

West Contra Costa Unified School District
Board of Education
Special Meeting Agenda
December 3, 2014

Board Agenda Packets and Information:

Complete Board meeting packets are available for review at the Administration Building, the District's six schools, and at public libraries throughout West Contra Costa County.

Complete Board agendas and packets are available online at www.wccusd.net.

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District office located at 1108 Bissell Avenue, Richmond, CA 94801 during normal business hours. In addition, such writings and documents may be posted on the District's website as noted above.

Viewing the Board Meetings:

Television:

Live television broadcast of regularly scheduled Board meetings is available by the City of Pinole on PCTV Channel 26/28, the City of Richmond KCRT Channel 28 and the City of Hercules Cable Channel 28. Please check the city websites for local listings of broadcast schedules.

You may also find the complete meeting available on a delayed basis through the Richmond City Web Page at: <http://www.kcrt.com> within a few days of the recording date.

Audio recordings of Board meetings are kept on file at the Administration Building 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the City of Pinole and Richmond, and WCCUSD staff for their generosity and efforts in helping to televise WCCUSD Board of Education meetings.

Attending Board Meetings:

B. OPENING PROCEDURES

- B.1 Pledge of Allegiance
- B.2 Welcome and Meeting Procedures
- B.3 Roll Call
- B.4 Report/Ratification of Closed Session
- * B.5 Agenda Review and Adoption (Public Comment)

F. ACTION ITEMS

- * F.1 Resolution No. 431415: Requesting BAAQMD Reconsider Permit

Comment

At the request of Mr. Andres Soto, Board President Ramsey has placed Resolution 431415 on the agenda for the Board to consider requesting the Bay Area Air Quality Management District (BAAQMD) reconsider its decision to grant a permit to Kinder Morgan.

Recommendation

That the Board review and act upon Mr. Soto's request

Fiscal Impact

None

- * F.2 Revision to Board Bylaw 9260 Legal Protection

Comment

The District recognizes the necessity to protect Board members and employees while acting in the scope of their office or employment in accordance with Education Code 35208. The policy revision stipulates provisions regarding legal counsel.

Recommendation

Recommend Approval

Fiscal Impact

None

- * F.3 Aspire Richmond Technology Academy Charter School Staff and Counsel Findings of Fact, and Board Decision

Comment

On or about September 5, 2014, the West Contra Costa Unified School District ("District") received a charter petition ("Petition") from Aspire Public Schools ("Petitioners"). The Petition proposes establishing Aspire Richmond Technology Academy ("Charter School") for a term of five years from July 1, 2015 through June 30, 2020. Pursuant to Education Code section 47605 subdivision (a)(1)(A), the Petition is signed by the requisite number of parents/legal guardians meaningfully interested in enrolling their students at the Charter School (Appendix I.)

- C. The Petition presents an inadequate plan for English language learners.
 - D. The Petition is not compliant with the Brown Act.
 - E. The Petition's discussion regarding the transitional kindergarten program lacks specificity.
 - F. The Petitioners present an inadequate plan to meet the needs of foster youth.
 - G. The Petition's discussion regarding the summer technology program lacks specificity.
 - H. Petitioners present an inadequate plan for students with emotional challenges
- A. The Petition Presents an Inadequate Plan for Facilities.

E.

The Petition goes on to state, "It is our aim to have a Spanish speaking, on-site mental health provider who will be able to work with individual students and families in need of mental health support, while other students may be referred to quality mental health providers within the community." (p. 25.) The Petition does not indicate whether the "Spanish speaking, on-site mental health provider" would be an employee of the Charter School, a volunteer or a professional from another entity. The Petition also does not state the type of qualifications this position must have or costs associated with this position. Petitioners do not address whether similar services will be available to students who speak neither English nor Spanish.

It is also unclear whether Petitioners intend to take responsibility for students struggling with mental health and behavioral issues provide services at no cost or, if they are simply referring students to services they may not necessarily be able to afford.

Finding 2: The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements

The Petition serves as Petitioners proposal for the Charter School's establishment and operation. As such, the Petition must provide reasonably comprehensive descriptions of certain elements in its program and operations as required in Education Code section 47605, subdivision (b)(5). The following elements do not meet this standard due to incomplete or inadequate information, which in some instances contradict the requirements of the law:

- A. The Petition lacks a clear and consistent expulsion policy.
- B. The Petition lacks a description of how the Charter School will outreach to students with disabilities.
- C. The Petition fails to demonstrate an understanding of Richmond's racial and ethnic diversity.
- D. The Petition does not adequately describe a clear governance structure.

is unclear whether the Aspire Administrative Panel ("Panel") has the authority to expel students or may solely recommend an expulsion.

