracy Unified Chapter # 98 and the Tracy Unified School District which expires June 30, 2014, please find attached the initial proposal for amendments and modifications to the current collective bargaining agreement.

Please consider this document for the public notice provisions pursuant to Government Code Section 3547(a). The California School Employees Association and the Tracy Unified Chapter # 98 desire to commence negotiations as soon as possible after the completion of the public notice provisions.

Sincerely,

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION

Carol Black
Labor Relations Representative

CB/jpk

Enclosure - Initial Proposal

cc: Karen Gardener, Area Director; Rose Roach, Field Director RDFO;
Dorsey McCowan, Regional Representative #42; Gayle Garner,
President Chapter #98; file

**Tracy Unified #98
Initial Proposal Summary**

ARTICLE VIII – Pay and Allowances

Increase to salary schedule for all bargaining unit employees.

ARTICLE XI– Hours and Overtime

There is a concern that overtime distribution is inequitable.

ARTICLE X – Fringe Benefits

CSEA would like to discuss increased costs and contribution.

ARTICLE XLIII – Transportation

There is a concern that overtime distribution is inequitable.



HUMAN RESOURCES MEMORANDUM

TO: Jim Franco, Ed.D., Superintendent
FROM: *Sheila Harrison* Sheila Harrison, Ed.D., Assistant Superintendent for
Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Approve New Job Description for Staff Development
Specialist: English Learners

BACKGROUND: Tracy Unified School District's English Learners make up 25% of the student population and continues to increase annually. While the academic performance of English learners has continued to improve each year in the District, there is a need to provide additional support to English learners in order to close the achievement gap.

A new job description is being proposed which will provide Staff Development Specialist: English Learners position(s) in the District beginning in the 2012-2013 school year. The attached new job description allows an employee to complete the required tasks of the position.

RATIONALE: Under general supervision of the Director of Staff Development, this position requires performance in a variety of duties relating to training and supporting principals, teachers, and sites in raising the academic achievement of English Learners and closing the achievement gap. This position is designed for a teacher who has expertise in addressing the needs of English Learners. Continuation of this position for succeeding years shall be dependent or based on sufficient funds being available and the programmatic needs of the District.

In addition, the new job description is being proposed to ensure it accurately reflects the essential functions, education and experience, skills and qualification, physical requirements and work environment of the position of Staff Development Specialist: English Learners, and accurately describes the responsibilities of that position. This agenda item meets District Strategic Goal #1: Prepare all students for college and careers, District Strategic Goal #2: Ensure that all students meet or exceed grade level standards and that the achievement gap is closed, and District Strategic Goal #5: Continuously improve fiscal, facilities and operational processes.

FUNDING: The personnel cost the Staff Development Specialist: English Learners position(s) will be funded from District categorical Title III funds.

RECOMMENDATION: Approve New Job Description for Staff Development
Specialist: English Learners

PREPARED BY: Dr. Sheila Harrison, Assistant Superintendent of Educational
Services and Human Resources.

TRACY UNIFIED SCHOOL DISTRICT JOB DESCRIPTION

POSTION TITLE: Staff Development Specialist: **English Learners**

DEPARTMENT/DIVISION: Staff Development/Educational Services

POSITION SUMMARY:

Under general supervision of the Director of Staff Development, this position requires performance in a variety of duties relating to training and supporting principals, teachers, and sites in raising the academic achievement of English Learners and closing the achievement gap. This position is designed for a teacher who has expertise in addressing the needs of English Learners. Continuation of this position for succeeding years shall be dependent or based on sufficient funds being available and the programmatic needs of the District.

ESSENTIAL FUNCTIONS:

1. Provides classroom observations and coaching.
2. Conducts demonstration lessons.
3. Demonstrates classroom management strategies and routines.
4. Participates in goal setting, lesson planning, unit design, curriculum mapping and reflective conversation activities with teachers at all levels of experience.
5. Conducts workshop presentations.
6. Assists site administrators with instructional walk-throughs.
7. Maintains regular and prompt attendance in the workplace.
8. Performs other related duties as assigned.

EDUCATION AND EXPERIENCE:

Ability to carry out oral and written directions, read, write, and speak at a level sufficient to fulfill the duties to be performed. Must hold or be able to obtain a valid California Teaching Credential. A Masters Degree is desired. Must have at least five years of successful teaching experience with a strong background in TUSD adopted curriculum and English Learner strategies. Recent experience in providing staff development and facilitating groups is desirable. Must hold a valid California Driver's License and be willing to travel throughout the District.

SKILLS AND QUALIFICATIONS:

1. Demonstrated exemplary teaching ability, as indicated by, but not limited to:
 - a. Effective communication skills.
 - b. Knowledge of and commitment to TUSD curricular goals and standards.
 - c. Mastery of a range of teacher strategies necessary to meet student needs.
 - d. Effective leadership skills.
 - e. Effective organizational skills.
2. Knowledge of and demonstrated competence in the California Standards for the Teaching Profession.
3. Knowledge of and ability to model a variety of teaching and learning strategies with an emphasis on English Learner strategies including academic language development, sheltered instruction, and primary language (Spanish/other) development.
4. Understanding and passion for working with English Learners.

