

**GRAVENSTEIN UNION SCHOOL DISTRICT  
SPECIAL BOARD MEETING  
MINUTES  
February 7, 2012**

**CALL TO ORDER-ROLL CALL**

President Horn called the meeting to order at 8:00 a.m. Members Horn, Zlotnick, and Weaver were present. Member Wickland arrived at 8:02 am. Member Crocker was absent.

**ADJOURN TO CLOSED SESSION**

President Horn moved and Member Weaver seconded to adjourn to Closed Session at 8:01 a.m. The vote was 3-0.

**CLOSED SESSION**

**A. Parent Challenge to Content of Student Records –Student 02072012-1**

Pres. Horn made a motion and Member Zlotnick seconded to deny the parent request. The vote was 4-0. A letter will be sent to the parent with further personal explanation.

**B. Student Personnel – Expulsion Hearing – Student 02072012-2**

President Horn made a motion to open the Expulsion Hearing at 9:02 am and Member Weaver seconded the motion. The vote was 4-0.

President Horn excused all present except Board Members for the Board to consider items of expulsion at 9:20 a.m.

President Horn called participants back to hearing at 9:25 a.m and announced the Board had completed deliberation.

The consideration of expellable act/s Ed Code 48900 (c) Member Weaver; yes Member Zlotnick; yes, Member Wickland; yes, and President Horn; yes. The vote was 4-0.

The consideration of Ed Code 48900 (k) . Member Weaver; yes Member Zlotnick; yes, Member Wickland; yes, and President Horn; yes. The vote was 4-0.

The Board heard a recommendation of consequences from Principal Fichera.

The Board heard no statements from the student and parents of the student since they were not present.

President Horn excused participants in order for Board Members to consider proper consequence for the students at 9:28 a.m.

## **RECONVENE TO OPEN SESSION**

President Horn moved and Member Weaver seconded to reconvene to Public Session at 9:33 am. The vote was 4 -0.

### **A. Announce action taken in Closed Session**

The Board unanimously accepted the recommendation of Principal Fichera ordering the pupil be expelled from GUSD for the remainder of the 2011-12 school year. The Board further ordered the suspension of the expulsion with placement in Community Day School (CDS). The superintendent or designee shall review the student's progress and conduct periodically. The student shall remain enrolled in CDS unless and until the Superintendent or designee recommends placement back to Hillcrest Middle School.

## **ADJOURNMENT**

President Horn moved and Member Wickland seconded to adjourn the meeting at 9:34 a.m .

**GRAVENSTEIN UNION SCHOOL DISTRICT  
SPECIAL BOARD MEETING  
MINUTES  
March 8, 2012**

**CALL TO ORDER-ROLL CALL**

President Horn called the meeting to order at 8:03 a.m. Members Horn, Zlotnick, Wickland and Weaver were present. Member Crocker was absent.

**ADJOURN TO CLOSED SESSION**

President Horn moved and Member Zlotnick seconded to adjourn to Closed Session at 8:03 a.m. The vote was 4-0.

**CLOSED SESSION**

**Student Personnel – Expulsion  
Hearing – Student  
Student 02072012-3**

President Horn opened the Expulsion Hearing and the Board heard statements from Principal Fichera, Superintendent LaMarre, the student, and parents of the student.

President Horn excused all present except Board Members for the Board to consider items of expulsion at 8:26 a.m.

President Horn called participants back to hearing at 8:31 am and announced the Board had completed deliberation.

The consideration of expellable act/s. Member Weaver; yes Member Zlotnick; yes, Member Wickland; yes, and President Horn; yes. The vote was 4-0.

The Board heard a recommendation of consequences from Principal Fichera.

The Board heard statements from the student and parents of the student. President Horn stated that a decision would be made and Superintendent LaMarre would call the family to let them know of the board's decision.

President Horn recessed the hearing at 9:04 a.m.

**Student Personnel – Expulsion  
Hearing – Student  
Student 02072012-4**

President Horn reconvened to closed session at 9:15 a.m.

President Horn opened the Expulsion Hearing and the Board heard statements from Principal Fichera, Superintendent LaMarre, the student, and parents of the student.

President Horn excused all present except Board Members for the Board to consider items of expulsion at 9:39 a.m.

President Horn called participants back to hearing at 9:43 a.m. and announced the Board had completed deliberation.

The consideration of expellable act/s. Member Weaver; yes  
Member Zlotnick; yes, Member Wickland; yes, and President  
Horn; yes. The vote was 4-0.

The Board heard a recommendation of consequences from  
Principal Fichera.

The Board heard statements from the student and parents of  
the student.

President Horn excused participants in order for Board  
Members to consider proper consequence for the students  
at 10:14 a.m.

### **RECONVENE TO OPEN SESSION**

#### **A. Announce action taken in Closed Session**

President Horn moved and Member Wickland seconded to  
reconvene to Public Session at 10:20 am. The vote was  
4-0.

The Board unanimously accepted the recommendation of  
Principal Fichera of expulsion from Gravenstein Union  
School District for student 02072012-3 and student  
02072012-4, effective immediately.

### **ADJOURNMENT**

President Horn moved and Member Wickland seconded to  
adjourn the meeting at 10:22 a.m .

**GRAVENSTEIN UNION SCHOOL DISTRICT  
SPECIAL BOARD MEETING  
MINUTES  
March 9, 2012**

**CALL TO ORDER-ROLL CALL**

President Horn called the meeting to order at 9:02 a.m. Members Horn, Zlotnick, Wickland and Weaver were present. Member Crocker was absent.

**ADJOURN TO CLOSED SESSION**

President Horn moved and Member Wickland seconded to adjourn to Closed Session at 9:02 a.m. The vote was 4-0.

**CLOSED SESSION**

**Public Employee  
Discipline/Dismissal/Release**

Member Zlotnick moved and Member Weaver seconded to approve Resolution No.030912-1 of Non-reelection of a probationary certificated employee. The vote was 4-0.

**Student Personnel – Expulsion  
Hearing – Student 03092012-1**

President Horn opened the Expulsion Hearing at 9:49 am and the Board heard statements from Principal Fichera, Superintendent LaMarre, the student, and parents of the student.

President Horn excused all present except Board Members for the Board to consider items of expulsion at 10:08 a.m.

President Horn called participants back to hearing at 10:16 a.m and announced the Board had completed deliberation.

The consideration of expellable act/s Ed Code 48900 (c) Member Weaver; yes Member Zlotnick; yes, Member Wickland; yes, and President Horn; yes. The vote was 4-0.

The consideration of Ed Code 48900 (k) . Member Weaver; no Member Zlotnick; no, Member Wickland; no, and President Horn; no. The vote was 0-4.

The Board heard a recommendation of consequences from Principal Fichera.

The Board heard statements from the student and parents of the student.

President Horn excused participants in order for Board Members to consider proper consequence for the students at 10:23 a.m.

**RECONVENE TO OPEN SESSION**

President Horn moved and Member Weaver seconded to reconvene to Public Session at 10:42 a.m. The vote was 4-0.

**A. Announce action taken in Closed Session**

The Board unanimously accepted the recommendation of Principal Fichera allowing the student to return to Hillcrest Middle School effective immediately.

**ADJOURNMENT**

President Horn moved and Member Wickland seconded to adjourn the meeting at 10:43 a.m .

**GRAVENSTEIN UNION SCHOOL DISTRICT  
SPECIAL BOARD MEETING  
MINUTES  
March 14, 2012**

**CALL TO ORDER**

Pres. Horn called to order at 5:34 PM. Members Wickland, Crocker, Zlotnick and Horn present. Member Weaver was absent.

**Approval of Correction Action  
2010-11 Audit**

Mem. Zlotnick moved to approve Certification of Corrective Action IIA and IIB, Mem. Crocker seconded, 4-0.

**ADJOURNMENT**

Pres. Horn moved and Wickland seconded to adjourn the special board meeting at 5:37 PM, 4-0.

**GRAVENSTEIN UNION SCHOOL DISTRICT  
REGULAR BOARD MEETING  
MINUTES  
March 14, 2012**

**CALL TO ORDER**

Pres. Horn called to order at 5:06 PM. Members Wickland, Crocker, and Horn present. Member Zlotnick arrived at 5:10 PM. Member Weaver was absent.

**PUBLIC INPUT ON ITEMS NOT ON THE AGENDA**

None

**APPROVAL OF CONSENT AGENDA**

- A. Approval of Agenda Order
- B. Approval of Minutes: Regular Meeting Minutes February 8, 2012, Special Board Meeting 3-8-12, Special Bd. Meeting 3-9-12
- C. Vendor Warrants

Minutes from the March 8 & 9 meetings were not available and were removed from the Consent Agenda. Crocker moved to approve the consent agenda as amended, Clerk Wickland seconded, 4-0 yes.

**BOARD REPORTS**

Wickland reported that she attended *Annie Jr.* and felt that the director and students did a wonderful job.

Crocker went to Skate Night and Bingo Night. Both events were well attended.

**SUPERINTENDENT REPORTS**

**Enrollment Update for 2011-2012**

Enrollment focus is on 2012-13 at this point. There are 71 interested kindergarteners; the numbers are even between traditional and ENRICH!

**Mental Health AB3632/Special Education Funding Update**

A bill has been submitted by the District to the State for reimbursement.

**Gravenstein School Updates/ GATE activities update**

Lunchtime GATE activities are in full swing and are very popular with parents. A parent made a \$500 donation because of the GATE activities. Realtors have called Supt. LaMarre to request a map of the Gravenstein boundaries because clients are requesting that they purchase within our district.

**Traffic Safety Update**

Brian Sposato will be finishing a crosswalk at Gravenstein over spring break. A conversation about traffic flow at both campuses occurred.

**HILLCREST REPORT**

Principal Fichera reported on 7<sup>th</sup> grade Boy's Basketball being



league champions, field trips, Trimester 2 GPA distribution and recent performances.

## GUTA REPORT

Linda Helton reported on payroll concerns, week of the teacher, November Tax Initiatives and Staff Morale.

Pres. Horn recessed regular meeting at 5:34 PM.

Pres. Horn reconvened the regular board meeting at 5:37 PM.

## BUSINESS

### **Approval of 2<sup>nd</sup> Interim Budget 2011-2012**

President Horn moved to adopt the 2<sup>nd</sup> Interim Budget, Mem. Crocker seconded, 4-0.

### **Transfer \$350,000.00 from Fund 01 to Fund 40 for the Purpose of Constructing a New Classroom Building at Hillcrest Campus**

Mem. Crocker moved / Mem. Zlotnick seconded, 4-0.

### **Mandate Resource Services Contract for 2012-13**

Pres. Horn moved / Zlotnick seconded, 4-0.

### **Charter School Discussions**

Supt. LaMarre presented a draft charter document. No action taken.

### **Discussions of Possible General Obligation Bond for Projects at Gravenstein and Hillcrest Schools**

No action taken.

### **Authorization for a Consultant to Prepare a Master Plan for Gravenstein and Hillcrest Schools**

Zlotnick moved to approve AXIA Architects as the consultant to prepare the Master Plan for \$45,000, Crocker seconded, 4-0.

### **Home to School Transportation Update**

GUSD should receive approximately \$9,000 back from the JPA ending balance for 2010-11.

### **Preschool Budget Discussion/Action**

Current year has a \$36,000 deficit in the preschool. Preschool is currently free to employees. Mem. Zlotnick requested numerical data before voting on this. Horn moved to table this to April, Crocker seconded, 4-0.

### **Approve Switching of Funds of Trustee Account and Clearing Account and Vice Versa**

Zlotnick moved that the Trustee Accounts and Clearing Accounts be switched, Crocker seconded, 4-0.

### **2012 CSBA Delegate Assembly**

Pres. Horn moved to vote for CSBA Delegate Katie Sanchez, Mem. Crocker seconded, 4-0.

**Election**

**Letter of Support for Sebastopol  
Bike Trail**

Pres. Horn moved to authorize a letter of support for the trail, Mem. Zlotnick seconded, 3-1, Mem. Crocker opposed.

**Approval of Gravenstein  
Walking/Running Track Proposal**

Questions about maintenance and examples of other work by the proposed contractor were raised. Pres. Horn moved to table to the April regular meeting, Mem. Zlotnick seconded, 4-0.

**Change Date or Time and Venue of  
April Board Meeting**

GSF Spaghetti Dinner/Open House conflicts with the April board meeting. Pres. Horn moved to change the April meeting to 6 PM on April 11 at Hillcrest in room 6, Mem. Zlotnick seconded, 4-0.

**Board Policies and Administrative  
Regulations**

**BP/AR 113 Community Relations**

Pres. Horn moved to adopt with one deletion and rescind the current policy, Clerk Wickland seconded, 4-0.

**BP/AR 5117 Interdistrict  
Attendance**

Pres. Horn moved to adopt with edits and rescind the existing policies, Mem. Crocker seconded, 4-0.

**BP 2121 Superintendent's  
Contract**

Mem. Zlotnick moved to adopt and rescind the existing policy, Clerk Wickland seconded, 4-0.

**BB 9320 Meetings and Notices**

Mem. Zlotnick moved to adopt and rescind the existing, Pres. Horn seconded, 4-0.

**BP 6170.1 Transitional Kindergarten**

Pres. Horn moved to adopt, Mem. Crocker seconded, 4-0.

**FUTURE MEETING DATES AND  
AGENDA ITEMS**

**PUBLIC COMMENT ON ITEMS IN  
CLOSED SESSION**

No public comment

**ADJOURN TO CLOSED SESSION**

Pres. Horn moved to adjourn to closed session at 8:25 PM, Zlotnick seconded, 4-0 yes.

A. Conference with Labor  
Negotiator, District – Mrs.  
LaMarre, Name of  
Organization – Gravenstein  
Union Teachers Association

B. Potential Litigation – per  
GC54956.9 (b)(3)(c)

C. Superintendent Evaluation

Reconvene to Open Session

President Horn moved / Member Zlotnick seconded to return to open session at 9:16 PM, approved 4-0.

Announce action taken in Closed Session

No reportable action

Adjournment

President Horn moved / Member Zlotnick seconded to adjourn the meeting at 9:16 PM, approved 4-0.