There is also confusion regarding the Charter School's expulsion procedures. ~~The Board~~ certain

and the public at large. However, the ~~Peti~~ does not offer similar convenient opportunities on a regular basis. The Petition states that the, "Meetings shall be conducted at the principal office of the Corporation. The Board of Directors may also designate that a meeting be held in any place California" (Appendix VIII, §6.2.) Because the Charter School's corporate principal office is located in Oakland (Appendix VIII, § 1.1), the Charter School's Board will likely meet in locations outside of the District's boundaries on a regular basis. Given the inconvenience of securing transportation for travel outside of the District boundaries for many District families, District Board meetings will likely dissuade parental involvement rather than encourage it.

Additionally, the Petition presents a confusing and unclear governance structure0 Td ()Td ()Td ()Td (

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special education staff (resource specialist, speech and language pathologist, occupational therapist, etc.) which may be needed in support of providing required special education services.

Furthermore, the Petition states that the "Charter School may choose not to require credentials for teachers in noncore, noncollege prep courses." (p. 78.) While charter schools have "flexibility" for hiring instructors for noncore classes, the qualifications for these positions should nevertheless be clearly articulated. The Petition fails to provide such details.

F. The Petition does not Provide a Reasonably Comprehensive Description of the Health and Safety

Notwithstanding the above, should the Board decide that the concerns raised herein warrant a denial of the Petition, the Board could base its denial on the following grounds, pursuant to Education Code section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
2. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code ~~sect~~ 47605, subdivisions (b)(5)(A).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Governing Board to make “written factual findings, specific to the particular petition, setting forth specific facts to support one or more” grounds for denying the Petition. Should the Board decide to deny the Petition, District Staff recommends that the Board adopt these final findings of fact enumerated in the attached Staff Report as its own

Fiscal Impact

None at this time.

- * F.4 Aspire Richmond California College Preparatory Academy Charter School Staff and Counsel Findings of Fact, and Board Decision

Comment

On or about September 5, 2014, the West Contra Costa Unified School District (“District”) received a charter petition (“Petition”) from Aspire Public Schools (“Petitioners”). The Petition proposes establishing Aspire Richmond California College Preparatory Academy (“Charter School”) for a term of five years from July 1, 2015 through June 30, 2020. Pursuant to Education Code section 47605 subdivision (a)(1)(A), the Petition is signed by the requisite number of parents/legal guardians meaningfully interested in enrolling their students at the Charter School (Appendix I.).

The District held a public hearing on October 1, 2014, so that the District’s Governing Board (“Board”) could consider the level of support for the Petition (Ed. Code, § 47605, subd. (b)). Petitioners are an established charter school operator, and support for the Petition among the District’s teachers, employees and parents appeared to be split.

District staff reviewed the petition, then provided written feedback on elements including the proposed educational program, fiscal and governance structures, student admissions and discipline, law and personnel issues, facilities and legal issues. The review team from the District staff included: Steve Collins, Director of Special Education, Cheryl Cotton, Director of Human Resources, Linda Delgado, Coordinator of Educational Services, Phil Gonsalves, Director for Mathematics Instruction, Mimi Melodia, Coordinator for English Language Development, Lyn Potter, Director of Educational Services, Daniela Parasidis, Director of Business Services, and Mehdi Rizvi, Principal Accountant.

District staff has identified concerns within the Petition, including, but not limited to, the Charter School’s plans for facilities and projected finances and believes that those deficiencies could warrant a

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R. The Petition presents an inadequate plan for English language learners.

A. The Petition Presents an Inadequate Plan for Facilities

Education Code section 47605, subdivision (g) requires Petitioners to, "...provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school, [including ~~here~~ where the school intends to locate." The Petition fails to identify with any specificity where the school intends to locate. The Petition states that the Charter School is actively searching for a private facility "yet to be identified in Richmond, California." (p. 127, emphasis added.) Without more, the Petition simply lists an ambition, rather than a concrete plan specifying where the Charter School intends to locate and ~~how~~ the Charter School will attain a school facility.