5. Knowledge of classroom management strategies and routines.
6. Direct Instruction Certified or willing to be trained in Direct Instruction.
7. Able to access, analyze, and use/apply data to inform instruction and teacher coaching.
8. Ability to demonstrate master teacher skills and expertise.
9. Ability to effectively guide teachers in reflective conversation.
10. Ability to plan and conduct in-service training.
11. Ability to provide teacher coaching.
12. Ability to communicate effectively and establish positive working relationships with peers and other staff members.
13. Ability to maintain cooperative and confidential working relationships with those contacted in the course of work and to work in a strong collegial setting.

PHYSICAL REQUIREMENTS:

Employees in this position must be/have the ability to:

1. Sit for extended periods of time.
2. Enter data into a computer terminal/typewriter and operate standard office equipment for extended periods of time.
3. See and read a computer screen and printed matter with or without vision aids.
4. Speak so that others may understand at normal levels and on the telephone with or without hearing aids.
5. Hear and understand at normal levels and on the telephone with or without hearing aids.
6. Stand and/or walk on hard and/or uneven surfaces for extended periods of time.
7. Bend, squat, stoop and/or climb for extended periods of time.
8. Reach overhead, grasp, push/pull up to 25 pounds for short distances.
9. Lift and/or carry up to 25 pounds at waist height for short distances.

WORK ENVIRONMENT:

Employees in this position will be required to work indoors in a standard office, classroom, and/or workshop environment and come in direct contact with Tracy Unified School District staff and the public. Employee will be required to travel from school site to site on a regular basis. Employee may be required to travel out of the District and out of town for conferences and training activities.

SALARY: Per current TEA Master Agreement. Days worked beyond the contract year will be paid at the per diem rate. The stipend for Staff Development Specialist shall be established at 14.76% stipend of Class III Step I non-adjusted salary schedule B.

DAYS OF SERVICE: Full time position is teacher's contract plus a maximum of 17 extra days. Positions can be full-time, half-time, part-time (daily and hourly), Job Shares.

Board Approved: TUSD



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of
Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Approve Revised Job Description for School Psychologist

BACKGROUND: The job description for School Psychologist needs to be revised to more accurately reflect the responsibilities and requirements of the position. The school psychologist role is integral to site special education teams, as well as providing support to principals, teachers and parents relating to struggling students. New mandates, such as AB114, the provision of mental health services to students with individualized education plans (IEP's), has changed the day-to-day duties of the school psychologist. Also, the District continues the process of updating job descriptions to ensure that they accurately reflect current essential functions of the position, District requirements and any Federal, State or Department of Education requirements. In addition, the Human Resources Department has established as one of its priorities, to review and revise outdated job descriptions. This revised job description does not reflect a salary increase.

RATIONALE: The revised job description is being proposed to ensure it accurately reflects the essential functions, education and experience, skills and qualifications, physical requirements and work environment for the position of School Psychologist. The current job description does not use current terminology; it does not describe the role of the psychologists in a way that reflects their current essential functions; it does not contain any language relating to the provision of mental health services; nor does it reflect current District procedures. This agenda item meets District Strategic Goal #5: Continuously improve fiscal, facilities, and operational processes.

FUNDING: N/A

RECOMMENDATION: Approve Revised Job Description for School Psychologist

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

Job Title: ~~_____~~ SCHOOL PSYCHOLOGIST TRACY SCHOOL DISTRICT

POSITION TITLE: School Psychologist

DEPARTMENT: Educational Services

POSITION SUMMARY: Under the general supervision of the Director of Special Education, the School Psychologist performs such duties as leading the Problem Solving Plan teams, child-find and assessment teams, providing leadership in Individualized Education Program meetings and special education site issues as well as providing targeted mental health interventions including individual and group counseling to students and parents.

~~Minimum Qualifications.~~

ESSENTIAL FUNCTIONS:

1. Provide all School Psychologist services as assigned including assessment, consultation, counseling, Individualized Education Program facilitation and development, behavior support plan development, functional analysis assessments and positive behavior intervention plan development; perform duties relating to identifying children with disabilities under section 504 of the Americans with Disabilities Act.
2. Provide leadership and coordination for the Problem Solving Plan process at the school site level.
3. Participate in regular Special Education department and school site meetings.
4. Informs Director of Special Education of school site needs relating to the provision of a free and appropriate public education for students.
5. Assists the Director of Special Education in maintaining compliance with state and federal regulations at the school site level.
6. Assists school site special and general education teachers with behavioral and instructional strategies.
7. Provides leadership and advocacy for children with special needs at the school site level.
8. Assists the Director of Special Education and Special Education Program Specialist in determining I.E.P. Para Educator's placements with individual students.
9. Provides individual and group counseling to students and parents.
10. Consults with District Psychologist/Mental Health Coordinator for provision of mental health services outside the scope of the school site based on individual student need.
11. Consults with the Special Education Program Specialist regarding the placement of District students in alternative programs to address their specific needs.
12. Refers District students for proper placement in County operated programs, Fresno Diagnostic Center, or other agencies as appropriate.
13. Maintains regular and prompt attendance in the workplace.
14. Performs other related duties as assigned.
15. ~~Credential: General Pupil Personnel Services with the authorization to serve as a Psychologist; or Standard Designated Services in pupil personnel with the Psychologist authorization.~~
16. ~~Education: Master's Degree, including all courses needed to meet credential requirements.~~

- ~~17. Desirable Experience:~~ At least three year's experience as a school psychologist, one of which could be service as an intern in a school psychologist's program under the auspices of an accredited college or university. At least two year's teaching experience, preferably at the level to which assigned, is highly desirable.
- ~~18. Personal Qualities:~~ Mature judgment and ability to exercise individual initiative. Ability to relate well with students, parents, teachers, administrators, and co-workers.
- ~~19. Selection and Period of Service:~~ The School Psychologist is appointed for annual periods of service with other members of the certificated staff by the governing board upon the recommendation of the District Superintendent and the Assistant Superintendent for Instruction.