## Checks Dated 03/01/2012 through 04/06/2012

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
1183173	03/05/2012	Acsig Edge	01-9573		6,996.47
1183174	03/05/2012	Analytical Sciences	01-5530		767.00
1183175	03/05/2012	Apple Inc.	01-4310		544.92
1183176	03/05/2012	AXIA	40-5830		3,150.00
1183177	03/05/2012	California Academy of Sciences	01-5826		509.00
1183178	03/05/2012	CGP Education	01-4310		123.62
1183179	03/05/2012	Dave's Music Workshop	01-5630		135.00
1183180	03/05/2012	Keri Pugno	01-5826		112.50
1183181	03/05/2012	Marc And Renee Deprey	01-5201		473.76
1183182	03/05/2012	Norbay Consulting	40-5830		653.00
1183183	03/05/2012	Preferred Meal Systems	13-4710		2,071.86
1183184	03/05/2012	Resig	01-9570		3,606.00
1183185	03/05/2012	Ricoh Americas Corporation	01-5600		751.82
1183186	03/05/2012	Stephanie Stevenson	12-4310		69.36
1183187	03/05/2012	Teacher's Discovery	01-4310		447.24
1183188	03/05/2012	West Cal Tractor	01-4362		315.45
1183189	03/05/2012	West Sonoma County Disposal	01-5560		533.58
1183542	03/07/2012	Clover-stornetta Farms Inc.	13-4710		630.00
1183543	03/07/2012	Interstate Music Supply	01-4310		154.73
1183544	03/07/2012	John Elze	01-5880		65.00
1183545	03/07/2012	Mari, Inc.	01-4310		261.59
1183546	03/07/2012	Ricoh Americas Corporation	01-5600		2,909.45
1183547	03/07/2012	Villa Santa Maria, Inc	01-5810		10,744.18
1184826	03/14/2012	Ane Carla Rovetta	01-5826		190.00
1184827	03/14/2012	Bay Area Discovery Museum	01-5826		300.00
1184828	03/14/2012	Carlile-Macy	40-5830		1,840.75
1184829	03/14/2012	Empire Mine St. Historic Park	01-5826		180.00
1184830	03/14/2012	Follett Software Company	01-4340		769.00
1184831	03/14/2012	Middleton, Young & Minney LLP	01-5823		1,816.32
1184832	03/14/2012	Pacific Gas & Electric	01-5520		6,156.31
1184833	03/14/2012	Peter Bergen	01-5826		200.00
1184834	03/14/2012	Preferred Meal Systems	13-4710		1,173.76
1184835	03/14/2012	Redwood Pediatric Therapy Asso	01-5811		178.54
1184836	03/14/2012	Safari West	01-5826		708.00
1184837	03/14/2012	Sergio Blanco	01-5826		2,160.66
1184838	03/14/2012	Sonoma County Office Of Ed.	01-5862		70.00
1184839	03/14/2012	Sonoma West Times & News	01-5825		211.99
1185868	03/19/2012	Acsig Edge	01-9573		6,996.47
1185869	03/19/2012	Amie Lands	01-5826		2,310.78
1185870	03/19/2012	At&t Calnet2	01-5911		425.36
1185871	03/19/2012	At&t Mobility	01-5912		69.92
1185872	03/19/2012	Charles M. Schulz Museum	01-5826		192.00
1185873	03/19/2012	Guerneville School	01-4310		75.00
1185874	03/19/2012	Kaiser Foundation Health Plan File Number 73030	01-9571		10,938.81
1185875	03/19/2012	Office Depot	01-4310	277.72	
			01-4350	13.87	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Page 1 of 3

## Checks Dated 03/01/2012 through 04/06/2012

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
1185875	03/19/2012	Office Depot	01-4359	58.32	349.91
1185876	03/19/2012	Richardson Bay Audubon Sanctua	01-4310		125.00
1185877	03/19/2012	Weeks Drilling & Pump Co. Inc.	01-5530		514.34
1185878	03/19/2012	West County Transportation	01-5826		2,961.79
1186335	03/21/2012	Analytical Sciences	01-5530		78.50
1186336	03/21/2012	David Fichera	01-4310	22.37	
			01-5826	229.30	251.67
1186337	03/21/2012	Department Of Justice	01-5862		224.00
1186338	03/21/2012	Fran Guerinoni	01-5880		25.00
1186339	03/21/2012	Greenacre Homes, Inc	01-5810		2,692.81
1186340	03/21/2012	Office Depot	01-4310	24.95	
			01-4350	24.17	49.12
1186341	03/21/2012	Preferred Meal Systems	13-4710		923.12
1186342	03/21/2012	Santa Rosa Junior College	01-5826		175.00
1186504	03/23/2012	Amie Lands	01-9571		2,166.00
1186505	03/23/2012	All-Guard Alarm Systems, Inc	01-5830		150.00
1186506	03/23/2012	California's Valued Trust	01-9572		42,358.00
1186507	03/23/2012	Denise Westbrook	01-5950		5.75
1186508	03/23/2012	Mci Comm Service	01-4310		12.46
1186509	03/23/2012	Stephen Roatch Accountancy	01-5821		2,340.00
1187328	03/26/2012	AXIA	40-5830		17,349.55
1187329	03/26/2012	Business Card	01-4310	156.93	
			01-4350	202.95	
			01-4362	54.89	
			01-4380	123.31	
			01-4390	19.01	
			13-6400	8.66	565.75
1187330	03/26/2012	Interstate Music Supply	01-4310		1,442.69
1187331	03/26/2012	Linda Teigland Clark	01-5826		250.00
1187332	03/26/2012	Office Depot	01-4359		99.35
1187333	03/26/2012	Pacific Gas & Electric	01-5520		20.14
1187334	03/26/2012	Pitney Bowes	01-5950		126.84
1187335	03/26/2012	Sonoma County Office Of Ed.	01-4350		47.00
1187606	03/28/2012	Division Of State Architect	40-5830		3,448.50
1187607	03/28/2012	Fran Guerinoni	01-5880		25.00
1187608	03/28/2012	Office Depot	01-4310	92.34	
			01-4350	6.15	
			01-4359	113.31	
			01-4390	27.22	239.02
1187609	03/28/2012	Pacific Gas & Electric	01-5520		5,271.97
1187610	03/28/2012	West Cal Tractor	01-4362		30.73
1188577	04/04/2012	Analytical Sciences	01-5530		147.00
1188578	04/04/2012	Apple Inc.	01-4310		547.56
1188579	04/04/2012	Debra Turner	01-5880		25.00
1188580	04/04/2012	Diane Stone	13-4710		14.86
1188581	04/04/2012	Grays Harbor Historical Seaprt	01-5826		480.00
1188582	04/04/2012	Greg Crawford	01-5830		150.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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Page 2 of 3

**Checks Dated 03/01/2012 through 04/06/2012**

Check Number	Check Date	Pay to the Order of	Fund Object	Expensed Amount	Check Amount
1188583	04/04/2012	Preferred Meal Systems	13-4710		1,345.00
1188584	04/04/2012	Ricoh Americas Corporation	01-5600		310.32
1188585	04/04/2012	Sonoma County Office Of Ed.	01-5200		500.00
1188586	04/04/2012	SSU Fairfield Osborn Preserve	01-5826		66.00
1188587	04/04/2012	Stephanie Martinez	01-5880		25.00
1188588	04/04/2012	Vision Service Plan	01-9574		1,515.80
<b>Total Number of Checks</b>				<b>87</b>	<b>162,434.75</b>

**Fund Summary**

Fund	Description	Check Count	Expensed Amount
01	General Fund	75	129,756.33
12	Child Development Fund	1	69.36
13	Cafeteria Fund	7	6,167.26
40	Special Reserve-capital Proj	5	26,441.80
Total Number of Checks		<b>87</b>	<b>162,434.75</b>
Less Unpaid Sales Tax Liability			<b>.00</b>
<b>Net (Check Amount)</b>			<b>162,434.75</b>

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

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# Gravenstein Union School District

## Williams Settlement

### Quarterly Uniform Complaint Report Summary

Education Code §35186(d): A school district shall report summarized data on the nature and resolution of all 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.

#### Reporting Period:

- January 1 - March 31, 2012     April 1 - June 30, 2012  
 July 1 - September 30, 2011     October 1 - December 31, 2011

No complaints were received during the above time period.

*If you received any complaints during the above time period, please complete the following table. Enter "0" in any cell that does not apply.*

	Complaints Received	Complaints Resolved	Unresolved Complaints
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and/or Mis-assignment	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Board meeting date: 4/11/12  
Date sent to County Superintendent of Schools: 4/11/12  
Sonoma County Office of Education  
5340 Skylane Blvd.  
Santa Rosa, CA 95403  
or email to [mwallace@scoe.org](mailto:mwallace@scoe.org))

<b>April, 2012</b>										<b>Totals</b>
<b>Teachers</b>	<b>K</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	
Olivares - ENRICH!	18									18
Hanchey	22									22
Crandall - ENRICH!	20									20
Redfern	12	9								21
Clark	7									7
Sprinkle		21								21
Lannon - ENRICH!		21								21
Candau - ENRICH!		20								20
Imholz -ENRICH!			13	8						21
DeBolt - ENRICH!			21							21
Johnson			12							12
Gruner			15							15
Carlson				14						14
Hillier -ENRICH!				21						21
Mattish - ENRICH!				20						20
Brown - ENRICH!					25					25
Kelley					24					24
Doughty					12	12				24
Lands - ENRICH!						22				22
Radford						24				24
Oakley				2	2	1				5
Pugno - ENRICH!						26				26
Helton							21			21
Dexter							20			20
Latham -ENRICH!							20			20
Rich - ENRICH!							26			26
Gorman -ENRICH!								23		23
Collins - ENRICH!								17	9	26
Qualls									24	24
Pell									15	15
Sporrer - ENRICH!									25	25
Blanco								28		28
Lewis								27		27
Fisher									6	6
Parsons - CDS							2			2
<b>Gravenstein Total</b>	<b>79</b>	<b>71</b>	<b>61</b>	<b>65</b>	<b>63</b>	<b>85</b>				<b>424</b>
<b>Hillcrest Total</b>							<b>87</b>	<b>95</b>	<b>79</b>	<b>261</b>
<b>District Total 4-6-12</b>	<b>79</b>	<b>71</b>	<b>61</b>	<b>65</b>	<b>63</b>	<b>85</b>	<b>89</b>	<b>95</b>	<b>79</b>	<b>687</b>
<b>April-11</b>	<b>67</b>	<b>57</b>	<b>61</b>	<b>51</b>	<b>84</b>	<b>74</b>	<b>84</b>	<b>77</b>	<b>93</b>	<b>648</b>
<b>April-10</b>	<b>56</b>	<b>60</b>	<b>49</b>	<b>76</b>	<b>70</b>	<b>71</b>	<b>66</b>	<b>84</b>	<b>96</b>	<b>628</b>



# **GRAVENSTEIN SCHOOL**

A California Public Charter School

## **CHARTER SCHOOL PETITION**

3840 TWIG AVENUE  
SEBASTOPOL, CA 95472

## **TABLE OF CONTENTS**

INTRODUCTION .....	3
AFFIRMATIONS/ASSURANCES .....	4
ELEMENT 1: EDUCATIONAL PROGRAM.....	7
A. Whom the School is Attempting to Educate.....	7
B. Mission, Vision, and Core Educational Philosophy .....	7
C. How Learning Best Occurs: Instructional Design & Curriculum.....	8
D. Students with Disabilities.....	10
E. Academically Low Achieving Students.....	11
F. Academically High Achieving Students.....	12
G. English Learners .....	12
ELEMENT 2: MEASURABLE PUPIL OUTCOMES.....	14
ELEMENT 3: METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES .....	14
ELEMENT 4: GOVERNANCE STRUCTURE OF THE SCHOOL.....	16
A. Governing Board of Education .....	16
B. Parental Involvement.....	18
ELEMENT 5: EMPLOYEE QUALIFICATIONS .....	19
A. Background Checks and Tuberculosis Testing.....	19
B. Teacher Qualifications .....	19
ELEMENT 6: PUPIL AND STAFF HEALTH & SAFETY .....	21
ELEMENT 7: RACIAL AND ETHNIC BALANCE .....	21
ELEMENT 8: ADMISSION REQUIREMENTS.....	22
ELEMENT 9: FINANCIAL AUDIT .....	24
ELEMENT 10: SUSPENSION AND EXPULSION .....	24
ELEMENT 11: RETIREMENT PROGRAMS .....	25
ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES .....	25
ELEMENT 13: EMPLOYEE RETURN RIGHTS .....	25
ELEMENT 14: DISPUTE RESOLUTION.....	26
ELEMENT 15: PUBLIC SCHOOL EMPLOYER.....	26
ELEMENT 16: SCHOOL CLOSURE.....	26
ELEMENT 17: ADDITIONAL REQUIREMENTS.....	28
A. Liability and Indemnity.....	28
B. Term of Charter.....	28
C. Material Revisions .....	28
D. Financial Plan.....	28
E. Centralized Administrative Services.....	29
F. Facilities.....	29

## **INTRODUCTION**

This charter allows us to have increased flexibility in exchange for heightened accountability to meet the goals set forth by the Legislature in Education Code Section 47601:

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

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

## **AFFIRMATIONS/ASSURANCES**

As the authorized lead petitioner, I, Linda LaMarre, hereby certify that the information submitted in this petition for the conversion of a California public school, Gravenstein Elementary School (“GES”) into a California public charter school to be named Gravenstein School (“Gravenstein” or the “Charter School”), and to be located within the boundaries of the Gravenstein Union School District (the “District”) is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- The District shall be deemed the exclusive public school employer of the employees of Gravenstein School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. California Education Code Section 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)]
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. California Education Code Section 47605(c)]
- The Charter School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. California Education Code Section 47605-47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Section 47612(b), 47610]

- The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School shall meet or exceed the legally required minimum of school days. [Ref. Title 5 California Code of Regulations Section 11960]

\_\_\_\_\_  
Linda LaMarre, Lead Petitioner

\_\_\_\_\_  
Date

**ELEMENT 1: EDUCATIONAL PROGRAM**

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

**A. Students to be Served – Whom the School is Attempting to Educate**

Gravenstein School shall serve approximately 350 students in kindergarten through grade five (K-5). All students will be offered a rigorous academic program along with music, technology and the acclaimed "Artist in the Classroom" experience. The Charter School shall also have a licensed pre-kindergarten program and before/after school care on campus. Most students live in the western, rural section of Sebastopol in Sonoma County and come from primarily English-speaking homes of a variety of socio-economic backgrounds.