The indefinite location of the proposed Charter School negatively impacts other key elements such as the opening date for the Charter School. Although the Petition seeks a term from July 1, 2015 through June 30, 2020, the Petition conditions the start date of the academic year on the attainment of facilities which Petitioners state is "yet to be identified." (p. 127.) According to the Petition, "[t]he opening date of The Charter School will depend on when Aspire is able to secure a suitable facility." (p. 127, emphasis added) Even if the Petition is approved, the District has no assurances at this time as to when or where the Charter School will open.

B. The Petition Presents an Inadequate Financial Plan for the Proposed Charter School.

A charter petition should, at a ~~minimum~~, include a first year operational budget, ~~start~~ costs and cash flow, and financial projections for the first three years. (Ed. Code, § 47605, subd. (g).) Among other things, the operational budget must: (1) include "reasonable estimates of all anticipated revenues and expenditures necessary to operate the school;" (2) "demonstrate an understanding of the timing of the receipt of various revenues and their relationship to [the] timing of expenditures;" and (3) "appear[] viable and over a period of no less than two years of operations provide[] for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school." (CCR § 11967.5.1, subd. (c)(3)(B).)

Although the Petition provides ~~the~~ basic financial information for the Charter School, Petitioners propose two very different enrollment scenarios. Appendix XVa is entitled "School financials – enrollment scenario 1" ("Scenario 1"), and Appendix XVb is entitled "School financials ~~enrollment~~ scenario 2" ("Scenario 2"). Scenario 1 lays out the more ambitious plan with an expected enrollment of 420 students in grades 6 through 12 during the Charter School's first year of operation. Approximately 39 staff members are projected under Scenario 1 with about 60 students enrolled per grade level. Scenario 1 also projects approximately \$4.6 million in revenue and \$4.1 million in expenses during the Charter School's first year.

Scenario 2 has an expected enrollment of 300 students in ~~grades~~ 10, 11 and 12 during the Charter School's first year of operation. Approximately 33 staff members are projected under Scenario 2 with about 60 students enrolled per grade level. Scenario 2 also projects approximately \$3.4 million in revenue and \$3.3 million in expenses during the Charter School's first year.

Scenarios 1 and 2 describe two separate charter school enrollment plans with significant differences in their staffing, revenues and expenses. It is noted (t)-2ec(e)4(na)-6(r)3(i e)4(x)-10(pe)4(ns)-0c(e)4(

implemented because Petitioners predicate that decision on the type of facility they are able to secure (p. 20.) The Petition fails to state when Petitioners will select a facility or when they will commit to an enrollment scenario. The alternative scenarios presented in the Petition lack clarity, and interfere with the District's ability to provide proper oversight.

Additionally, the Petition contemplates a loan from Petitioners' Home Office to the Charter School ranging from \$425,000 to \$500,000 for cash flow purposes. This loan is critical to the Charter School's ability to have a positive cash balance on a month to month basis as well as at year end. Without this nearly half-a-million dollar loan, the Charter School would not be fiscally solvent. However, Petitioners do not provide any detail about the terms of this loan, or whether Petitioners' Home Office could sustain the temporary transfer of these funds to the Charter School.

Petitioners have also filed another charter petition with the District seeking the establishment of an elementary school that is also scheduled to receive a loan from Petitioners' Home Office in the amount of \$400,000. If both petitions were granted, Petitioners' Home Office would be loaning more than \$800,000 to two new charter schools in the District. The Petition does not provide any detail on how the Home Office would be impacted by these loans. Petitioners' fiscal solvency cannot be evaluated without information regarding the terms and condition of these loans, as well as budget documents detailing the finances of Petitioners' Home Office.

C. The Petition Over Relies on Community Colleges to Provide Class Options for Older Students.

Petitioners' goal to prepare students for college is one that the District shares. However, the Petitioners appear to pass this responsibility largely on to the community colleges. The Petition's educational program requires students to enroll at a community college in order to complete their high school graduation requirements. (pp. 32, and 52.) The Petition states "[a]s an Early College High School, [the Charter School] aims to blend high school and college into a coherent educational program, making it possible for all students to earn two years of college credit at the same time they are earning a high school diploma" (p. 31, emphasis added.) However, the Charter School's educational program does not "blend", rather, it depends on community colleges to complete the high school education of the Charter School's students.

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community colleges in order to graduate may expose the Charter School to liability regarding the imposition of inappropriate student fees, which is addressed in greater detail below.