Immediate Supervisor

The School Psychologist shall be directly responsible to the Assistant Superintendent for Instruction.

EDUCATION AND EXPERIENCE: Must hold or be able to obtain a valid Pupil Personnel Services Credential with a School Psychology authorization and have a Master's degree. Behavioral Intervention Case Management certification is preferred. Previous successful counseling or mental health provider experience is desirable. Must have a valid California driver's license.

Hours and Days of Work

The Psychologist will provide 205 days of service annually. Normal hours are 8:00-5:00 p.m.

Major Duties and Responsibilities

- ~~1) Coordinates psychological services for the schools to which assigned.~~
- ~~2) Coordinates designated special education services for the district.~~
 - ~~a) Maintains the special class student's education mobility after he is placed in a special class.~~
 - ~~b) Organizes the special education classes for the academic year and maintains state required class size in Special Education classes.~~
 - ~~c) Represents the District on screening committees for students being considered for placement in special education programs outside of the District.~~
 - ~~d) Helps serve as chairman of the local Admission Committee for placement of students in special education programs.~~
 - ~~e) Makes the necessary arrangements for Admission Committee meetings usually held monthly to include review of all students in local special education classes as designated.~~
- ~~3. Schedules meetings with special education teachers when necessary for the purpose of sharing professional information and to discuss current problems.~~
- ~~4. Plans in-service training for teachers and administrators to assist them in their professional growth.~~
- ~~5. Prepares state required reports on students in designated special education classes.~~
- ~~6. Keeps the Assistant Superintendent for instruction informed on matters pertaining to students in designated special programs.~~
- ~~7. Keeps the business office informed on all fiscal material relating to designated areas of special education including transportation arrangements when necessary.~~
- ~~8. Takes all steps necessary to provide adequate student evaluation.~~

2.10
(Page 2 of 2)

Major Duties and Responsibilities (cont.)

- ~~9. Consults with other agencies, both public and private, regarding individual cases.~~

- ~~10. Makes recommendations in cases of exemption, non promotion, acceleration and other cases upon request.~~
- ~~11. Counsels individual pupil regarding test findings, academic problems social or emotional problems, and general vocational goals upon request of the school administration.~~
- ~~12. Makes consultant services available to administrators, teachers, parents staff, and students.~~
- ~~13. Assists teachers in their guidance techniques through personal conferences, faculty conferences, demonstrations and workshops.~~
- ~~14. Helps the personnel and community to be aware of the mental health needs of children and youth.~~
- ~~15. Participates in the evaluation and assessment activities required by the District, including periodic self-evaluation.~~
- ~~16. Maintains professional competence through participating in in-service educational activities provided by the District and/or self selection of professional growth activities.~~
- ~~17. Keeps abreast of state regulations and district policies pertaining to special education programs.~~
- ~~18. Performs other duties as assigned.~~

SKILLS AND QUALIFICATIONS:

1. Successful experience as a school psychologist in a variety of settings.
2. Knowledge of best practices for assessment in all areas of suspected disability.
3. Knowledge of updated assessment tools for assessing in all areas of suspected disability.
4. Knowledge of curriculum accommodation and modifications related to students with special needs.
5. Ability to maintain cooperative working relationships with staff, administration, parents and community.
6. Ability to communicate effectively, both orally and in writing.
7. Knowledge of current California special education law.
8. Knowledge of "best practices" models for special education assessment, Individualized Education Plan development and service delivery.
9. Knowledge of evidence based practices for counseling and therapy in the school setting.

PHYSICAL REQUIREMENTS:

Employees in this position must have the ability to:

1. Sit for extended periods of time.
2. Stand and/or walk on hard and/or uneven surfaces for extended periods of time.
3. Bend, squat, stoop and/or climb for extended periods of time.
4. Reach overhead, grasp, push/pull up to 50 pounds for short distances.
5. Enter data/information in a computer terminal and operate standard office equipment for extended periods of time.
6. See and read a computer screen and printed matter with or without vision aids.
7. Speak so that others may understand at normal levels and on the telephone.
8. Hear and understand at normal levels and on the telephone with or without hearing aids.
9. Lift and carry up to 50 pounds at shoulder height for short distances .

WORK ENVIRONMENT:

Employees in this position will be required to work indoors in a standard office environment and/or classroom, outdoors on the playground, make home visits and come in direct contact with district and site staff, parents, students and the public.