The table below provides an overview of the student demographics at Gravenstein Elementary School in 2010-11:

<b>GRAVENSTEIN ELEMENTARY SCHOOL STUDENT POPULATION 2010-2011</b>	
<b><i>Ethnicity</i></b>	<b><i>Percentage</i></b>
African American	0.5%
Native Hawaiian/Pacific Islander	0.5%
Asian	4.4%
Filipino	0.3%
Latino or Hispanic	15.0%
White	74.3%
Multiple/No Response	4.4%
<b><i>Sub-Group</i></b>	
Free or Reduced Lunch Participants	22.1%
English Learners	11.7%
Students with Disabilities	4.1%

**B. Mission, Vision and Core Educational Philosophy**

**Mission:** Gravenstein School is dedicated to academic excellence and the cultivation of individual strengths and talents in a caring and cooperative environment. Our sense of community fosters a high level of ethical, responsible citizenship.

**Vision:** Each child shall master the knowledge, attitudes and skills necessary to become a contributing and productive citizen. Through the cooperative efforts of home, school, and community, we shall accomplish the following goals:

1. School Environment
  - a. Positive, non-threatening environment with consistent discipline.
  - b. Students will learn the value of respecting oneself, each other and authority.
  - c. Pro-active interventions for at-risk students.
  - d. Strive for optimum class sizes.
  
2. Curriculum & Assessment
  - a. Develop a set of standards-based (grade-specific) curriculum brochures, report cards, strategies and practices utilizing California state standards.
  - b. Standardize and adopt state board adopted curriculum and materials to ensure student success and to meet high school entrance and exit exam requirements.
  - c. Students will be prepared to meet proficiency standards.
  
3. Coordination of School and Community
  - a. Articulation and coordination of curriculum with the State of California. Encourage Gravenstein School connection with Governor's Initiative trainings for professional development.
  - b. Volunteerism-students in the community and community in the school.
  - c. Recruit and encourage business and professional interaction with the school.

### **An Educated Person of the 21st Century**

Gravenstein School will provide an environment in which children will develop into confident, self-motivated, resourceful, productive lifelong learners. Gravenstein School students are expected to become socially responsible citizens to better our global community. To meet the challenges of the current century, students at Gravenstein School will acquire the habits and skills necessary to succeed in school and beyond, as contributing citizens of the 21<sup>st</sup> century. These habits and skills include:

- Critical Thinking
- Problem Solving
- Inquiry
- Ability to reflect
- Collaboration
- Knowledge of the creative arts and music
- Utilization of positive character traits
- Participates in community service projects

### **C. How Learning Best Occurs: Instructional Design and Curriculum**

The following combination of key elements comprises Gravenstein School's approach to instruction for the students to be served by the Charter School:



- Academically rigorous instruction
- Strong music program
- Standards-based curriculum and instruction
- Spanish instruction before school
- Kindergarten classes offered full and half-day
- Licensed pre-kindergarten program on campus
- Before/after school care on campus
- Computer lab and media center

All classes at Gravenstein School are self-contained. In the primary classes (K-3), we offer an approximate pupil-to-teacher ratio of 20:1. Instructional and temporary support assistants are utilized according to need in the classroom. Instructional assistants work in conjunction with the Special Education Teachers to instruct in Learning Labs. The Learning Labs are operated through combining categorical funding to serve students who need intervention or tutoring. Students are provided services according to their needs – regardless of whether they qualify for special education or not. This setting provides additional services in the areas of Reading/Language Arts and Math to identified and/or below-grade-level students. Other services available to Gravenstein School students include the Speech and Language Program and a school psychologist.

#### Integration of Music and the Arts

All students receive music instruction one day per week and additional band time by the District’s music specialist. Gravenstein School also offers a visual arts program for students, provided by classroom teachers and an art specialist. Our *ENRICH!* Creative Arts Magnet/GATE Program includes additional field trips and visual and performing arts.

#### *ENRICH!* Magnet/GATE Creative Arts Program

The *ENRICH!* program is a creative arts magnet/GATE program that emphasizes strong academics, creative and performing arts and involved parents. Application to the *ENRICH!* program is a separate and additional enrollment and application process. Criteria considered for enrollment in the *ENRICH!* program is listed on the application, available at the District office and on the District website at <http://www.grav.k12.ca.us/ENRICH/ENRICH.html>. The mission and vision of the *ENRICH!* program is to “support the emerging child in becoming a whole person through integration of strong academics, creative arts, and community involvement in an environment that fosters acceptance and respect for self and others. Our vision is accomplished through the dedication of skilled teachers, program leadership, involved families, enriched activities, collaborative relationships with the school administration and committed financial support.”

### Violence and Bulling Prevention

Gravenstein School utilizes two violence/bully prevention curriculum programs. *Second Step* is a state-approved violence prevention program for grades Preschool through eighth grade. Some of the topics covered in this program include empathy, emotion management, impulse control, problem solving, and anger management.

### Alignment of Curriculum, Instruction and Materials to Content and Performance Standards

All of the curriculum materials we use in the areas of Reading-Language Arts and Math are aligned with the state standards. Report cards are aligned to reflect progress through the standards at each grade level in grades K-5. Curriculum brochures are completed for all grades.

Gravenstein School uses state-adopted Language Arts textbooks for grades K-5 (*Open Court-Imagine It* 2009), Social Sciences for grades K-5 (Harcourt), Science for grades K-5 (Glenco-McGraw Hill), Spanish for grades 4-5 (Wright Group), and Math for grades K-5 (Harcourt).

### Before and After School Program

Gravenstein School offers a Before and After School Program that provides quality child care for students in the District. Our program includes a variety of supervised and age-appropriate activities, and nutritious snacks, arts and crafts, homework time and assistance, computer experience, outdoor sports/recreation, as well as self-directed play. Our program is open from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 6:00 p.m. every school day.

### Professional Development

Gravenstein School provides ongoing staff development training to ensure all staff are highly trained in current educational practices and educational research. Professional development for our staff is provided on the adopted Language Arts and Math textbooks, as well as Common Planning Day meetings. We regularly assess the needs for staff development and provide necessary in-service trainings.

### **D. Serving Students with Disabilities**

The Gravenstein School shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

The Charter School and the Gravenstein Union School District will work in cooperation with all local education agencies (LEA's) and special education local plan areas (SELPA's) to ensure that a free and appropriate education in the least restrictive environment is provided to all students with exceptional needs. The Charter School intends to function as a "public school of the district" for the purpose of providing special education and related services pursuant to

Education Code Section 47641(b). The Charter School will have special education services available from the District that are equivalent to the other District schools.

The facilities to be utilized by the Gravenstein School shall be accessible for all students with disabilities. The Gravenstein School will not discriminate against any student based upon disability.

The Gravenstein School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Gravenstein School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Gravenstein School. The Charter School shall comply with all applicable policies and procedures of the District related to identification, assessing, and serving students in accordance with Section 504 of the Rehabilitation Act.

Students will be identified for Special Education using procedures currently in place. These procedures include:

- Extensive use of classroom modifications by the teacher
- A referral from the classroom teacher to the Student Study Team
- The Student Study Team recommendation for the child to be assessed.

The results of the testing are then presented in a follow-up meeting with the parents. If the student qualifies for Special Education, an IEP is created and sets individualized learning goals and objectives. IEP meetings are held annually to report student progress and adjust goals.

#### **E. Serving Academically Low-Achieving Students**

Gravenstein School offers a Learning Lab to provide assistance for students who qualify for special education services as well as students who score below proficient in English Language Arts and/or Math. Gravenstein School utilizes instructional aides who spend a majority of their time working with students who are low performing. These aides allow for focused assistance to students in a small group or individual setting. We also offer tutoring before and after school, and at lunchtime for any student who needs additional remediation assistance and support. Summer school programs are also offered to focus on remediation. Finally, Gravenstein School has adopted state-approved English Language Arts intervention materials in grades 3-5 for students scoring two years below grade level (*Jane Greene-LANGUAGE!*). We have also adopted *Fast Forward* Math intervention materials for grades 4-5.

Gravenstein School holds parent conferences and Student Study Team (“SST”) meetings to provide additional support to students and families in need of additional assistance. Within the SST meetings recommendations are made for outside support services or additional academic plans are outline and implemented.

## **F. Serving Academically High-Achieving Students**

Gravenstein School offers GATE activities one day a week at lunchtime in the areas of English Language Arts and Math for all high-achieving students – *ENRICH!* students or traditional program students scoring at the top on STAR.

High-achieving students at Gravenstein School also have the opportunity to enroll in the *ENRICH!* Creative Arts Magnet/GATE Program.

*ENRICH!* Program students have a 45 minute longer school day than the traditional program students. All *ENRICH!* students and teachers utilize the same state and district adopted standards-based Math, Language Arts, Social Studies and Science materials but the *ENRICH!* classes may move at a quicker pace since this is a GATE program and students are screened through test results and/or teacher observation to be proficient or above at their grade level. The teachers may add materials to the core materials. Enrichment classes have included hands-on science, Spanish (two classes a week), chorus, art, African drumming, drama, poetry, dance, newspaper, yearbook, and computer skills, among others. In the visual arts, students have enjoyed silk painting, cartooning, papermaking, and art history.

The *ENRICH!* classes at Gravenstein School are self-contained, as are all grades at Gravenstein. The *ENRICH!* classroom students participate in all grade-alike activities, such as, recesses, lunch, spelling bees, science fairs, etc. and assemblies. All *ENRICH!* students join the regular education students in lunch recess and intramural games, after school sports programs, dances, after-school drama, before school jazz band, before school strings program, spelling bees, and any other program or activity available to regular program students.

There is at least one field trip a month in the *ENRICH!* program. Past field trips for *ENRICH!* students have included hands-on learning activities at Ft. Ross, the Shakespeare Festival in Ashland, Oregon, Yosemite National Park, other overnight trips, various museums, orchestral and operatic programs in San Francisco, and many more. The younger grades stay closer to home with various trips mainly in Sonoma County.

## **G. Serving English Learners**

Gravenstein School will meet all applicable legal requirements for English Learners (“EL”) as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

## **Home Language Survey**

The Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms).

## **CELDT Testing**

All students who indicate that their home language is other than English will be California English Language Development Test ("CELDT") tested within thirty days of initial enrollment<sup>1</sup> and at least annually thereafter between July 1 and October 31<sup>st</sup> until re-designated as fluent English proficient.

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

## **Reclassification Procedures**

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

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

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<sup>1</sup> The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

Gravenstein School shall pursue the following pupil outcomes:

MEASURABLE PUPIL OUTCOMES	METHODS OF MEASUREMENT	FREQUENCY OF MEASUREMENT
Meet or exceed API growth target	API	Annually
Maintain 95% attendance rate	Attendance records	Monthly
80% of students score Proficient or Advanced in State Standards for Reading, Math, Science, and Social Science	STAR Tests	Annually
The percent of students who score below Proficient in the areas of Reading, Language and Math will improve by a minimum of 5 percent	STAR Tests	Annually
Continual English Language Development growth	CELDT Writing samples Teacher observations	Annually Unit Assessments At Trimester Report Cards
Grade level writing proficiency, scored holistically and discussed school wide	Benchmark tests	Twice a year
Grade level reading assessments to assess whether students have reached expected benchmark skills	Benchmark tests	Unit Assessments
Grade level math assessments to assess whether students have reached expected benchmark skills	Benchmark tests	Unit Assessments
Demonstration of healthy living including nutrition and physical education	Physical education	Annually

### Measuring Student Progress

All teachers participate in grade level meetings to align curriculum to State Standards and review assessment information on a monthly basis. Teachers submit English Language Arts unit

assessments to the Principal as they are completed, which allows for additional monitoring of student growth (or lack of) to assure intervention is provided.

The Gravenstein School/District Site Council shall analyze the available year-end student performance data for all students annually. The Charter School utilizes STAR data, group data, and other indicators to determine if the school has achieved its outcome goals. This data is also analyzed throughout the school year in order to determine if there are any patterns. When areas are identified, teachers and staff at Gravenstein School are directed to look at the core programs and possible interventions that will address these areas. Resources and professional development are utilized to address the need and enhance or change programs if necessary.

### **School Accountability Report Card (“SARC”)**

Additionally, Gravenstein School will publish student results annually through the School Accountability Report Card (“SARC”), in compliance with the California Constitution, California Education Code, and NCLB criteria. The report includes pertinent facts and data about the school and will be made available to the public as required by law.

### **ELEMENT 4: GOVERNANCE STRUCTURE OF THE SCHOOL**

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

Gravenstein School will be non-sectarian in its programs, policies, employment practices, and all other operations; shall not charge tuition; and shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School will comply with all applicable federal, state, and local laws that are applicable to public charter schools.

### **Gravenstein Union School District Board of Education**

The Charter School shall be governed by the District Board of Education in accordance with its adopted bylaws. All duties and operations regarding the Charter School shall be considered a duty of the District Board unless otherwise delegated by the Board. These duties include but are not limited to:

- Hire, supervise, evaluate, discipline, and dismissal of the Superintendent/Principal of the Charter School;
- Hire, promote, discipline and dismiss all employees of the Charter School after consideration of a recommendation by the Superintendent;
- Approve all contractual agreements;

- Approve and monitor the implementation of general policies of the Charter School. This includes effective human resource policies for career growth and compensation of the staff;
- Approve and monitor the Charter School's annual budget and budget revisions;
- Act as a fiscal agent. This includes but is not limited to the receipt of funds for the operation of the Charter School in accordance with applicable laws and the receipt of grants and donations consistent with the mission of the Charter School;
- Contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- Establish operational committees as needed;
- Regularly measure progress of both student and staff performance;
- Involve parents and the community in school related programs;
- Execute all applicable responsibilities provided for in the California Corporations Code;
- Engage in ongoing strategic planning;
- Approve the school calendar and schedule of Board meetings;
- Review requests for out of state or overnight field trips;
- Participate in the dispute resolution procedure and complaint procedures when necessary;
- Approve charter amendments and requests for material revisions as necessary;
- Approve annual independent fiscal audit and performance report;
- Appoint an administrative panel or act as a hearing body and take action on recommended student expulsions.

### **The Superintendent**

The Superintendent will be the leader of the Charter School. The Superintendent will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Superintendent reports directly to the Board and s/he is responsible for the orderly operation of the Charter School and the supervision of all employees in the Charter School.