The lack of a comprehensive description regarding the relationship between the Charter School and the local community colleges, and the programs that might be available, makes the Petitioners demonstration unlikely to successfully implement the educational program as set forth in the Petition.

D. The Petition Imposes Inappropriate Student Fees.

The Petition states that the Charter School has the following graduation requirements:

- x Students ~~must~~ take at least 5 college courses [at community colleges], 15 college credits. College units may be equivalent to 50 or more high school credits and may be used to satisfy the ~~academic~~ elective or AG requirements above. (¶) This may be waived by schools due to financial constraints, however student must still meet the academic elective requirement above.

- x Students ~~must~~ apply to at least three (3) ~~year~~ colleges or universities in addition to or instead of community colleges).

(p. 52, emphasis added.) Although community colleges are generally offered as affordable postsecondary options to college students, high school students attending public schools, like the Charter School are guaranteed a free education. (Cal. Const. Art. IX, § 5; Ed. Code, § 49011.) Requiring students to enroll in a community college, or apply to certain number of schools, triggers the need for students to pay for college applications, tuition, books and lab fees. Such requirements are contrary to state law. (Ed. Code, § 49010, subd. (b)(1).)

The Education Code also states, “[a] fee waiver policy shall not make a pupil fee permissible.” (Ed. Code, § 49010, subd. (b)(2).) The fact that the Charter School offers a fee waiver based on “financial constraints” does not remediate the Charter School’s practice of imposing inappropriate fees.

~~F3 (1) (c) (1) (s)~~ The Petition is not Compliant with the Brown Act.

~~The Petition states that the Charter School shall comply with the Ralph M. Brown Act (7.10) The purpose of the Brown Act (Gov. Code, §§ 54590-54598), is to ensure that agencies take actions “openly and honestly.”~~

The sample bell schedule states that students in grades 1-6 begin the day at 8:00 a.m. and end at 3:30 p.m., for total of 7.5 hours for the entire day. (Appendix II.) However, when the time allocated for lunch and passing between periods is calculated, using the times listed in the Petition, the instructional minutes for students in grades 1-6 is actually 6 hours and 35 minutes per day, or nearly an hour less instructional time than what Petitioners promise. Although Petitioners boast of having more instructional time than what is currently provided, the actual instructional time is less than what is promised.

It is also unclear whether Petitioners intend to take responsibility for students struggling with mental health and behavioral issues to provide services at no cost, or if they are simply referring such students to services they may not necessarily be able to afford.

J. The Petition Presents an Inadequate Plan for English Language Learners.

According to the California Department of Education, charter schools are subject to all federal requirements and specific state requirements established for English Language Learner ("ELL") programs. Program reviews for charter school, just as for other public schools, are conducted under the State's Categorical Program Monitoring Process. (See <http://www.cde.ca.gov/sp/cs/re/qandasec4mar04.asp#Q1>.) At a minimum, the Petition should identify specific assessments, a consistent curriculum and a schedule for monitoring student progress in reaching English proficiency.

Petition describes a Parental Exception Waiver, whereby parents can remove their students from an ELL program. This waiver is not consistent with the requirements of the Education Code, section 51220.3, which requires that a student who is identified as an ELL must remain in the ELL program until the student has reached English proficiency. (Education Code, section 51220.3.)

H. The Petition Lacks a Clear and Consistent Expulsion Policy.

The Petition's expulsion policy is inconsistent and unclear. In one instance, the Petition states that "A student may be expelled by the Aspire Administrative Panel." (p. 105.) However, this ~~statement~~ is later contradicted where the Petition states, "The Aspire Administrative Panel may recommend expulsion of any student found to have committed a suspendable or expellable offense." (p. 105, emphasis added.) It is unclear whether the Aspire Administrative Panel ("Panel") has the authority to expel students or may solely recommend an expulsion.

There is also confusion regarding the Charter School's expulsion procedures. The Petition lists certain offenses that require a "second finding of fact" (p. 107.) However, the Petition fails to provide a comprehensive description as to what constitutes a secondary finding of fact.

The Petition is also unclear as to readmission of previously expelled students. In describing the readmission process, the Petition states "there is no guarantee of enrollment to the expelling school (or a partner school), even if the rehabilitation plan is met." (p. 105.) However, this statement is later contradicted where Petition states "If a student has met all, ~~then~~ the student is readmitted [. . .]" (p. 106.) It is unclear whether a student is guaranteed readmission when he/she meets all of the terms of rehabilitation plan, or if Charter School offers no guarantee of enrollment, even if the terms of a rehabilitation plan have been met. The policies as provided in the Petition are inadequate and do not provide parents proper notice as to what the accurate readmission process is for their student.