SALARY: Leadership/Management Salary Schedule (LMP) Range 8

DAYS OF SERVICE: 204

Adopted Elem. Bd: 2/10/76

REVISED:



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Approve New Job Description for School Psychologist/Behaviorist

BACKGROUND: For well over ten years, the Tracy Unified School District has contracted with numerous behavior agencies to provide specific behavior services for children with autism. Over the last several years, the District has absorbed a large influx of children with mental health related behavioral needs, not necessarily connected with autism. Meeting the emotional and behavioral needs of these students requires specialized training and support. This psychologist/behaviorist position is designed to assist with the emotional and behavioral needs of students while at the same time providing invaluable and much needed services as a school psychologist. Under the new mandate (AB114) schools must provide mental health services to students with individualized education programs. Most students with significant behavioral needs also have mental health needs. The emphasis on behavioral needs connected to students with concomitant mental health needs opens the funding attached to the bill.

RATIONALE: The District has needed at a minimum, one more behavior specialist to serve the increasing student population with emotional and behavioral needs. Districts must provide a variety of services to students and TUSD is currently limited in its ability to do so. A behaviorist who is also a psychologist will function in a dual role providing psychology and behavioral services. This request supports District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff; and District Strategic Goal #6: Develop and support a high performing workforce.

FUNDING: Funding source: AB114 funding. The additional annual salary cost is estimated to be \$93,830.16 per School Psychologist/Behaviorist position.

RECOMMENDATION: Approve New Job Description for School Psychologist/Behaviorist

Prepared by: Dr. Janet Skulina, Director of Special Education.

TRACY UNIFIED SCHOOL DISTRICT JOB DESCRIPTION

POSITION TITLE: School Psychologist/Behaviorist

DEPARTMENT: Educational Services

POSITION SUMMARY: Under the general supervision of the Director of Special Education, the School Psychologist/Behaviorist performs the duties of both a school psychologist and a behaviorist; the behavioral component requires provision of mental health support for emotionally based behavioral needs of students.

ESSENTIAL FUNCTIONS:

1. Provide all School Psychologist services as assigned including assessment, consultation, counseling, Individualized Education Program facilitation and development, behavior support plan development, and specific mental health needs assessments.
2. Provide functional analysis assessments and consequent development of positive behavior intervention plans.
3. Consult with principals, teachers, counselors, psychologists and other staff on individual student emotional and behavioral needs.
4. Coordinate and facilitate special education behavioral and mental health training for staff as needed.
5. Coordinate special education behavioral and mental health curriculum needs under the direct guidance of the District Curriculum and Behavior Specialist, Program Specialist and Director of Special Education.
6. Assist the Director of Special Education, Curriculum and Behavior Specialist and Program Specialists with special education behavioral and mental health program planning and development.
7. Maintain Behavior Intervention Case Manager certification.
8. Coordinate parent trainings and support related to emotional and behavioral needs for students and their families.
9. Collaborate with in-district and out-of district staff for coordinated provision of special education related behavioral services at all District school sites or at other schools within our service area sites as indicated by student need.
10. Prepare and submit required district, state and federal reports.
11. Maintains regular and prompt attendance in the workplace.
12. Perform other related duties as assigned.

EDUCATION AND EXPERIENCE: Must hold or be able to obtain a valid Pupil Personnel Services Credential with a School Psychology authorization and have a Master's degree. Must hold or be able to obtain a Behavioral Intervention Case Management certification. Board Certified Behavior Analyst licensing or training is desired as well as successful experience in providing counseling or mental health services. Demonstrated successful experience as a school behavior analyst or school psychologist with collaboration and counseling activities.

SKILLS AND QUALIFICATIONS:

1. Successful experience as a school psychologist in a variety of settings.
2. Knowledge of behavioral analytic programs and theories for school based behavior analysis.
3. Knowledge of curriculum accommodation and modifications related to behavioral and emotional needs of special education students.
4. Ability to maintain cooperative working relationships with staff, administration, parents and the community.
5. Ability to communicate effectively, both orally and in writing.
6. Knowledge of current California special education law.
7. Knowledge of "best practices" models for special education assessment, Individualized Educational Program development and service delivery.
8. Knowledge of evidence based practices for behavior analysis and behavior support in the school setting.
9. Knowledge of evidence based practices for counseling and therapy in the school setting.
10. Ability to prioritize budget and expenditures.

PHYSICAL REQUIREMENTS:

Employees in this position must have the ability to:

1. Sit for extended periods of time.
2. Stand and/or walk on hard and/or uneven surfaces for extended periods of time.
3. Bend, squat, stoop and/or climb for extended periods of time.
4. Reach overhead, grasp, push/pull up to 50 pounds for short distances.
5. Enter data/information in a computer terminal and operate standard office equipment for extended periods of time.
6. See and read a computer screen and printed matter with or without vision aids.
7. Speak so that others may understand at normal levels and on the telephone.
8. Hear and understand at normal levels and on the telephone with or without hearing aids.
9. Lift and carry up to 50 pounds at shoulder height for short distances.

WORK ENVIRONMENT:

Employees in this position will be required to work indoors in a standard office environment and/or classroom, outdoors on the playground, make home visits and come in direct contact with district and site staff, parents, students and the public.