The Superintendent shall perform assigned tasks as directed by the Board and shall be required to undertake some or all of the tasks detailed below. These tasks may include but are not limited to the following:

- Ensure the Charter School enacts its mission;
- Supervise and evaluate teachers and staff;
- Communicate and report to the Board of Education;
- Oversee school finances to ensure financial stability;
- Participate in and develop professional development workshops as needed;
- Serve or appoint a designee to serve on any committees of the Charter School;
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal;
- Ensure compliance with all applicable state and federal laws and help secure local grants;



- Communicate with parents, recruit new families and students, and assure families of academic growth;
- Take responsible steps to secure full and regular attendance at school of the students enrolled in accordance with policies established by the Board of Education;
- Complete and submit required documents as requested or required by the charter and/or the Board of Education;
- Identify the staffing needs of the Charter School and offer staff development as needed;
- Maintain up-to-date financial records;
- Ensure that appropriate evaluation techniques are used for both students and staff;
- Establish and maintain a system to handle organizational tasks such as student records, teacher records, teacher credentialing information, contemporaneous attendance logs, purchasing, budgets, and timetables;
- Hire qualified substitute teachers as needed;
- Ensure the security of the school building;
- Promote Gravenstein Schools in the community and promote positive public relations and interact effectively with media;
- Encourage and support teacher professional development ;
- Provide all necessary financial reports as required for proper attendance reporting;
- Develop the school annual performance report and the SARC;
- Present independent fiscal audit to the Board of Education and after review by the Board of Education present audit to the County Superintendent of Schools, the State Controller and the California Department of Education;
- Manage student discipline, as necessary participate in the suspension and expulsion process;
- Participate in IEP meetings as necessary.

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the Board of Education to a business administrator of the Charter School or other appropriate employee or third party provider.

### **School Site Council**

The Gravenstein School Site Council consists of staff members and parents. The School Site Council is responsible for approving of the Comprehensive Site Plan which is then adopted by the GUSD Board.

### **Parental Involvement**

Gravenstein School provides opportunities for parent involvement through School Site Council, volunteering in classrooms, working in the library, attending Back to School Night, Open House, parent-teacher conferences, and field trips. Gravenstein School also has two parent foundations that support programs in the school, the Gravenstein Schools Foundation (GSF), and Magnet Program Foundation (MPF).

**ELEMENT 5:        EMPLOYEE QUALIFICATIONS**

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

Employees of the Gravenstein School will remain District employees and thus any movement between the Gravenstein School and the District is subject to the applicable collective bargaining agreements of the District. No public school district employee shall be required to work at the Charter School.

The Gravenstein School will not discriminate against any employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Gravenstein School will be nonsectarian in its programs, admission policies, employment practices, and all other operations. Neither the Gravenstein School nor the District will require any employee to work at the Gravenstein School.

**A.        Background Checks and Tuberculosis Testing**

The Gravenstein School will adhere to Education Code Section 44237 and 49406 regarding fingerprinting, background clearance, and tuberculosis testing of employees prior to employment.

**B.        Teacher Qualifications**

Teachers will meet all requirements for credentialing and background as required by the No Child Left Behind Act (“NCLB”) and California Education Code Section 47605(l). Accordingly, the Gravenstein School teachers shall hold a California Commission on Teacher Credentialing certificate, permit, or other documentation equivalent to what a teacher in other public schools would be required to hold. Furthermore, in accordance with the provisions of NCLB, teachers will meet applicable highly qualified criteria in core courses. New teachers, who are new to the profession, receive BTSA and other support to ensure they will earn this status within two years.

Appropriate records, and supporting documentation, of credentials held by the Gravenstein School teachers will be monitored and maintained by the District.

**C.        Superintendent/Principal Qualifications**

The Superintendent serves as the educational leader of the Charter School. The Superintendent shall be responsible for direction of the instructional program, evaluation of staff, operation of the school facility, participation in school activities, community leadership, collaboration with staff as well as other relevant duties assigned.

The Superintendent of Gravenstein School shall have taught for a minimum of three years in a California public school; must possess a valid California Teaching Credential (preference given to a K-12 Multiple Subject Credential); must possess a valid California Administrative Services Credential; and shall have earned a Master of Arts/Science in a field related to education or administration.

**D. Human Resources**

The following guidelines are in addition to the Human Resources Policy and Procedures of the District.

It is the intent of the District to continue to employ all current certificated employees, subject to the effects of declining enrollment and/or reduction in funding.

All employees of the District who work at Gravenstein Elementary School, prior to the establishment of the charter, will be offered the opportunity to work in the Gravenstein School with no loss of pay, benefits or employment status. Once the charter gets approved by the District Board of Education, all employees shall continue to be deemed District employees with seniority, sick leave, and other rights and privileges intact.

Existing employee bargaining units, agreements, contracts and policies relating to District personnel will continue to be in effect. Prior to hiring, all new employees will be informed of the charter status of the Charter School. If the charter is revoked or the Charter School is otherwise closed, all employees will revert to their status as employees of the District.

Certificated personnel shall be members of the certificated bargaining unit, and shall be covered by the Collective Bargaining Agreement between the Gravenstein Union Teachers Association and the Gravenstein Union School District. Certificated personnel shall also be covered by all existing provisions in the Education Code pertaining to working conditions of certificated public school employees including tenure and dismissal. In addition, as members of the certificated bargaining unit, Government Code Section 3540 *et seq.* will apply. Certificated staff assignments outside credential authorization will be based on mutual agreement between the administration and the certificated staff member. The current collective bargaining agreement and past practices regarding certificated staff assignments in regard to request and seniority will be maintained.

**E. Staff Development**

The Gravenstein School recognizes the importance of staff to be trained and educated in the philosophies and programs that supports the values and mission of this charter. In order to support staff in providing students with the best education possible Gravenstein School will provide staff development to staff members as identified by staff.

**ELEMENT 6: PUPIL AND STAFF HEALTH & SAFETY**

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

The Gravenstein School, as a conversion charter school, will continue to implement District policies and procedures required to ensure the health and safety of all students and staff.

The Gravenstein School will continue to adhere to the existing state laws as well as current District Board policy when implementing its comprehensive set of health and safety policies. These policies at a minimum will address the following topics:

- Fingerprinting and criminal record summary of employees and contractors pursuant to Education Code Section 44237 and 45125.1
- Role of staff as mandated child abuse reporters
- Tuberculosis testing
- Documenting immunizations for students (including whooping cough) and staff
- Diabetes information
- Responding to natural disasters and emergencies
- Preventing contact with blood-borne pathogens
- Administering prescription drugs and other medicines
- Maintaining a drug, alcohol, and tobacco-free workplace
- Testing for vision, hearing, and scoliosis pursuant to Education Code Section 49450, *et seq.*

All information related to the above-referenced policies will be included in the parent/student and employee handbooks and will be reviewed on an ongoing basis, as determined by District Board policies.

The Comprehensive School Safety Plan includes a written plan comprised of all mandatory components, a physical tour of the campus to include some staff, school board members and parents, a review of the fire alarm system, and workshops attended by some of the District's safety committee.

**ELEMENT 7: RACIAL AND ETHNIC BALANCE**

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

The Gravenstein School will implement a recruitment process to achieve racial and ethnic balance among its students that reflects the general population residing in the geographic

boundaries of the District. The Charter School will monitor this balance each year and will take necessary recruitment steps to achieve this goal. This process involves the following:

- Hosting an annual Open House
- Advertising by way of electronic media, the school's website, and an ad at least once per year in the local newspaper.

As such, the Charter School shall implement a student recruitment strategy, which shall include, but is not necessarily limited to, the following elements or strategies:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the District.
- The appropriate development of promotional and informational materials in languages other than English to appeal to limited English proficient populations.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the District.

**ELEMENT 8:            ADMISSION REQUIREMENTS**

*Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).*

The Gravenstein School will be nonsectarian in its programs, admission policies, and all other operations. The Charter School will admit all students residing in California who wish to attend, subject only to capacity as outlined in Education Code 47605(d)(2). The District Board shall have the sole authority to determine the capacity of the Charter School. The determination of Charter School capacity shall be based on the Charter School's academic program, the Charter School's fiscal viability, the educational needs of currently enrolled students, the capacity of the school site, and the level of interest shown by students who want to attend the Charter School. The District Board may set separate capacities for the *ENRICH!* program and the traditional Gravenstein School program.

The Gravenstein School will not charge tuition and will not discriminate against any pupil on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools.

For admission to the *ENRICH!* program, students must complete the *ENRICH!* application and meet the *ENRICH!* criteria for admission, available at the District Office or online at

<http://www.grav.k12.ca.us/>, and must attend an Orientation Day scheduled by the Gravenstein School. Enrollment in the *ENRICH!* program is subject to a student meeting the *ENRICH!* admissions criteria and subject to the capacity set by the District Board. If the number of pupils who meet the criteria for admission to the *ENRICH!* program exceeds the program's capacity, students will be enrolled pursuant to the "Public Random Drawing" procedures listed below.

For admission to the traditional Gravenstein School program, students must complete the Gravenstein School application and meet the criteria for admission, available at the District Office or online at <http://www.grav.k12.ca.us/>, and must attend an Orientation Day scheduled by the Gravenstein School.

An open application period will be publicly announced each year. The Gravenstein School's application process is comprised of the following:

1. Completion of a student admissions application

Registration packets for students who are admitted will also gather the following:

1. Proof of Immunization
2. Home Language Survey
3. Completion of Emergency Medical Information Form
4. Proof of minimum age requirements, e.g. birth certificate
5. Release of records

### **Public Random Drawing**

The Gravenstein School shall admit all pupils who wish to attend the Charter School. However, if the number of pupils who wish to attend the Charter School exceeds the Charter School's capacity, attendance shall be determined by a public random drawing, except for existing pupils of the charter school. If a public random drawing is necessary, preference for admission in the lottery will be given in the following order:

1. Students attending Gravenstein Elementary School (either in the *ENRICH!* program or the traditional Gravenstein Elementary School program) at the time of conversion to charter school status
2. Students residing in the attendance area of the public school prior to the conversion (District residents)
3. Siblings of existing students
4. Children of school employees
5. Students who reside outside the District

In the public random drawing, all applicants are drawn and listed in order, separately, for each grade level. Once the Charter School's capacity is met, the remaining applicants will continue to be drawn randomly and placed in the order they are drawn on the waiting list. Any vacancies

during the school year after the public random drawing will be filled with the students on the waiting list.

The Charter School will utilize separate public random drawings and application and admissions processes for the *ENRICH!* program and the traditional Gravenstein School program.

**ELEMENT 9:            FINANCIAL AUDIT**

*Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(b)(5)(I).*

The Gravenstein School will adhere to policies and administrative regulations adopted by the District Board of Education Policies and Administrative Regulations and will participate in the District Board's annual audit of fiscal and programmatic operations. The District will continue to provide administrative services and budget development for the Charter School. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office Management and Budget Circulars. The District and the Charter School will comply with Sonoma County Office of Education audit and accountability practices, though the Charter School will retain its rights under the parameters of charter school law.

The District and Gravenstein School shall resolve any audit exceptions and/or deficiencies in accordance with District policies and procedures and to the satisfaction of the District. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The independent financial audit of the Charter School is public record to be provided to the public upon request.

**ELEMENT 10:            SUSPENSION AND EXPULSION**

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

The Gravenstein School will follow District Board Policy with regard to the suspension and expulsion of students. The Gravenstein School will develop, and the District Board of Education will approve, the behavior guidelines that govern students including chronic behavior issues. These policies will be printed in the parent/student handbook and will be available on request at the Charter School office. Parents will be notified of serious or repeated behavior infractions. Students will always be treated with respect, listened to attentively, and have access to due process in all instances of serious behavior infractions. Suspensions will follow District and Education Code requirements. A student who commits an expellable offense will receive a

hearing by the District Board of Education or designated Administrative Panel pursuant to District Board Policy.

**ELEMENT 11:      RETIREMENT PROGRAMS**

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

The employees at the Charter School will participate in the State Teachers' Retirement System ("STRS"), the Public Employees' Retirement System ("PERS"), and social security in accordance with his or her position. The District shall be responsible for ensuring that the required contributions and deductions are made.

**ELEMENT 12:      PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

The Gravenstein School is a school of choice and no students shall be required to attend. Pupils who reside in the District and choose not to attend the Gravenstein School may choose to attend other public schools through an intra- or inter-district transfer in accordance with existing enrollment and transfer policies of the District. Parents and guardians of each student enrolled in the Gravenstein School will be informed on admissions forms that the students have no right to admission in a particular school of the District as a consequence of enrollment in the Gravenstein School, except to the extent that such a right is extended by the District.

**ELEMENT 13:      EMPLOYEE RETURN RIGHTS**

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

Employees of the Gravenstein School will remain District employees and shall retain the right to return and gain seniority through the District. Therefore any movement of employees between the Gravenstein School and the District is subject to the applicable collective bargaining agreements of the District.



**ELEMENT 14: DISPUTE RESOLUTION**

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

In the case of a dispute between Gravenstein School and the District Board of Education, the School Site Council will appoint a representative(s) (to include the Superintendent) to act on behalf of the school to bring any matter of concern to the board's attention.

**ELEMENT 15: PUBLIC SCHOOL EMPLOYER**

*Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).*

The District will be the exclusive public school employer of all employees of the Gravenstein School for purposes of the Educational Employment Relations Act ("EERA"). The District shall comply with the EERA.

**ELEMENT 16: SCHOOL CLOSURE**

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

Closure of the Gravenstein School will be documented by official action of the District Board of Education. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The District will promptly notify parents and students of the Gravenstein School, the Sonoma County Office of Education, the California Department of Education, the SELPA, and the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security) of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents (guardians) may obtain copies of pupil records.

The Board will ensure that the notification to the parents and students of the Gravenstein School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the

Gravenstein School. The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The District will store original records of the Gravenstein School students. All records of the Gravenstein School shall be transferred to the District upon charter School closure and maintained in accordance with law.

The Gravenstein School will revert back to non-charter status upon closure of the charter unless otherwise closed by the District. As soon as reasonably practical, the District will prepare final financial records. The District will also have an independent audit completed within six months after closure. The audit will be prepared by a qualified Certified Public Accountant selected by the District. The final audit will include the following:

- An accounting of all financial assets, including cash and accounts receivable
- An inventory of property, equipment, and other items of material value
- An accounting of the liabilities, including accounts payable
- Any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation
- An assessment of the disposition of any restricted funds received by or due to the Gravenstein School.