B. The Petition Fails to Demonstrate an Understanding of Richmond's Racial and Ethnic Diversity

Staff has serious concerns regarding Petitioners' discussion of the racial and ethnic diversity of Richmond. Petitioners assert that they "selected Richmond as the location for this new school because Richmond has a high need population, a high percentage of FRL students, and a lack of high performing schools." (p. 7.) While the Petition discusses the racial and ethnic demographics of the District, Petitioners fail to demonstrate an understanding of the racial and ethnic demographics of the Richmond community they specifically target. Without a clear understanding of Richmond's racial and ethnic makeup, it is uncertain whether the Charter School will be able to strive for, obtain, and ultimately maintain a racial and ethnic balance that is reflective of the Richmond community.

Additionally, Staff has concerns regarding the enrollment of ELL students. In the ~~2013~~ 2014 school year, Aspire California College Preparatory Academy, Berkeley ("Berkeley"), the ~~charter~~ school that Petitioners propose to close down if this Petition is granted, had an ELL enrollment of only 5% of their student population. (p. 19.) In contrast, District high schools located in the Richmond area had a significantly higher enrollment of ELL students; Richmond High, 41%, Kennedy High, 35%, De Anza Senior High, 16%. (p. 19.) This discrepancy is concerning because ~~half~~ nearly all of the students attending the Berkeley campus "commute from within the borders of WCCUSD and the majority come from the Richmond area." (p. 7.) The Petitioners fail to provide an explanation as to why the Berkeley ELL enrollment is significantly lower than other schools in the Richmond area, even though a large portion of their students reside in the Richmond area. Berkeley's enrollment numbers regarding ELL students do not reflect the numbers found in other public schools in Richmond.

C. The Petition Lacks a Description of how the Charter School will Outreach to Students with Disabilities.

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instance, the Petition states, “[t]he staff and Governing Board members of Aspire agree to attempt to resolve all disputes between the district and Aspire regarding this charter pursuant to the terms of this section. Both will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process.” (p. 117.) The Petition is not a contract. Any suggestion that the Petition somehow requires the District to refrain from making public comments, or compels the District to act in a particular manner is misguided. Even assuming that these conditions and restrictions were acceptable to the District, they should be negotiated and set out in an operational Memorandum of Understanding between the parties, rather than in the Petition. Approving the Petition with these terms may inhibit the District’s ability to conduct effective oversight.

Recommendation

District staff recommends approval of the Petition for a five year term without conditions, commencing with the 2015-2016 school year and expiring on June 30, 2020. In the event the Board approves the Petition, staff recommends that a separate memorandum of understanding address the concerns regarding the Petition, as noted herein, be negotiated between the Petitioners and the Superintendent and/or his designee, for consideration by the Board at its meeting scheduled for January 21, 2015.

Notwithstanding the above, should the Board decide that the concerns raised herein warrant a denial of the Petition, the Board could base its denial on the following grounds, pursuant to Education Code section 47605:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
2. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A)

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Governing Board to make “written factual findings, specific to the particular petition setting forth specific facts to support one or more” grounds for denying the Petition. Should the Board decide to deny the Petition, District Staff recommends that the Board adopt these final findings of fact enumerated in the attached Staff Report as its own.

Fiscal Impact

None at this time

* F.5 John Henry High School Staff and Counsel Findings of Fact, and Board Decision

Comment

On or about September 5, 2014, the West Contra Costa Unified School District (“District”) received a charter petition (“Petition”) from Amethod Public School (“AMPS” or “Petitioners”) for the establishment of John Henry High School (“Charter School”). The Petitioners requested a five year term from July 1, 2015 through June 30, 2020. Pursuant to the Education Code, the District held a public hearing on October 15, 2014, so that the District’s Governing Board (“Board”) could consider the level of support for the Petition (Ed. Code, § 47605, subd. (b))

District staff members who read and analyzed the petition included: Steve Collins, Director of Special Education, Cheryl Cotton, Director of Human Resources, Linda Delgado, Coordinator of Educational

Services, Phil Gonsalves, Director for Mathematics Instruction, Mimi Melodia, Coordinator for English Language Development, Sonja Neely Johnson, Director for Educational Services, Daniela Parasidis, Director of Business Services, and Mehdi Rizvi, Principal Accountant. Staff provided written feedback

not describe any student outcomes for the potentially significant subgroup of pupils with disabilities.
(Petition, pages 624.)