SALARY: Leadership/Management Salary Schedule (LMP) Class 8

DAYS OF SERVICE: 204 days



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 27, 2012
SUBJECT: Approve New Job Description for School Psychologist/Mental Health Coordinator

BACKGROUND: AB 114 mandated that mental health services for students with special needs, once provided by county mental health offices and the Department of Human Services, transfer to school districts. Thus, the responsibility for providing all levels of mental health services for students receiving special education is now that of TUSD. To that end, TUSD requires a coordinator to assist in development of the service delivery model of district based mental health system; coordinate trainings, curriculum and individual and group counseling; coordinate a variety of services for students with local agencies among many other tasks. This position is combined with a school psychologist position so that all school psychologist functions continue to take place in conjunction with coordinating the provision of mental health services to children with individualized education plans throughout the District.

RATIONALE: The District must provide mental health services directly to students under the new AB114 mandate. A coordinator is needed to assist in procuring, monitoring and providing mental health services at the local level as well as for students needing a higher level of care. This request supports District Strategic Goal #3: Provide a safe and equitable learning environment for all students and staff; and District Strategic Goal #6: Develop and support a high performing workforce.

FUNDING: Funding source: AB114 funding. The additional annual salary cost is estimated to be \$107,792.76 for this position.

RECOMMENDATION: Approve New Job Description for School Psychologist/Mental Health Coordinator

Prepared by: Dr. Janet Skulina, Director of Special Education.

TRACY UNIFIED SCHOOL DISTRICT JOB DESCRIPTION

POSITION TITLE: School Psychologist/Mental Health Coordinator

DEPARTMENT: Educational Services

POSITION SUMMARY: Under the general supervision of the Director of Special Education, the School Psychologist/Mental Health Coordinator performs the duties of a school psychologist and additionally provides coordination, leadership and management for the provision of mental health services as required through AB 114.

ESSENTIAL FUNCTIONS:

1. Provide all School Psychologist functions as assigned including assessment, consultation, counseling, Individualized Education Program facilitation and development, behavior support plan development, and specific mental health needs assessments.
2. Provide leadership and coordination for provision of special education mental health services throughout the District.
3. Coordinate and facilitate special education mental health referrals for higher levels of care including but not limited to accessing Marriage Family Therapists, Licensed Clinical Social Workers etc; arranging for Medi-Cal supported therapeutic behavior services; coordinating therapeutic behavior services (wrap-around) in the school setting; referrals for residential treatment.
4. Coordinate and facilitate mental health training for special education staff and partnerships with outside agencies.
5. Coordinate special education mental health curriculum needs and planning.
6. Assist Director of Special Education and Program Specialists with special education mental health program planning and development.
7. Act as liaison between District, Special Education Local Plan Area, and regional and community agencies.
8. Represent District at Special Education Local Plan Area meetings relating to mental health as assigned.
9. Coordinate parent trainings and support services.
10. Collaborate with in-district and out-of district staff for coordinated provision of special education related mental health services at all school sites or at other sites as indicated by student need.
11. Prepare and submit required district, state and federal reports regarding AB114 funded services.
12. Recommend AB 114 budget allocation and priorities to Director of Special Education.
13. Maintain regular and prompt attendance in the workplace.
14. Perform other related duties as assigned.

EDUCATION AND EXPERIENCE: Must hold or be able to obtain a valid Pupil Personnel Services Credential with a School Psychology authorization and have a Master's degree. Must

hold or be able to obtain a Behavioral Intervention Case Management certification. Experience in providing counseling or mental health services is desired. Demonstrated successful experience as a school psychologist with collaboration and counseling activities.

SKILLS AND QUALIFICATIONS:

1. Successful experience as a school psychologist in a variety of settings.
2. Knowledge of curriculum development, programs and theories for school based counseling therapy.
3. Knowledge of curriculum accommodation and modifications related to emotional needs of special education students.
4. Ability to maintain cooperative working relationships with staff, administration, parents and community.
5. Ability to communicate effectively, both orally and in writing.
6. Knowledge of current California special education law.
7. Knowledge of "best practices" models for special education assessment, IEP development and service delivery.
8. Knowledge of evidence based practices for counseling and therapy in the school setting.
9. Ability to prioritize budget and expenditures.

PHYSICAL REQUIREMENTS:

Employees in this position must have the ability to:

1. Sit for extended periods of time.
2. Stand and/or walk on hard and/or uneven surfaces for extended periods of time.
3. Bend, squat, stoop and/or climb for extended periods of time.
4. Reach overhead, grasp, push/pull up to 50 pounds for short distances.
5. Enter data/information in a computer terminal and operate standard office equipment for extended periods of time.
6. See and read a computer screen and printed matter with or without vision aids.
7. Speak so that others may understand at normal levels and on the telephone.
8. Hear and understand at normal levels and on the telephone with or without hearing aids.
9. Lift and carry up to 50 pounds at shoulder height for short distances.

WORK ENVIRONMENT:

Employees in this position will be required to work indoors in a standard office environment and/or classroom, outdoors on the playground, make home visits and come in direct contact with district and site staff, parents, students and the public.

SALARY: Leadership/Management Salary Schedule (LMP) Class 11

DAYS OF SERVICE: 204 days



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 27, 2012
SUBJECT: Consider and take action on Resolution No. 11-21 on the proposed decision related to Certificated Layoff Hearings. Administration recommends that the Board adopt the Administrative Law Judge's proposed decision and release the impacted certificated employees for the 2012-2013 school year.