The District will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the Gravenstein School, all assets of the Gravenstein School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Gravenstein School, remain the sole property of the District. Any assets acquired from the District or District property will be promptly returned upon closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

As specified by the attached Budget, the District will utilize the Charter School's reserve fund to undertake any expenses associated with the closure procedures identified above.

## **ELEMENT 17: ADDITIONAL REQUIREMENTS**

### **A. Liability and Indemnity**

*Governing Law: Potential civil liability effects, if any, upon the school and upon the District. Education Code Section 47605(g).*

The Charter School shall remain under District insurance coverage. Insurance amounts will be determined by recommendation of the District and its insurer for schools of similar size, location, and student population.

The District will institute and maintain appropriate risk management practices.

**B. Term of Charter**

The requested term of the charter shall be for five years, from July 1, 2012 to June 30, 2017.

**C. Material Revisions**

Any material revisions to this Charter must be formally approved by the District Board in accordance with Education Code Section 47607.

**D. Financial Plan**

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. Education Code Section 47605(g).*

Attached, as Appendix A, please find a first year budget, including start-up costs, and cash flow projections for the first three years of operation.

The Charter School shall provide reports to the District as follows, and may provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement.
2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.
3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

4. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

**E. Centralized Administrative Services**

*Governing Law: The manner in which administrative services of the school are to be provided. Education Code Section 47605(g).*

Centralized administrative services at the Gravenstein School will be run in a substantially similar fashion to those at other schools in the District. All "back office" services will be handled by the District.

**F. Facilities**

*Governing Law: The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(g).*

Gravenstein School will be located within the District boundaries, and will operate from the existing Gravenstein Elementary School site at 3840 Twig Avenue, Sebastopol, California. The Gravenstein Elementary School site comprises 23 classrooms, a speech/school psychologist room, a library, school office, district office, and a multipurpose room.

# **HILLCREST MIDDLE SCHOOL**

A California Public Charter School

## **CHARTER SCHOOL PETITION**

725 BLOOMFIELD ROAD  
SEBASTOPOL, CA 95472

**TABLE OF CONTENTS**

INTRODUCTION ..... 3

AFFIRMATIONS/ASSURANCES ..... 4

ELEMENT 1: EDUCATIONAL PROGRAM..... 7

    A. Whom the School is Attempting to Educate..... 7

    B. Mission, Vision, and Core Educational Philosophy ..... 7

    C. How Learning Best Occurs: Instructional Design & Curriculum..... 8

    D. Students with Disabilities..... 10

    E. Academically Low Achieving Students..... 11

    F. Academically High Achieving Students..... 11

    G. English Learners ..... 12

ELEMENT 2: MEASURABLE PUPIL OUTCOMES..... 14

ELEMENT 3: METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES ..... 14

ELEMENT 4: GOVERNANCE STRUCTURE OF THE SCHOOL..... 16

    A. Governing Board of Education ..... 16

    B. Parental Involvement..... 18

ELEMENT 5: EMPLOYEE QUALIFICATIONS ..... 18

    A. Background Checks and Tuberculosis Testing..... 19

    B. Teacher Qualifications ..... 19

ELEMENT 6: PUPIL AND STAFF HEALTH & SAFETY ..... 20

ELEMENT 7: RACIAL AND ETHNIC BALANCE ..... 21

ELEMENT 8: ADMISSION REQUIREMENTS..... 22

ELEMENT 9: FINANCIAL AUDIT..... 23

ELEMENT 10: SUSPENSION AND EXPULSION ..... 24

ELEMENT 11: RETIREMENT PROGRAMS ..... 24

ELEMENT 12: PUBLIC SCHOOL ATTENDANCE ALTERNATIVES ..... 25

ELEMENT 13: EMPLOYEE RETURN RIGHTS ..... 25

ELEMENT 14: DISPUTE RESOLUTION..... 25

ELEMENT 15: PUBLIC SCHOOL EMPLOYER..... 26

ELEMENT 16: SCHOOL CLOSURE..... 26

ELEMENT 17: ADDITIONAL REQUIREMENTS..... 27

    A. Liability and Indemnity..... 27

    B. Term of Charter..... 28

    C. Material Revisions ..... 28

    D. Financial Plan..... 28

    E. Centralized Administrative Services..... 28

    F. Facilities..... 29

## **INTRODUCTION**

This charter allows us to have increased flexibility in exchange for heightened accountability to meet the goals set forth by the Legislature in Education Code Section 47601:

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

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

## **AFFIRMATIONS/ASSURANCES**

As the authorized lead petitioner, I, Linda LaMarre, hereby certify that the information submitted in this petition for the conversion of a California public school, Hillcrest Middle School (“HMS”) into a California public charter school to be named Hillcrest Middle School (“Hillcrest” or the “Charter School”), and to be located within the boundaries of the Gravenstein Union School District (the “District”) is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- The District shall be deemed the exclusive public school employer of the employees of Hillcrest Middle School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]



- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. California Education Code Section 47605(l)]
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. California Education Code Section 47612.5(a)]
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. California Education Code Section 47605(c)]
- The Charter School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. California Education Code Section 47605-47605.1]
- The Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Section 47612(b), 47610]

- The Charter School shall comply with all applicable portions of the No Child Left Behind Act.
- The Charter School shall comply with the Public Records Act.
- The Charter School shall comply with the Family Educational Rights and Privacy Act.
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School shall meet or exceed the legally required minimum of school days. [Ref. Title 5 California Code of Regulations Section 11960]

\_\_\_\_\_  
Linda LaMarre, Lead Petitioner

\_\_\_\_\_  
Date

**ELEMENT 1: EDUCATIONAL PROGRAM**

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

**A. Students to be Served – Whom the School is Attempting to Educate**

Hillcrest Middle School shall serve approximately 280 students in grades six through eight (6-8). All students will be offered a rigorous academic program including advanced mathematics courses, a two-year laboratory science program, regular Spanish instruction for all students, and a strong music and performing arts program. Most students live in the western, rural section of Sebastopol in Sonoma County and come from primarily English-speaking homes of a variety of socio-economic backgrounds.

The table below provides an overview of the student demographics at Hillcrest Middle School in 2010-11:

<b>HILLCREST MIDDLE SCHOOL STUDENT POPULATION 2010-2011</b>	
<b><i>Ethnicity</i></b>	<b><i>Percentage</i></b>
African American	1.4%
Native Hawaiian/Pacific Islander	1.1%
Asian	2.1%
Filipino	1.4%
Latino or Hispanic	9.3%
White	83.9%
Multiple/No Response	0.7%
<b><i>Sub-Group</i></b>	
Free or Reduced Lunch Participants	12.1%
English Learners	5.7%
Students with Disabilities	6.4%

**B. Mission, Vision and Core Educational Philosophy**

**Mission:** Hillcrest Middle School is dedicated to academic excellence and the cultivation of individual strengths and talents in a caring and cooperative environment. Our sense of community fosters a high level of ethical, responsible citizenship.

**Vision:** Each child shall master the knowledge, attitudes and skills necessary to become a contributing and productive citizen. Through the cooperative efforts of home, school, and community, we shall accomplish the following goals:

1. School Environment
  - a. Positive, non-threatening environment with consistent discipline.
  - b. Students will learn the value of respecting oneself, each other and authority.
  - c. Pro-active interventions for at-risk students.
  - d. Strive for optimum class sizes.
2. Curriculum & Assessment
  - a. Develop a set of standards-based (grade-specific) curriculum brochures, report cards, strategies and practices utilizing California state standards.
  - b. Standardize and adopt state board adopted curriculum and materials to ensure student success and to meet high school entrance and exit exam requirements.
  - c. Students will be prepared to meet proficiency standards.
3. Coordination of School and Community
  - a. Articulation and coordination of curriculum with the State of California. Encourage Hillcrest Middle School connection with Governor's Initiative trainings for professional development.
  - b. Volunteerism-students in the community and community in the school.
  - c. Recruit and encourage business and professional interaction with the school.

### **An Educated Person of the 21st Century**

Hillcrest Middle School will provide an environment in which children will develop into confident, self-motivated, resourceful, productive lifelong learners. Hillcrest Middle School students are expected to become socially responsible citizens to better our global community. To meet the challenges of the current century, students at Hillcrest Middle School will acquire the habits and skills necessary to succeed in school and beyond, as contributing citizens of the 21<sup>st</sup> century. These habits and skills include:

- Critical Thinking
- Problem Solving
- Inquiry
- Ability to reflect
- Collaboration
- Knowledge of the creative arts and music
- Utilization of positive character traits
- Participates in community service projects

### **C. How Learning Best Occurs: Instructional Design and Curriculum**

The following combination of key elements comprises Hillcrest Middle School's approach to instruction for the students to be served by the Charter School:

- Academically rigorous instruction
- One of the strongest music programs in Sonoma County, with a 6th grade band, 7th grade band, 8th grade band, a jazz band, and a strings ensemble
- Two-year laboratory science program
- Advanced mathematics, language arts and history/social studies courses
- Active sports programs
- Computer lab and media center
- Regular Spanish instruction for all students
- Student leadership, dances, and grade-level leadership camps
- Special poetry workshops for 8th graders

All classes at Hillcrest Middle School offer an approximate pupil-to-teacher ratio of 25:1. Instructional and temporary support assistants are utilized according to need in the classroom. Instructional assistants work in conjunction with the Special Education Teachers to instruct in Learning Labs. The Learning Labs are operated through combining categorical funding to serve students who need intervention or tutoring. Students are provided services according to their needs – regardless of whether they qualify for special education or not. This setting provides additional services in the areas of Reading/Language Arts and Math to identified and/or below-grade-level students. Other services available to Hillcrest Middle School students include the Speech and Language Program, a school psychologist, and an academic counselor.

#### Integration of Music and the Arts

Hillcrest Middle School offers a variety of scheduled music, art and drama programs. Our *ENRICH!* Creative Arts Magnet/GATE Program includes additional field trips and visual and performing arts.

#### *ENRICH!* Magnet/GATE Creative Arts Program

The *ENRICH!* program is a creative arts magnet/GATE program that emphasizes strong academics, creative and performing arts and involved parents. Application to the *ENRICH!* program is a separate and additional enrollment and application process. Criteria considered for enrollment in the *ENRICH!* program is listed on the application, available at the District office and on the District website at <http://www.grav.k12.ca.us/ENRICH/ENRICH.html>. The mission and vision of the *ENRICH!* program is to “support the emerging child in becoming a whole person through integration of strong academics, creative arts, and community involvement in an environment that fosters acceptance and respect for self and others. Our vision is accomplished through the dedication of skilled teachers, program leadership, involved families, enriched activities, collaborative relationships with the school administration and committed financial support.”

## Violence and Bullying Prevention

Hillcrest Middle School utilizes two violence/bullying prevention curriculum programs. *Second Step* is a state-approved violence prevention program for grades Preschool through eighth grade. Some of the topics covered in this program include empathy, emotion management, impulse control, problem solving, and anger management.

## Alignment of Curriculum, Instruction and Materials to Content and Performance Standards

All of the curriculum materials we use in the areas of Reading-Language Arts and Math are aligned with the state standards. Curriculum brochures are completed for all grades.

Hillcrest Middle School uses state-adopted Language Arts textbooks (McDougal Littell), Social Sciences (History Alive), Science for (McDougal Littell), Spanish (Glenco), and Math (CGP Math 2008).

## Professional Development

Hillcrest Middle School provides ongoing staff development training to ensure all staff are highly trained in current educational practices and educational research. Professional development for our staff is provided on the adopted Language Arts and Math textbooks, as well as Common Planning Day meetings. We regularly assess the needs for staff development and provide necessary in-service trainings.

## **D. Serving Students with Disabilities**

Hillcrest Middle School shall comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”) and the Individuals with Disabilities in Education Improvement Act (“IDEA”).

The Charter School and the Gravenstein Union School District will work in cooperation with all local education agencies (LEA’s) and special education local plan areas (SELPA’s) to ensure that a free and appropriate education in the least restrictive environment is provided to all students with exceptional needs. The Charter School intends to function as a “public school of the district” for the purpose of providing special education and related services pursuant to Education Code Section 47641(b). The Charter School will have special education services available from the District that are equivalent to the other District schools.

The facilities to be utilized by the Hillcrest Middle School shall be accessible for all students with disabilities. The Hillcrest Middle School will not discriminate against any student based upon disability.

The Hillcrest Middle School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Hillcrest

Middle School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Hillcrest Middle School. The Charter School shall comply with all applicable policies and procedures of the District related to identification, assessing, and serving students in accordance with Section 504 of the Rehabilitation Act.

Students will be identified for Special Education using procedures currently in place. These procedures include:

- Extensive use of classroom modifications by the teacher
- A referral from the classroom teacher to the Student Study Team
- The Student Study Team recommendation for the child to be assessed.

The results of the testing are then presented in a follow-up meeting with the parents. If the student qualifies for Special Education, an IEP is created and sets individualized learning goals and objectives. IEP meetings are held annually to report student progress and adjust goals.

#### **E. Serving Academically Low-Achieving Students**

Hillcrest Middle School offers a Learning Lab to provide assistance for students who qualify for special education services as well as students who score below proficient in English Language Arts and/or Math. Hillcrest Middle School utilizes instructional aides who spend a majority of their time working with students who are low performing. These aides allow for focused assistance to students in a small group or individual setting. We also offer tutoring before and after school, and at lunchtime for any student who needs additional remediation assistance and support. Summer school programs are also offered to focus on remediation. Finally, Hillcrest Middle School has adopted state-approved English Language Arts intervention materials in grades 6-8 for students scoring two years below grade level (*Jane Greene-LANGUAGE!*). We have also adopted *Fast Forward* Math intervention materials for grades 6-7.

Hillcrest Middle School holds parent conferences and Student Study Team (“SST”) meetings to provide additional support to students and families in need of additional assistance. Within the SST meetings recommendations are made for outside support services or additional academic plans are outline and implemented.

#### **F. Serving Academically High-Achieving Students**

Hillcrest Middle School offers GATE activities in the areas of English Language Arts and Math for all high-achieving students – *ENRICH!* students or traditional program students scoring at the top on STAR.

High-achieving students at Hillcrest Middle School also have the opportunity to enroll in the *ENRICH!* Creative Arts Magnet/GATE Program.