According to the U.S. Department of Education, Office for Civil Rights, charter schools should “recruit [students] from all segments of the community served by the school, including students with disabilities and students of all races, colors and national origins.” United States Department of Education’s Office for Civil Rights,

If the numbers stated in the budget are correct, it is noted that the budget assumes 25 teachers in 2016 and 23 teachers in 2018. There is no explanation provided regarding this reduction in FTE, which is odd, because the student population is projected to grow.

ii. There Are Concerns Regarding the Charter School's Proposed Three Year Budget.

Concern exists with regard to some of the Charter School's revenue projections. For example, the budget projects revenues for the SB740 facility grant. This facility grant is provided to schools that demonstrate eligibility of 70% of students for the Free and Reduced Meal Program. However, the Petition does not provide sufficient supporting data or documentation to support its projection for at least 70% Free and Reduced Meal Program students. Additionally, revenues for the Education Protection Account ("EPA") increase from \$36,000 in 2015 to \$324,237 in 2017. There is no explanation provided for this large \$288,237 increase. Moreover, in 2015, Petitioners calculate EPA revenues at \$200/ADA. However, in 2016, Petitioners switched their methodology to calculate EPA revenue to be approximately 21% the Charter School's state aid. There is no explanation as to why the Petitioners switched their methodology in calculating this revenue.

In addition, rent costs are understated by \$60,000 in the Charter School's first two years of operation. Rent costs in the budget have been increased on a per student basis. However, adding additional facility space for the increase in enrollment is not possible, and the Charter School will be required to lease a facility that is sufficient for 400 students (500 students if the Charter School achieves its 2020 enrollment target of 500 students). Thus, the estimate for rental costs should be based on the going rate for facilities that suit the capacity of the school, not on a per student basis.

iii. There is No Free and Reduced Lunch Program Noted in the Budget.

The Charter School assumes that 70% of its students will qualify for the Free and Reduced Lunch Program. (Petition, page 124.) However, the Petition states that the Charter School is not planning to offer a Free and Reduced Lunch Program at its school. (Petition, page 125.) There is an expectation that students are to bring their own lunch to school each day. While implementation of the Free and Reduced Lunch Program is not required by law, based on the demographics of the District, not offering the program could work to the detriment of children who cannot afford to bring healthy lunches with them to school each day. Further, failure to offer the Free and Reduced Lunch Program could impact the application pool and diversity of the Charter School. This would contradict Petitioner's stated goal "to enroll a student body in grades ninth through twelve whose diversity represents the general population residing within the geographical boundaries of the district community where the Charter School is to be located." (Petition, page 18.)

iv. Accounts Payable Transactions Listed in the Budget Appear Incomplete.

There are no account payables included in the budget beyond June. However, the Petition contemplates providing programs over the summer months. Thus, it is unclear why the Charter School would not have to pay any staff during the months of July and August.

Finding 2: The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements

The Petition serves as Petitioners' proposal for the Charter School's establishment and operation. Therefore, the Petition must provide reasonably comprehensive descriptions of certain elements in its program and operations as required in Education Code section 47605, subdivision (b)(5). As set forth below, the Petition does not contain reasonably comprehensive descriptions of certain elements required by law.

Organization for services is precluded from voting on matters pertaining to that member's compensation." While a Board member is precluded from voting on matters related to his or her compensation, the rest of the Board is not. This practice is prohibited by school districts pursuant to Government Code section 1090.

In addition, the Board Bylaws allow for the Board ~~teate~~ committees to consider and make recommendations upon matters referred to them by the Board. (Appendix, page 489.) The Bylaws do not contain any assurance that the committees will comply with the Brown Act. Similarly, there is no assurance that the Family-Staff-Team ("FST") Advisory Committee will be subject to the Brown Act. (Petition, page 84.)