BACKGROUND: Earlier this year, the Board adopted Resolution No. 11-13, which ordered the reduction or elimination of 12.0 full time equivalent particular kinds of certificated services and subsequently most of the noticed certificated employees requested a hearing. On or about April 3, 2012, the parties reached a stipulation with regard to most matters and on April 23, 2012 Administrative Law Judge Stephen J. Smith issued a proposed decision.

Pursuant to Education Code sections 44949, 44955, and 44951, the District Administration is making a recommendation that requires the Board to consider adoption of the proposed decision related to the certificated layoff hearings and release the impacted certificated employees beginning with the 2012-2013 school year. This action item will allow Human Resources to send final Reduction in Force Notices to the certificated employees affected by the layoffs who will not be returning for the 2012-2013 school year.

RATIONALE: Reductions or discontinuance of particular kinds of services are needed to address budget cuts for the 2012-2013 school year.

RECOMMENDATION: Consider and take action on Resolution No. 11-21 on the proposed decision related to Certificated Layoff Hearings. Administration recommends that the Board adopt the Administrative Law Judge's proposed decision and release the impacted certificated employees for the 2012-2013 school year.

FUNDING: Not applicable.

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

**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 11-21**

**ADOPTION OF ADMINISTRATIVE LAW JUDGE'S PROPOSED
DECISION IN THE MATTER OF THE TEACHER LAYOFF HEARING
OF
TRACY UNIFIED SCHOOL DISTRICT
OAH No. 2012030076 AND TERMINATION OF CERTIFICATED EMPLOYEES FOR
THE 2012-2013 SCHOOL YEAR**

WHEREAS, on February 28, 2012, the Board of Education of Tracy Unified School District ("Board") adopted Resolution No. 11-13, which ordered the reduction or elimination of 12.0 full time equivalent particular kinds of certificated services; and

WHEREAS, on or about March 12, 2012, identified certificated employees of the District were sent notice that their services would be reduced or discontinued commencing with the beginning of the 2012-2013 school year and were offered the right to a hearing; and

WHEREAS, a portion of the noticed certificated employees requested a hearing and filed a Notice of Defense, thus becoming Respondents in OAH Case No. 2012030076; and

WHEREAS, a proposed decision was issued on April 23, 2012 by Administrative Law Judge Stephen J. Smith; and

WHEREAS, the proposed decision was provided to all members of the Board and to Respondents via service to their attorney, Thomas J. Driscoll, Jr., or to each individually as appropriate, and is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the members of the Board have had an opportunity to review the proposed decision, and having reviewed it have determined that it should be adopted.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education of the Tracy Unified School District finds that the Proposed Decision in OAH No. 2012030076 supports a finding that there is sufficient cause to lay off the individuals identified in Attachment A (Leilani Case, Monica Cordisco, Rocio Garcia, Shazana Gardner, Amber Hudelson, Maysue Lee, Tyler Mullen, Laura Nunes, Myesha Ryan, and Justine Webb) which is attached hereto and incorporated herein, and to discontinue those certificated positions; and
2. The Board adopts the Proposed Decision in OAH No. 2012030076; and

3. The Board directs the Superintendent or his designated representative(s) to take all action needed, including, prior to May 15, 2012, to send notices to the employees identified in Attachment A (Leilani Case, Monica Cordisco, Rocio Garcia, Shazana Gardner, Amber Hudelson, Maysue Lee, Tyler Mullen, Laura Nunes, Myesha Ryan, and Justine Webb) that their services are terminated effective the 2012-2013 school year.

ADOPTED by the Board of Education of the Tracy Unified School District on May 8, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Clerk of the Board

Attachment A

Proposed Decision of the Administrative Law Judge

BEFORE THE
GOVERNING BOARD OF THE
TRACY UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation/Non-
Reemployment of Certified Employees of the
TRACY UNIFIED SCHOOL DISTRICT:

OAH No. 2012030076

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
adopted by the Tracy Unified School District as its Decision in the above-entitled matter.

This Decision shall become effective on _____.

IT IS SO ORDERED _____.

Signed By:

BEFORE THE
BOARD OF EDUCATION
TRACY UNIFIED SCHOOL DISTRICT
COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

In the Matter of the Reduction or Elimination
of Particular Kinds of Services and the
Employment Status of:

CERTAIN CERTIFICATED EMPLOYEES
OF THE TRACY UNIFIED SCHOOL
DISTRICT,

OAH No. 2012030076

Respondents.

PROPOSED DECISION

Administrative Law Judge Stephen J. Smith, Office of Administrative Hearings, State of California, heard this matter via a stipulation between the parties on April 3, 2012.

Marie A. Nakamura, Attorney at Law, Kronick, Moskovitz, Tiedemann and Girard, Attorneys represented the Tracy Unified School District (District).

Thomas J. Driscoll, Jr., Attorney at Law, Driscoll Law Firm, represented all respondent members of the Tracy Education Association (TEA).

The matter was submitted through a stipulation of the parties (below) received on April 4, 2012, and through submission of the written record, received April 9, 2012.