*ENRICH!* Program students have a 45 minute longer school day than the traditional program students. All *ENRICH!* students and teachers utilize the same state and district adopted

standards-based Math, Language Arts, Social Studies and Science materials but the *ENRICH!* classes may move at a quicker pace since this is a GATE program and students are screened through test results and/or teacher observation to be proficient or above at their grade level. The teachers may add materials to the core materials. Enrichment classes have included hands-on science, Spanish (two classes a week), chorus, art, African drumming, drama, poetry, dance, newspaper, yearbook, and computer skills, among others. In the visual arts, students have enjoyed silk painting, cartooning, papermaking, and art history.

The *ENRICH!* classroom students participate in all grade-alike activities, such as, recesses, lunch, spelling bees, science fairs, etc. and assemblies. All *ENRICH!* students join the regular education students in lunch recess and intramural games, after school sports programs, dances, after-school drama, before school jazz band, before school strings program, spelling bees, and any other program or activity available to regular program students.

There is at least one field trip a month in the *ENRICH!* program. Past field trips for *ENRICH!* students have included hands-on learning activities at Ft. Ross, the Shakespeare Festival in Ashland, Oregon, Yosemite National Park, other overnight trips, various museums, orchestral and operatic programs in San Francisco, and many more. The younger grades stay closer to home with various trips mainly in Sonoma County.

#### **G. Serving English Learners**

Hillcrest Middle School will meet all applicable legal requirements for English Learners (“EL”) as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

#### **Home Language Survey**

The Charter School will administer the home language survey upon a student’s initial enrollment into the Charter School (on enrollment forms).

#### **CELDT Testing**

All students who indicate that their home language is other than English will be California English Language Development Test (“CELDT”) tested within thirty days of initial enrollment<sup>1</sup> and at least annually thereafter between July 1 and October 31<sup>st</sup> until re-designated as fluent English proficient.

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<sup>1</sup> The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.



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

### **Reclassification Procedures**

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

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the CELDT.
- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.
- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents' opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.
- Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.
- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

### **Strategies for English Learner Instruction and Intervention**

Hillcrest Middle School offers a Learning Lab to provide assistance for English Learners, as well as instructional aides who allow for focused assistance to students in a small group or individual setting.

### **Monitoring and Evaluation of Program Effectiveness**

The evaluation for the program effectiveness for ELs in the Charter School will include:

- Adhere to Charter School-adopted academic benchmarks by language proficiency level and years in program to determine adequate yearly progress.
- Monitoring of teacher qualifications and the use of appropriate instructional strategies

based on program design.

- Monitoring of student identification and placement.
- Monitoring of parental program choice options.
- Monitoring of availability of adequate resources.

**ELEMENT 2: MEASURABLE PUPIL OUTCOMES**

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

**AND**

**ELEMENT 3: METHODS TO ASSESS PUPIL PROGRESS TOWARDS MEETING OUTCOMES**

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

Hillcrest Middle School is dedicated to documenting student achievement of the state content standards each year through state-mandated pupil assessments. As is required by Education Code Section 60605, students will participate in the Statewide Testing and Reporting program (STAR and CST, etc.) and all other mandated accountability programs (PFT, CELDT, etc.). Through these assessments, Hillcrest Middle School shall demonstrate student mastery of state standards. Standardized assessments allow us to compare student performance with the rest of the state.

Hillcrest Middle School shall pursue the following pupil outcomes:

<b>MEASURABLE PUPIL OUTCOMES</b>	<b>METHODS OF MEASUREMENT</b>	<b>FREQUENCY OF MEASUREMENT</b>
Meet or exceed API growth target	API	Annually
Maintain 95% attendance rate	Attendance records	Monthly
80% of students score Proficient or Advanced in State Standards for Reading, Math, Science, and Social Science	STAR Tests	Annually
The percent of students who score below Proficient in the areas of	STAR Tests	Annually

Reading, Language and Math will improve by a minimum of 5 percent		
Continual English Language Development growth	CELDT Writing samples Teacher observations	Annually Unit Assessments At Trimester Report Cards
Grade level writing proficiency, scored holistically and discussed school wide	Benchmark tests	Twice a year
Grade level reading assessments to assess whether students have reached expected benchmark skills	Benchmark tests	Unit Assessments
Grade level math assessments to assess whether students have reached expected benchmark skills	Benchmark tests	Unit Assessments
Demonstration of healthy living including nutrition and physical education	Physical education	Annually

### **Measuring Student Progress**

All teachers participate in grade level meetings to align curriculum to State Standards and review assessment information on a monthly basis. Teachers submit English Language Arts unit assessments to the Principal as they are completed, which allows for additional monitoring of student growth (or lack of) to assure intervention is provided.

The Hillcrest Middle School/District Site Council shall analyze the available year-end student performance data for all students annually. The Charter School utilizes STAR data, group data, and other indicators to determine if the school has achieved its outcome goals. This data is also analyzed throughout the school year in order to determine if there are any patterns. When areas are identified, teachers and staff at Hillcrest Middle School are directed to look at the core programs and possible interventions that will address these areas. Resources and professional development are utilized to address the need and enhance or change programs if necessary.

### **School Accountability Report Card (“SARC”)**

Additionally, Hillcrest Middle School will publish student results annually through the School Accountability Report Card (“SARC”), in compliance with the California Constitution, California Education Code, and NCLB criteria. The report includes pertinent facts and data about the school and will be made available to the public as required by law.

**ELEMENT 4: GOVERNANCE STRUCTURE OF THE SCHOOL**

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

Hillcrest Middle School will be non-sectarian in its programs, policies, employment practices, and all other operations; shall not charge tuition; and shall not discriminate on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School will comply with all applicable federal, state, and local laws that are applicable to public charter schools.

**Gravenstein Union School District Board of Education**

The Charter School shall be governed by the District Board of Education in accordance with its adopted bylaws. All duties and operations regarding the Charter School shall be considered a duty of the District Board unless otherwise delegated by the Board. These duties include but are not limited to:

- Hire, supervise, evaluate, discipline, and dismissal of the Superintendent/Principal of the Charter School;
- Hire, promote, discipline and dismiss all employees of the Charter School after consideration of a recommendation by the Superintendent;
- Approve all contractual agreements;
- Approve and monitor the implementation of general policies of the Charter School. This includes effective human resource policies for career growth and compensation of the staff;
- Approve and monitor the Charter School's annual budget and budget revisions;
- Act as a fiscal agent. This includes but is not limited to the receipt of funds for the operation of the Charter School in accordance with applicable laws and the receipt of grants and donations consistent with the mission of the Charter School;
- Contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- Establish operational committees as needed;
- Regularly measure progress of both student and staff performance;
- Involve parents and the community in school related programs;
- Execute all applicable responsibilities provided for in the California Corporations Code;
- Engage in ongoing strategic planning;
- Approve the school calendar and schedule of Board meetings;
- Review requests for out of state or overnight field trips;
- Participate in the dispute resolution procedure and complaint procedures when necessary;
- Approve charter amendments and requests for material revisions as necessary;

- Approve annual independent fiscal audit and performance report;
- Appoint an administrative panel or act as a hearing body and take action on recommended student expulsions.

### **The Principal**

The Principal will be the leader of the Charter School. The Principal will ensure that the curriculum is implemented in order to maximize student-learning experiences. The Principal reports to the Superintendent and s/he is responsible for the orderly operation of the Charter School and the supervision of all employees (if so assigned by the Superintendent) in the Charter School.

The Principal shall perform assigned tasks as directed by the Board and shall be required to undertake some or all of the tasks detailed below. These tasks may include but are not limited to the following:

- Ensure the Charter School enacts its mission;
- Supervise and evaluate teachers and staff;
- Communicate and report to the Board of Education;
- Oversee school finances to ensure financial stability;
- Participate in and develop professional development workshops as needed;
- Serve or appoint a designee to serve on any committees of the Charter School;
- Interview and recommend employee hiring, promotion, discipline, and/or dismissal;
- Ensure compliance with all applicable state and federal laws and help secure local grants;
- Communicate with parents, recruit new families and students, and assure families of academic growth;
- Take responsible steps to secure full and regular attendance at school of the students enrolled in accordance with policies established by the Board of Education;
- Complete and submit required documents as requested or required by the charter and/or the Board of Education;
- Identify the staffing needs of the Charter School and offer staff development as needed;
- Maintain up-to-date financial records;
- Ensure that appropriate evaluation techniques are used for both students and staff;
- Establish and maintain a system to handle organizational tasks such as student records, teacher records, teacher credentialing information, contemporaneous attendance logs, purchasing, budgets, and timetables;
- Hire qualified substitute teachers as needed;
- Ensure the security of the school building;
- Promote Hillcrest Middle Schools in the community and promote positive public relations and interact effectively with media;
- Encourage and support teacher professional development ;
- Provide all necessary financial reports as required for proper attendance reporting;

- Develop the school annual performance report and the SARC;
- Present independent fiscal audit to the Board of Education and after review by the Board of Education present audit to the County Superintendent of Schools, the State Controller and the California Department of Education;
- Manage student discipline, as necessary participate in the suspension and expulsion process;
- Participate in IEP meetings as necessary.

The above duties, with the exception of personnel matters, may be delegated or contracted as approved by the Board of Education to a business administrator of the Charter School or other appropriate employee or third party provider.

### **School Site Council**

The Hillcrest Middle School Site Council consists of staff members and parents. The School Site Council is responsible for approving of the Comprehensive Site Plan which is then adopted by the GUSD Board.

### **Parental Involvement**

Hillcrest Middle School provides opportunities for parent involvement through School Site Council, volunteering in classrooms, working in the library, attending Back to School Night, Open House, parent-teacher conferences, and field trips. Hillcrest Middle School also has two parent foundations that support programs in the school, the Gravenstein Schools Foundation (GSF), and Magnet Program Foundation (MPF).

## **ELEMENT 5: EMPLOYEE QUALIFICATIONS**

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

Employees of the Hillcrest Middle School will remain District employees and thus any movement between the Hillcrest Middle School and the District is subject to the applicable collective bargaining agreements of the District. No public school district employee shall be required to work at the Charter School.

The Hillcrest Middle School will not discriminate against any employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Hillcrest Middle School will be nonsectarian in its programs, admission policies, employment practices, and all other operations. Neither the Hillcrest Middle School nor the District will require any employee to work at the Hillcrest Middle School.

**A. Background Checks and Tuberculosis Testing**

The Hillcrest Middle School will adhere to Education Code Section 44237 and 49406 regarding fingerprinting, background clearance, and tuberculosis testing of employees prior to employment.

**B. Teacher Qualifications**

Teachers will meet all requirements for credentialing and background as required by the No Child Left Behind Act (“NCLB”) and California Education Code Section 47605(l). Accordingly, the Hillcrest Middle School teachers shall hold a California Commission on Teacher Credentialing certificate, permit, or other documentation equivalent to what a teacher in other public schools would be required to hold. Furthermore, in accordance with the provisions of NCLB, teachers will meet applicable highly qualified criteria in core courses. New teachers, who are new to the profession, receive BTSA and other support to ensure they will earn this status within two years.

Appropriate records, and supporting documentation, of credentials held by the Hillcrest Middle School teachers will be monitored and maintained by the District.

**C. Principal Qualifications**

The Hillcrest Middle School Principal serves as the educational leader of the Charter School. The Principal shall be responsible for direction of the instructional program, evaluation of staff, operation of the school facility, participation in school activities, community leadership, collaboration with staff as well as other relevant duties assigned.

The Principal of Hillcrest Middle School shall have taught for a minimum of three years in a California public school; must possess a valid California Teaching Credential and must possess a valid California Administrative Services Credential.

**D. Human Resources**

The following guidelines are in addition to the Human Resources Policy and Procedures of the District.

It is the intent of the District to continue to employ all current certificated employees, subject to the effects of declining enrollment and/or reduction in funding.

All employees of the District who work at Hillcrest Middle School, prior to the establishment of the charter, will be offered the opportunity to work in the Hillcrest Middle School with no loss of pay, benefits or employment status. Once the charter gets approved by the District Board of Education, all employees shall continue to be deemed District employees with seniority, sick leave, and other rights and privileges intact.

Existing employee bargaining units, agreements, contracts and policies relating to District personnel will continue to be in effect. Prior to hiring, all new employees will be informed of the charter status of the Charter School. If the charter is revoked or the Charter School is otherwise closed, all employees will revert to their status as employees of the District.

Certificated personnel shall be members of the certificated bargaining unit, and shall be covered by the Collective Bargaining Agreement between the Gravenstein Union Teachers Association and the Gravenstein Union School District. Certificated personnel shall also be covered by all existing provisions in the Education Code pertaining to working conditions of certificated public school employees including tenure and dismissal. In addition, as members of the certificated bargaining unit, Government Code Section 3540 *et seq.* will apply. Certificated staff assignments outside credential authorization will be based on mutual agreement between the administration and the certificated staff member. The current collective bargaining agreement and past practices regarding certificated staff assignments in regard to request and seniority will be maintained.

**E. Staff Development**

The Hillcrest Middle School recognizes the importance of staff to be trained and educated in the philosophies and programs that supports the values and mission of this charter. In order to support staff in providing students with the best education possible Hillcrest Middle School will provide staff development to staff members as identified by staff.

**ELEMENT 6: PUPIL AND STAFF HEALTH & SAFETY**

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

The Hillcrest Middle School, as a conversion charter school, will continue to implement District policies and procedures required to ensure the health and safety of all students and staff.

The Hillcrest Middle School will continue to adhere to the existing state laws as well as current District Board policy when implementing its comprehensive set of health and safety policies. These policies at a minimum will address the following topics:

- Fingerprinting and criminal record summary of employees and contractors pursuant to Education Code Section 44237 and 45125.1
- Role of staff as mandated child abuse reporters
- Tuberculosis testing
- Documenting immunizations for students (including whooping cough) and staff
- Diabetes information
- Responding to natural disasters and emergencies



- Preventing contact with blood-borne pathogens
- Administering prescription drugs and other medicines
- Maintaining a drug, alcohol, and tobacco-free workplace
- Testing for vision, hearing, and scoliosis pursuant to Education Code Section 49450, *et seq.*

All information related to the above-referenced policies will be included in the parent/student and employee handbooks and will be reviewed on an ongoing basis, as determined by District Board policies.

The Comprehensive School Safety Plan includes a written plan comprised of all mandatory components, a physical tour of the campus to include some staff, school board members and parents, a review of the fire alarm system, and workshops attended by some of the District's safety committee.