D. The Petition Does Not Provide a Reasonably Comprehensive Description of the Qualifications to be Met by Individuals to be Employed by the Charter School

Education Code section 47605, subdivision (b)(5)(E) requires a charter petition to include a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school. The Regulations clarify that a petition should: identify the general qualifications for the various categories of employees that the charter school intends to hire; identify key positions and their specific qualifications; and specify requirements for employment. (5 CCR § 11967.5.1, subd. (f)(5).) The Petition fails to meet all of these requirements, and, in some cases, includes contradictory and/or vague information regarding Charter School employees. Specifically, the deficiencies noted in the Petition with regard to teacher qualifications include the following:

- x The Petition includes a limited teacher job description. (Petition, page 90) The job description provided reads more like a list of requirements, and does not provide a clear and comprehensive description of teacher job responsibilities. Further, the Employee Handbook states that "Job supervisor(s) will explain job responsibilities." (Appendix, page 305.) The Employee Handbook also states "your job responsibilities may change at any time during your employment" and that AMPS "reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions or assign additional job responsibilities." (Id.)
- x The Petition contains no information as to how the Charter School ~~will~~ hires, and screens substitute teachers.
- x The Petition lists a "mix of intervention services" that will be provided to students who are not meeting outcomes. (Petition, page 39.) It is unclear if these intervention services are included in the budget. It is also unclear which employees will be providing these intervention services. For example, the Petition states that intervention services may include "before-school

Based on the deficiencies noted above, the Petition does not provide a clear description of the individuals to be employed by the Charter School.

E. The Petition Does Not Provide a Reasonably Comprehensive Description of the Procedures that the Charter School Will Follow to Ensure the Health and Safety of Pupils and Staff

Petitioners are required to provide a comprehensive description of “procedures that the school will follow to ensure the health and safety of pupils and staff.” (Ed. Code § 47605, subd. (b)(5)(F).) While the Petition contains the Charter School’s health and safety policies and procedures, its policy with regard to “Medication in School” fails to provide a reasonably comprehensive description of how the Charter School will implement and oversee medication usage by students. (Petition, page 94). Specifically, the “Medication in School” policy does not address the administration of non-~~over-~~medications, such as insulin and diastat, or the administration of student health plans.

F. The Petition Does Not Include a Reasonably Comprehensive Description of the Procedures by Which Pupils Can Be Suspended or Expelled.

Charter petitions must include a description of the “procedures by which pupils can be suspended or expelled.” (Ed. Code § 47605, subd. (b)(5)(h).) The Charter School’s proposed student discipline policy sets forth the grounds upon which students may be suspended or expelled. (Petition, pages 10-111.) However, there is no discussion of the standard the Charter School Board or Administrative Panel would apply in evaluating a student’s disciplinary expulsion. Although not required to adhere to the Education Code’s disciplinary procedures, constitutional due process requires that the Charter School make clear the circumstances under which a student may be eligible for expulsion, as opposed to simply

Fiscal Impact
None at this time.

* F.6 Contracts

Comment

Permission is requested of the Board of Education to approve contracts as detailed, dated December 3, 2014.

Recommendation

Recommend Approval

Fiscal Impact

As noted per contracts summary

* F.7 Approval

* E.1 In Memory of Members of the School Community

Comment

- Article 22: Work Days/Years
- Article 23: End of Year Release/Resignments of Certificated Administrators
- New Articles
- Article 25: Professional Development
- Article 26: Threshold to Determine Need for Additional Support

Recommendation

The Board of Education receive the joint initial bargaining proposal for labor relations with the West Contra Costa Administrators Association.

Fiscal Impact

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- * D.2 Resolution No. 391415: Resolution of Commendation to Charles Ramsey for Dedicated Service to Students, Staff and the Community, December 3, 2014

Comment

A resolution of commendation will be presented to Charles Ramsey for twenty years of service on the Board of Education and to the Students, Staff, and Community of the West Contra Costa Unified School District.

Charles Ramsey has provided leadership for improving student learning, building new schools and renovation of others to enhance the daily lives of students and staff, providing critical links to the community, and supporting the district through a very difficult period for school finance. With Mr. Ramsey's leadership and commitment the District emerged from state receivership in June 2012.

Recommendation

Recognition and Resolution Honoring Board Member Charles Ramsey

Fiscal Impact

None

G. DISCUSSION ITEMS

HmtbJEMC CID 6 >>BDId 6 >>BDId T(p)-e1ET 72 DDR6 >>BDId DId T(p)>>B:DId T(lol)-6(l)9(mTd ()Tj ET 7

A. CLOSED SESSION

A.1 CALL TO ORDER

A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

(Government Code Tw 1n.47 0 Td ()Tj -0.002 Tc 0.003p7.7)>>BDC >>B2T0 1 Tf -11.59 -1.13 T

- b. Employee Organizations
 - UTR

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