FACTUAL FINDINGS

1. James C. Franco, Ed.D., (Superintendent) made and filed the Accusation in his official capacity as Superintendent, Tracy Unified School District (District).
2. All respondents are and at all times relevant to this Decision were certificated permanent or probationary employees of the District.

3. On or just before March 13, 2012, in accordance with Education Code section 44949 and 44955, the Superintendent notified the Board of Education of the District (Board) in writing of the Superintendent's recommendation that certain particular kinds of services would have to be reduced or eliminated for the upcoming school year. The Superintendent's recommendation specified the particular kinds of services to be reduced or eliminated, as set forth below.

4. Just before February 28, 2012, the Superintendent notified the Board that a certain number of certificated employees of the District, in this instance, 12.00 full time equivalents (FTE), would have to be laid off to effectuate the reduction or elimination of the particular kinds of services necessitated by reductions required to balance the District's budget. By attachment to the pre-February 28, 2012, notification to the Board, the Superintendent identified and notified the Board that respondents listed on the attachment to that notice to the Board had been identified as persons to whom notice should be given that their services would not be required for the ensuing school year. The recommendation that respondents' services for the District would not be required for the upcoming school year was not related to any respondent's skills, abilities, capabilities or competencies as teachers.

REDUCTIONS/ELIMINATIONS OF PARTICULAR KINDS OF SERVICES

5. The Board adopted Resolution 11-13 on February 28, 2012. The Board resolved to follow the Superintendent's recommendation to reduce 12.00 FTE of particular kinds of services. The Resolution authorized and directed the Superintendent to give notice to an equivalent number of certificated employees of the District that their services would not be required for the upcoming school year in order to effectuate the reduction. The Resolution authorized the elimination of the following services now offered in the District:

Building Literacy Together (First Five) Preschool Program	1.00 FTE
Elementary Classroom Teaching Program	10.00 FTE
Middle School Business (Business Applications) Teaching Program	1.00 FTE

TOTAL REDUCTIONS/ELIMINATIONS	<u>12.00 FTE</u>
-------------------------------	------------------

6. The Governing Board also adopted Resolution 11-14, Competency Criteria in the Case of Certificated Reduction in Force (Competency Criteria Resolution) on February 28, 2012, regarding the adoption of criteria and standards for assessing potentially tied employees against District educational priorities. The Tie Breaker Resolution was adopted for use for breaking ties in the event two or more certificated employees have the same first date of paid service in the event of a reduction in force layoff such as this one.

7. The Governing Board also adopted Resolution 11-15, Tie Breaking Criteria in the Case of Certificated Reduction in Force (Tie Breaker Resolution) on February 28, 2012, regarding the adoption of criteria and standards for assessing potentially tied employees, creating a scoring system for potentially tied employees against Board-agreed upon standards and District educational priorities. The Tie Breaker Resolution was adopted for use for

breaking ties in the event two or more certificated employees have the same first date of paid service in the event of a reduction in force layoff such as this one, in conjunction with the Competency Criteria resolution.

8. The Superintendent caused each of the respondents to be served with a written Notice of Intention to Dismiss (Preliminary Notice) on March 13, 2012. The written Preliminary Notices advised respondents that their services would not be required for the upcoming school year. The Preliminary Notices set forth the reasons for the recommendation. Fourteen Preliminary Notices were timely served by the District on respondents, including the two Precautionary Notices set forth below. Ten of the recipients of Preliminary Notices are permanent employees of the District, and two are probationary certificated employees.

9. Those certificated employees of the District receiving either a Preliminary Notice or a Precautionary Notice, who also filed Requests for Hearing with the District and Notices of Defense in response to Accusations filed and served upon each of the respondents, are as follows:

PERMANENT CERTIFICATED EMPLOYEES RECEIVING NOTICE AND CURRENT ASSIGNMENT

- | | | |
|-----|-------------------|------------------|
| 1. | Case, Leilani | NORTH (K-8) |
| 2. | Coredisco, Monica | WILLIAMS (6-8) |
| 3. | Garcia, Rocio | SOUTH/WEST PARK |
| 4. | Huddleston, Amber | HIRSCH (K-5) |
| 5. | Hula, Amanda | VILLALOVOZ (K-5) |
| 6. | Johnson, Jennifer | CENTRAL (K-5) |
| 7. | Lee, Maysue | MCKINLEY (K-5) |
| 8. | Nunes, Laura | JACOBSON (K-5) |
| 9. | Ryan, Myesha | KELLY (K-8) |
| 10. | Shah, Fiaz | WILLIAMS (6-8) |
| 11. | Walker, Wesley | CENTRAL (K-5) |
| 12. | Web, Justine | MCKINLEY (K-5) |

PROBATIONARY CERTIFICATED EMPLOYEES RECEIVING NOTICE AND CURRENT ASSIGNMENT

- | | | |
|----|------------------|----------------|
| 1. | Gardner, Shazana | WILLIAMS (6-8) |
| 2. | Mullen, Tyler | KIMBALL HIGH |

10. At least two permanent certificated employees receiving notice were given a "precautionary" Preliminary Notice of layoff (Precautionary Notice). These two employees were Fiaz Shah (06/26/2006¹) and Westley Walker (06/20/2006). As nearly as could be

¹ First day of paid service to the District, also known as seniority date.

ascertained from the record, these two employees were given Precautionary Notices to provide the District the ability to still lay them off, in the event that these employees were determined in the proceedings to have status or "bumping rights" that might place either into him and him a position to displace another teacher not given notice.