**ELEMENT 7: RACIAL AND ETHNIC BALANCE**

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

The Hillcrest Middle School will implement a recruitment process to achieve racial and ethnic balance among its students that reflects the general population residing in the geographic boundaries of the District. The Charter School will monitor this balance each year and will take necessary recruitment steps to achieve this goal. This process involves the following:

- Hosting an annual Open House
- Advertising by way of electronic media, the school's website, and an ad at least once per year in the local newspaper.

As such, the Charter School shall implement a student recruitment strategy, which shall include, but is not necessarily limited to, the following elements or strategies:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material that appeals to all of the various racial and ethnic groups represented in the District.
- The appropriate development of promotional and informational materials in languages other than English to appeal to limited English proficient populations.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the District.

## **ELEMENT 8:           ADMISSION REQUIREMENTS**

*Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).*

The Hillcrest Middle School will be nonsectarian in its programs, admission policies, and all other operations. The Charter School will admit all students residing in California who wish to attend, subject only to capacity as outlined in Education Code 47605(d)(2). The District Board shall have the sole authority to determine the capacity of the Charter School. The determination of Charter School capacity shall be based on the Charter School's academic program, the Charter School's fiscal viability, the educational needs of currently enrolled students, the capacity of the school site, and the level of interest shown by students who want to attend the Charter School. The District Board may set separate capacities for the *ENRICH!* program and the traditional Hillcrest Middle School program.

The Hillcrest Middle School will not charge tuition and will not discriminate against any pupil on the basis of the characteristics listed in Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools.

For admission to the *ENRICH!* program, students must complete the *ENRICH!* application and meet the *ENRICH!* criteria for admission, available at the District Office or online at <http://www.grav.k12.ca.us/>, and must attend an Orientation Day scheduled by the Hillcrest Middle School. Enrollment in the *ENRICH!* program is subject to a student meeting the *ENRICH!* admissions criteria and subject to the capacity set by the District Board. If the number of pupils who meet the criteria for admission to the *ENRICH!* program exceeds the program's capacity, students will be enrolled pursuant to the "Public Random Drawing" procedures listed below.

For admission to the traditional Hillcrest Middle School program, students must complete an enrollment application and meet the criteria for admission, available at the District Office or online at <http://www.grav.k12.ca.us/>, and must attend an Orientation Day scheduled by the Hillcrest Middle School.

An open application period will be publicly announced each year. The Hillcrest Middle School's application process is comprised of the following:

1. Completion of a student admissions application

Registration packets for students who are admitted will also gather the following:

1. Proof of Immunization
2. Home Language Survey

3. Completion of Emergency Medical Information Form
4. Proof of minimum age requirements, e.g. birth certificate
5. Release of records

### **Public Random Drawing**

Hillcrest Middle School shall admit all pupils who wish to attend the Charter School. However, if the number of pupils who wish to attend the Charter School exceeds the Charter School's capacity, attendance shall be determined by a public random drawing, except for existing pupils of the charter school. If a public random drawing is necessary, preference for admission in the lottery will be given in the following order:

1. Existing students (defined as graduates of the fifth grade at Gravenstein School)
2. Students attending Hillcrest Middle School (either in the *ENRICH!* program or the traditional Hillcrest Middle School program) at the time of conversion to charter school status
3. Students residing in the attendance area of the public school prior to the conversion (District residents)
4. Siblings of existing students
5. Children of school employees
6. Students who reside outside the District

In the public random drawing, all applicants are drawn and listed in order, separately, for each grade level. Once the Charter School's capacity is met, the remaining applicants will continue to be drawn randomly and placed in the order they are drawn on the waiting list. Any vacancies during the school year after the public random drawing will be filled with the students on the waiting list.

The Charter School will utilize separate public random drawings and application and admissions processes for the *ENRICH!* program and the traditional Hillcrest Middle School program.

### **ELEMENT 9: FINANCIAL AUDIT**

*Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(b)(5)(I).*

The Hillcrest Middle School will adhere to policies and administrative regulations adopted by the District Board of Education Policies and Administrative Regulations and will participate in the District Board's annual audit of fiscal and programmatic operations. The District will continue to provide administrative services and budget development for the Charter School. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office Management and Budget Circulars. The

District and the Charter School will comply with Sonoma County Office of Education audit and accountability practices, though the Charter School will retain its rights under the parameters of charter school law.

The District and Hillcrest Middle School shall resolve any audit exceptions and/or deficiencies in accordance with District policies and procedures and to the satisfaction of the District. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel (“EAAP”) in accordance with applicable law.

The independent financial audit of the Charter School is public record to be provided to the public upon request.

**ELEMENT 10:        SUSPENSION AND EXPULSION**

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

The Hillcrest Middle School will follow District Board Policy with regard to the suspension and expulsion of students. The Hillcrest Middle School will develop, and the District Board of Education will approve, the behavior guidelines that govern students including chronic behavior issues. These policies will be printed in the parent/student handbook and will be available on request at the Charter School office. Parents will be notified of serious or repeated behavior infractions. Students will always be treated with respect, listened to attentively, and have access to due process in all instances of serious behavior infractions. Suspensions will follow District and Education Code requirements. A student who commits an expellable offense will receive a hearing by the District Board of Education or designated Administrative Panel pursuant to District Board Policy.

**ELEMENT 11:        RETIREMENT PROGRAMS**

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

The employees at the Charter School will participate in the State Teachers’ Retirement System (“STRS”), the Public Employees’ Retirement System (“PERS”), and social security in accordance with his or her position. The District shall be responsible for ensuring that the required contributions and deductions are made.

**ELEMENT 12:        PUBLIC SCHOOL ATTENDANCE ALTERNATIVES**

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

The Hillcrest Middle School is a school of choice and no students shall be required to attend. Pupils who reside in the District and choose not to attend the Hillcrest Middle School may choose to attend other public schools through an intra-or inter-district transfer in accordance with existing enrollment and transfer policies of the District. Parents and guardians of each student enrolled in the Hillcrest Middle School will be informed on admissions forms that the students have no right to admission in a particular school of the District as a consequence of enrollment in the Hillcrest Middle School, except to the extent that such a right is extended by the District.

**ELEMENT 13:        EMPLOYEE RETURN RIGHTS**

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

Employees of the Hillcrest Middle School will remain District employees and shall retain the right to return and gain seniority through the District. Therefore any movement of employees between the Hillcrest Middle School and the District is subject to the applicable collective bargaining agreements of the District.

**ELEMENT 14:        DISPUTE RESOLUTION**

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

In the case of a dispute between Hillcrest Middle School and the District Board of Education, the Site Council will appoint a representative(s) (to include the Superintendent) to act on behalf of the school to bring any matter of concern to the board's attention.

**ELEMENT 15:        PUBLIC SCHOOL EMPLOYER**

*Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).*

The District will be the exclusive public school employer of all employees of the Hillcrest Middle School for purposes of the Educational Employment Relations Act ("EERA"). The District shall comply with the EERA.

**ELEMENT 16:        SCHOOL CLOSURE**

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

Closure of the Hillcrest Middle School will be documented by official action of the District Board of Education. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The District will promptly notify parents and students of the Hillcrest Middle School, the Sonoma County Office of Education, the California Department of Education, the SELPA, and the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security) of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents (guardians) may obtain copies of pupil records.

The Board will ensure that the notification to the parents and students of the Hillcrest Middle School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Hillcrest Middle School. The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The District will store original records of the Hillcrest Middle School students. All records of the Hillcrest Middle School shall be transferred to the District upon charter School closure and maintained in accordance with law.

The Hillcrest Middle School will revert back to non-charter status upon closure of the charter unless otherwise closed by the District. As soon as reasonably practical, the District will prepare final financial records. The District will also have an independent audit completed within six months after closure. The audit will be prepared by a qualified Certified Public Accountant selected by the District. The final audit will include the following:

- An accounting of all financial assets, including cash and accounts receivable
- An inventory of property, equipment, and other items of material value
- An accounting of the liabilities, including accounts payable
- Any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation
- An assessment of the disposition of any restricted funds received by or due to the Hillcrest Middle School.

The District will complete and file any annual reports required pursuant to Education Code

section 47604.33.

On closure of the Hillcrest Middle School, all assets of the Hillcrest Middle School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Hillcrest Middle School, remain the sole property of the District. Any assets acquired from the District or District property will be promptly returned upon closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

As specified by the attached Budget, the District will utilize the Charter School's reserve fund to undertake any expenses associated with the closure procedures identified above.

**ELEMENT 17: ADDITIONAL REQUIREMENTS**

**A. Liability and Indemnity**

*Governing Law: Potential civil liability effects, if any, upon the school and upon the District. Education Code Section 47605(g).*

The Charter School shall remain under District insurance coverage. Insurance amounts will be determined by recommendation of the District and its insurer for schools of similar size, location, and student population.

The District will institute and maintain appropriate risk management practices.

**B. Term of Charter**

The requested term of the charter shall be for five years, from July 1, 2012 to June 30, 2017.

**C. Material Revisions**

Any material revisions to this Charter must be formally approved by the District Board in accordance with Education Code Section 47607.

**D. Financial Plan**

*Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and*

*cash flow and financial projections for the first three years of operation. Education Code Section 47605(g).*

Attached, as Appendix A, please find a first year budget, including start-up costs, and cash flow projections for the first three years of operation.

The Charter School shall provide reports to the District as follows, and may provide additional fiscal reports as requested by the District:

1. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement.
2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.
3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.
4. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

**E. Centralized Administrative Services**

*Governing Law: The manner in which administrative services of the school are to be provided. Education Code Section 47605(g).*

Centralized administrative services at the Hillcrest Middle School will be run in a substantially similar fashion to those at other schools in the District. All "back office" services will be handled by the District.

**F. Facilities**

*Governing Law: The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(g).*

Hillcrest Middle School will be located within the District boundaries, and will operate from the existing Hillcrest Middle School site at 725 Bloomfield Road, Sebastopol, California. The Hillcrest Middle School site comprises 15 classrooms, a school office, a Principal's office, and Hillcrest Hall.



SCHOOL DISTRICT Gravenstein Union School District	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY) 70714
COUNTY Sonoma	CURRENT FISCAL YEAR 2011-2012

The district:

- has not previously submitted a Five Year Plan.
- is submitting this updated/revised Five Year Plan which supersedes the plan currently on file with SAB.

**Part I—Authorized District Representative**

The following individual has been designated as a district representative by the school board minutes:

DISTRICT REPRESENTATIVE Linda J. LaMarre	TITLE Superintendent
BUSINESS ADDRESS 3840 Twig Avenue, Sebastopol, CA 95472	TELEPHONE NUMBER 707-823-7008
E-MAIL ADDRESS llamarre@grav.k12.ca.us	FAX NUMBER 707-823-2108

**Part II—Estimated Fiscal Year Data**

PROJECT CATEGORY	1. NUMBER OF PROJECTS	2. CURRENT FISCAL YEAR	3. SECOND FISCAL YEAR	4. THIRD FISCAL YEAR	5. FOURTH FISCAL YEAR	6. FIFTH FISCAL YEAR	7. TOTAL ESTIMATE COST
Asbestos	5	10000	10000	10000	10000	10000	50,000.00
Classroom Lighting	5	15000	15000	15000	15000	15000	75,000.00
Electrical	5	10000	10000	10000	10000	10000	50,000.00
Floor Covering	5	15000	10000	10000	10000	10000	55,000.00
HVAC	5	5000	5000	5000	5000	5000	25,000.00
Lead							0.00
Painting	5	10000	10000	10000	10000	10000	50,000.00
Paving	5	15000	15000	15000	15000	15000	75,000.00
Plumbing	5	15000	15000	15000	15000	15000	75,000.00
Roofing	5	15000	15000	15000	15000	15000	75,000.00
Underground Tanks							0.00
Wall Systems	5	10000	10000	10000	10000	10000	50,000.00
<b>8. Grand Total</b>	<b>50</b>	<b>120,000.00</b>	<b>115,000.00</b>	<b>115,000.00</b>	<b>115,000.00</b>	<b>115,000.00</b>	<b>580,000.00</b>

**9. Remarks**

10. List the school names where deferred maintenance projects are planned in this Five Year Plan:

Gravenstein Elementary School

Hillcrest Middle School

11. **Certifications**

I certify as District Representative that:

- this work does not include ineligible items and that all work will be completed in accordance with program requirements, applicable laws and regulations. The district shall maintain proper documentation in the event of an audit; and,
- the district understands that should an audit reveal that these funds were expended for other than eligible deferred maintenance costs, the SAB will require the district to return all inappropriately expended funds; and,
- the plans and proposals for expenditures of funds as outlined in this report were discussed in a public hearing at a regularly scheduled school board meeting on 4/11/12 ; and the district has complied with all the other requirements of Education Code Sections 17584.1 and 17584.2; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75 (e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- This Form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail.
- I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents are true and correct.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

**GENERAL INFORMATION**

This Form is a summary of proposed deferred maintenance projects the applicant district plans on completing annually over the next five fiscal years using the Basic Grant, pursuant to Education Code Section 17591. The fiscal year the plan commences is determined by the fiscal year in which it was filed. New and revised plans are accepted on a continuous basis for the current fiscal year up to the last working day in June. Revisions are not accepted for prior fiscal years.

**SPECIFIC INSTRUCTIONS**

**Part I—Authorized District Representative**

Complete to designate or change the authorized district representative. Enter the name of the district employee that can act on behalf of the district. A consultant who is on contract with the district to communicate with the OPSC on behalf of the district's board may be listed.

**Part II—Estimated Fiscal Year Data**

ITEM	DESCRIPTION	INSTRUCTIONS
1	Number of Projects	List the number of eligible projects in each of the project categories shown (refer to Regulation Section 1866.4.1).
2-6	Current and subsequent fiscal years	Enter the total estimated costs in each project category for each fiscal year identified for the projects reported in column 1.
7	Total Estimated Cost	For each project category enter the totals of columns 2-6.
8	Grand Total	Total all columns.
9	Remarks	Include any additional information for each category. If the district is applying for extreme hardship grants for any of the projects listed on the plan, identify those projects in this space. If additional space is needed, you may attach a separate sheet with your remarks to this form.
10	School Information	List the facilities where deferred maintenance projects are planned as reported in column 1 on this Five Year Plan (refer to Regulation Section 1866.4.1). If additional space is needed, you may attach a separate sheet.
11	Certification	Review and complete (refer to Regulation Section 1866.4.and EC Section 17584.1).