11. Respondents timely filed Requests for Hearing with the district following receipt of Preliminary Notices and/or Precautionary Notices.

12. The District timely served Accusations on each respondent following receipt of their Requests for a Hearing. Respondents timely filed Notices of Defense to the Accusations. The matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, pursuant to Education Code sections 44949 and 44950, as those sections incorporate Government Code section 11500, et. seq. All prehearing jurisdictional requirements were met.

STIPULATION

13. Just prior to the evidentiary hearing, the District and respondents, by and through their respective counsel, entered into a written stipulation, referred to above, that resolves all of the issues pending between the parties. The parties stipulated and agreed to submit the matter to the ALJ for preparation of a written Decision to be submitted to the Board of Education for review and adoption, based on the written stipulation. The written stipulation was executed by the parties April 3, 2012, and filed with the ALJ on April 4, 2012. The parties stipulated and agreed that the ALJ should prepare the Decision based upon the agreements made in the written stipulation, and that, based upon the execution of the stipulation and submission of the matter for Decision, all parties thereupon waived any further right to evidentiary hearing on the matters raised in the Accusations.

STIPULATED WITHDRAWALS OF PRELIMINARY NOTICES

14. The written stipulation referred to just above resolved all outstanding issues pending between the parties. In the written stipulation, the parties agreed to the following:

- a. The Precautionary Notices of layoff issued to Fiaz Shah and Westley Walker are rescinded;
- b. The Preliminary Notices of layoff issued to Amanda Hula and Jennifer Johnson are withdrawn and rescinded.

15. As a result of the written stipulation, each of the employees specifically named in the written stipulation (Shah, Westley, Hula, and Johnson), are deemed rehired for the upcoming school year.

16. All other Preliminary Notices of layoff and Precautionary Notices issued to respondents are affirmed, and the District may issue and serve Final Notices of layoff to the remaining respondents not covered by the stipulation.

17. The reductions and eliminations of particular kinds of services as set forth in the District's Resolution are in the best interests of the District and its students.

18. The Superintendent, on behalf of the District, considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

19. There was no evidence that the District proposes to eliminate any services that are State or federally mandated.

LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notices and jurisdictional requirements contained in those sections were satisfied. The District has the burden of proving by a preponderance of the evidence that the proposed reduction or elimination of particular kinds of services and the preliminary notice of layoff served on respondents is factually and legally appropriate.² The parties stipulated and agreed in the written stipulation that the District met its burden.

2. The services the District seeks to eliminate in this matter are "particular kinds of services" that may be reduced or discontinued within the meaning of Education Code section 44955. The Board's decision to reduce or discontinue these particular kinds of services was not demonstrated to be arbitrary or capricious, but constituted a proper exercise of discretion.

3. The reduction or discontinuation of particular kinds of services related to the welfare of the District and its pupils. The District is facing a projected deficit related to funding. The reduction in particular kinds of services proposed is necessary to avert the District operating in a deficit in the upcoming school year.

4. The parties stipulated and agreed that, with the exception of those persons named in the stipulation, no person receiving a preliminary notice of layoff is being laid off in favor of a junior employee being skipped, or that any employee being laid off is entitled to bump into a position held by a more junior employee where the employee being laid off has the credentials and competence to take the position of the more junior employee being retained. No certificated employee of the District is being retained to provide a service any of the respondents who received preliminary notices are certificated and competent to render.

² Education Code section 44949.

5. The parties agreed that legal cause exists pursuant to Education Code sections 44949 and 44955 for the Tracy Unified School District to reduce or discontinue 12.0 FTE of particular kinds of services, as set forth in the District's Resolution 11-13. The cause for the reduction or discontinuation of particular kinds of services relates solely to the welfare of the schools and the pupils thereof. Legal cause therefore exists to sustain the Accusations. The Board may give respondents final notices that their services will not be required by the District in the upcoming school year, in inverse order of seniority.

ORDER

The Precautionary Notices of Layoff issued to Fiaz Shah and Westley Walker are RESCINDED. The Accusations against Fiaz Shah and Westley Walker are WITHDRAWN and DISMISSED;

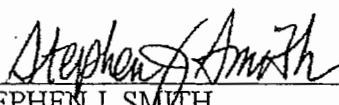
The Preliminary Notices of Layoff issued to Amanda Hula and Jennifer Johnson are WITHDRAWN and RESCINDED. The accusations against Amanda Hula and Jennifer Johnson are WITHDRAWN and DISMISSED.

The Accusations against all other named respondents are SUSTAINED.

The Tracy Unified School District action to reduce or eliminate 12.0 FTE of particular kinds of services for the 2012-2013 school year is AFFIRMED.

With the exception of those respondents named above, Final Notice may be given to respondents by the District that their services will not be required for the upcoming school year. Notice shall be given in inverse order of seniority.

DATED: April 23, 2012


STEPHEN J. SMYTH
Administrative Law Judge
Office of Administrative Hearings