When completed mail this form to:  
 Office of Public School Construction  
 Attn: Deferred Maintenance Program  
 707 Third Street  
 West Sacramento, CA 95605

**NOTE:** Any Five Year Plan, SAB 40-20, not conforming to State Allocation Board (SAB) guidelines will be returned to the district. If you need assistance in completing this form, please contact the Office of Public School Construction, at 916.376.1771.

## **Memorandum of Understanding between the Gravenstein Union School District and the Gravenstein Schools Magnet Program Foundation**

**Fiscal Year Ending June 30, 2013**

- 1) **PARTIES:** The parties to this Memorandum of Understanding (hereafter "MOU" or "Agreement") are the Gravenstein Union School District (District) and the Gravenstein Schools Magnet Program Foundation (MPF). The District and the MPF warrant that the individuals executing this Agreement have the authority to bind the parties.
  
- 2) **TERMINATION AND RENEWAL OF AGREEMENT:** This Agreement covers the 2012-13 school year. The parties anticipate yearly rolling renewal of this Agreement, but either party may refuse to renew the Agreement without cause. The renewal of this Agreement must be completed by March 1<sup>st</sup> in the year in which the Agreement expires.
  
- 3) **UNDERSTANDINGS:**
  - A) The MPF is a non-profit corporation established to support the Gravenstein Union School District creative arts magnet program.
  
  - B) The MPF agrees that it will fulfill all requirements of a school-connected organization in accordance with District Board Policy / Administrative Regulation 1230.
  
  - C) The MPF agrees that all funds raised by the MPF are and will be used for the benefit of students enrolled in the District's creative arts magnet program in accordance with Education Code 51521.
  
  - D) The MPF will maintain Directors' and Officers' liability insurance in the amount of at least \$1,000,000. The MPF will provide the District with certificates of insurance for all insurance policies.
  
  - E) The MPF may supply, with the approval of the District Superintendent, contractors exclusively paid by the MPF and volunteers to supplement the program. All MPF contractors and volunteers are subject to District policies and regulations but are not considered District employees or contractors. The District will fingerprint all MPF contractors prior to contact with students.
  
  - F) Under District supervision, the MPF may supply additional instructional materials at the MPF expense. Materials purchased by MPF for use by the Magnet Program students or classrooms constitute donations to the District specifically for the benefit of the Magnet Program.

- G) The District Superintendent will supervise the Magnet Program curriculum and materials, which will follow the California State Board of Education approved Standards.
- H) Magnet Program students are enrolled in the District and are subject to District policies and regulations.
- I) The District will employ and supervise the Magnet Program Director and all certificated program teachers, who will receive District benefits and be subject to District policies and regulations.
- J) The District will provide Magnet Program students and classrooms with equivalent instructional materials and equipment as other District students and classrooms in similar grade levels.
- K) The Magnet program class size reduction (CSR) in grades K-3 is the same as regular program. There is a reduction of revenue from the state when enrollment exceeds 20. CSR for grades 4-8 is not funded by the state. The District's goal is a class size of 24 to 26 students in grades 4-8.

4) SCHEDULE OF REIMBURSEMENTS TO THE DISTRICT: The MPF agrees to contribute the following reimbursements to the District:

- A) Reimbursement of Magnet Program teacher stipends: The District will pay a stipend not to exceed \$1,500 per teacher, per class room, for the 2012-13 school year to each core Magnet Program teacher to compensate for the extra time and duties spent during the longer school day for Magnet Program students. The MPF agrees to reimburse the District for these stipends in three equal installments at the end of each trimester.
- B) Reimbursement of 7/8 grade science and math teachers: 7<sup>th</sup> and 8<sup>th</sup> grade Magnet Program students receive regular science and math instruction from District teachers who are not core Magnet Program teachers. During these classes, the 7<sup>th</sup> and 8<sup>th</sup> grade core Magnet Program teachers spend this time to benefit the Magnet program and do not instruct students in the District's regular program, resulting in additional District teaching expense.

The MPF agrees to reimburse the District for the cost to provide full-time core Magnet teachers as well as additional math and science instruction in grades 7/8. For the 2012-13 school year the reimbursement will be \$31,956.92. The MPF agrees to pay this reimbursement in three equal installments at the end of each trimester.

- C) Reimbursement for Spanish instruction: The parties recognize that the State of California does not cover the cost of Spanish instruction at the K-8 level and, in the District, such instruction is paid for by reimbursements from the District's parent foundations. The MPF

agrees to reimburse the District for the cost of Spanish enrichment provided to the Magnet Program students. The cost reimbursement for the 2012-13 school year will not exceed \$24,456.89. The MPF agrees to reimburse the District in three equal installments at the end of each trimester.

- D) Reimbursement of District-employed enrichment instructors: District employees who provide enrichment instruction to Magnet Program students during the Magnet Program school day will be paid by the District. The MPF agrees to reimburse the District for the actual cost to the District of such instruction, which we estimate to be \$5,000 for the 2012-13 school year.
- E) Fingerprinting Reimbursement: The MPF will reimburse the District for actual fingerprinting costs of MPF contractors and parent volunteers.
- F) Fieldtrip Reimbursement: A variety of unique fieldtrips is an integral part of the Magnet program. Fieldtrips that take place or begin during the instructional day are considered District fieldtrips and must be approved by the District Superintendent. The MPF agrees to reimburse the District for the cost of Magnet program fieldtrips under the following circumstances:
  - i. The PROGRAM Director must obtain MPF Board approval in advance to fund PROGRAM fieldtrips and related costs that are expected to exceed \$2,000. Additionally, the Director will obtain MPF Board approval for cost overages.
  - ii. Any additional field trips that are not specifically approved by the MPF Board must be within the grade-level field trip budget to assure MPF reimbursement to the District.
  - iii. The District shall supply all invoices documenting the costs for which it is requesting reimbursement.
  - iv. The District will pay the cost of all trips and be reimbursed 100% by MPF.

5) DISTRICT REPORTING TO MPF: The District agrees to provide the following to the MPF:

- A) Monthly Program classroom enrollment information which will include a listing of all students currently enrolled in the Program at the end of the monthly reporting period.
- B) Monthly invoices detailing amounts payable to the District for Program expenditures. The monthly invoices will be supported with appropriate third party backup documentation such as a vendor invoice.

- 6) **ENTIRE AGREEMENT:** This Agreement contains the entire agreement of the parties as to the Understandings and Reimbursements covered herein, and any prior written or oral agreements are merged herein. It shall be construed as jointly drafted, not for or against any party. Both parties acknowledge that they have had the opportunity to be advised by legal counsel of their choosing.
- 7) **AMENDMENT:** This Agreement may be modified or amended only by a written agreement signed by the authorized representatives of the parties.
- 8) **WAIVER:** No waiver of any term or provision of this Agreement will be valid unless such waiver is in writing, signed by the party against whom enforcement of the waiver is sought. The waiver of any term or provision of this Agreement shall not apply to any subsequent breach of this Agreement.
- 9) **COUNTERPARTS:** This Agreement may be executed in several counterparts, each of which shall be deemed an original, but together they shall constitute one and the same instrument.
- 10) **SEVERABILITY:** The provisions of this Agreement shall be deemed severable, and, if any part of any provision is held illegal, void or invalid under applicable law, such provision may be changed to the extent reasonably necessary to make the provision, as so changed, legal, valid and binding. If any provision of this Agreement is held illegal, void or invalid in its entirety, the remaining provisions of this Agreement shall not in any way be affected or impaired but shall remain binding in accordance with their terms.
- 11) **MEET AND CONFER:** Communication is crucial to the ongoing viability of the Magnet Program. In the event of any dispute arising under this Agreement, the parties shall meet and confer in good faith to attempt to resolve any issues. The parties may, but are not required, to participate in neutral mediation to facilitate the discussion and resolution process.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Jim Horn, President  
 GUSD Board of Trustees

\_\_\_\_\_  
 Seana Gause, President  
 MPF Board of Directors

**CONFLICT OF INTEREST**

**Incompatible Activities**

Note: Government Code 1126 prohibits district officers and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with or inimical to their duties with the district. Such incompatible service or assumption of office results in termination of the prior incompatible office. Attorney General opinions have indicated that it would be incompatible for Governing Board members to serve on other elected or appointed boards, councils or commissions that have interests which may conflict with the interests of the district. (68 Ops. Cal. Atty. Gen. 171 (1985), 65 Ops. Cal. Atty. Gen. 606 (1982)) The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore it is recommended that district legal counsel be consulted as appropriate.

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)

Note: Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office.

**Conflict of Interest Code**

Note: The Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Pursuant to 2 CCR 18730, Government Code requirements are satisfied if a district incorporates that regulation by reference along with a designation of employees and the formulation of disclosure categories in an Appendix, as provided for in this bylaw. The following paragraph provides for the incorporation of 2 CCR 18730, and any subsequent amendments adopted by the Fair Political Practices Commission (FPPC), as the terms of the district's conflict of interest code. In some counties, the county provides the conflict of interest code to be used.

The district's conflict of interest code shall comprise of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Note: Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body as specified in Government Code 82011. For school districts located entirely in one county the code reviewing body is the Board of Supervisors of the county in which the district is located. The FPPC is the code reviewing body for school districts with jurisdiction in more than one county. Those districts that submit their code to the FPPC for review are not required to submit this entire bylaw to the FPPC but should submit: (1) the "incorporation" paragraph above and (2) the list of designated employees with corresponding disclosure categories (see the Appendix to this bylaw).



## **CONFLICT OF INTEREST (continued)**

**BB 9270 (b)**

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a Board member or designated employee determines that he / she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

### **Financial Interest**

Note: Pursuant to Government Code 1092, if any one Board member or designated employee has a financial interest in a contract, it is an absolute bar for that Board to enter into the prohibited contract. The Attorney General has opined in 69 Ops. Cal. Atty. Gen 255 (1986) that these prohibitions cannot be avoided by having the financially interested Board member abstain from participating in the matter. The determination of whether a financial interest exists involves a review of statutes, court decisions and attorney general opinions as they apply to the particular facts at issue. The analysis can be complex and legal counsel should be consulted as appropriate.

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty

**CONFLICT OF INTEREST (continued)**

**BB 9270 (c)**

2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
  
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

Note: In Thorpe v. Long Beach Community College District, the court held that the promotion of an employee, whose spouse was a member of the district's Board of Trustees, to a new position constituted a new employment and thus was a prohibited conflict of interest under Government Code 1090 and 1091.5. This decision is consistent with several Attorney General opinions. In 80 Ops. Cal. Atty. Gen. 320 (1997), the Attorney General found that a Board member's spouse who has no previous contractual relationship with the district could not be hired by the district, whether as a substitute teacher or in any other employment capacity. While this opinion involved the initial hiring of the substitute teacher by the district, the Attorney General has previously interpreted the phrase employment for at least one year to mean the employment with the district. This opinion, 69 Ops. Cal. Atty. Gen. 255 (1986), stated that a spouse employed by the district at the time the Board member was elected or appointed may continue annual employment as a substitute teacher, since the status quo with respect to the spouse's employment would continue. However, if the spouse were to attempt to become a permanent employee, the Board would be required to make a new contract, an action which would be prohibited under Government Code 1090. In 81 Ops. Cal. Atty. Gen. 327 (1998), the Attorney General opined that a first-year probationary teacher whose spouse becomes a board member during the teacher's first year of probation, may not return the following year as a second-year probationary teacher since a new contract would be required for the following year.

4. That of a spouse of an officer or employee of the district if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment
  
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
  
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records
  
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records

**CONFLICT OF INTEREST (continued)**

**BB 9270 (d)**

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

Note: Pursuant to Government Code 87101, even if no exception in Government Code 1091.5 applies, an official may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will permit a district to acquire an essential supply or service. The rule also permits a Board member to carry out an essential duty of his/her office where he/she is the only one who may legally act and there is no alternative source of decision-making authority other than to permit the conflicted official to participate in accordance with 2 CCR 18708, as amended and renumbered in Register 2001, No. 2.

It is recommended that the district consult legal counsel when situations arise involving financial interests in contracts or the rule of necessity.

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Note: Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

## CONFLICT OF INTEREST (continued)

BB 9270 (e)

Note: The following paragraph reflects the common law definition of "relative within the third degree".

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

### Gifts

Note: Pursuant to 2 CCR 18730, the prevailing gift limitation is currently \$320. This amount is adjusted on odd-numbered years by the FPPC.

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Note: Exceptions exist within the Government Code's definitions of gifts. Income, interest in real property and investment; see Government Code 82028, 82030, 82033 and 82034.

APPENDIX  
DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

Note: It's important that the district's Conflict of Interest Code contain the following appendix listing **designated positions**. **This appendix should be modified to reflect the specific reporting requirements and positions within the district.** Those districts in which the FPPC is their code reviewing body are required to submit their designated positions and disclosure categories to the FPPC along with a copy of the district's incorporation statement; see page (a).

The following paragraph is for use only by districts where Board members and/or the Superintendent or designee are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. According to the FPPC, "officials who manage public investments" are Board members and/or superintendents and/or other officials who manage investments in districts that have surplus or special reserve funds to invest in permitted securities and investments pursuant to Education Code 41015 and are defined in 2 CCR 18701. Individuals, who direct the investment of these funds, formulate or approve policies for the investment of these funds, or approve investment transactions involving these funds are considered "officials who manage public investments." Even if the Board delegates day-to-day investment decisions to the Superintendent or designee, Board members are considered "officials who manage public investments" if they set or approve policy as to the investment of these funds. In such districts, Board members must be listed below, even if the Superintendent or designee makes all day-to-day decisions. If investments are managed by a person other than or in addition to the Superintendent, that person's title should be added to the list.

**Districts in which Board members and the Superintendent do not "manage public investments" should delete the following paragraph and move the items in the list ("Governing Board Members" and "Superintendent of Schools") to Category 1 below.** These are districts in which (1) the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives in the county treasury pursuant to Education Code 41001-41002.5 or (2) the district participates in a fund where a Tax and Revenue Anticipation Note (TRANS) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not "public officials who manage public investments." Instead of being required to file full financial disclosure statements, they are subject to their district's conflict of interest code and should be listed as designated employees

*Note: This remainder of this appendix, is for use by all districts. Government Code 87302 requires the district conflict of interest code to identify the district positions that require the disclosure of financial interests and the specific types of disclosure required for each position. Positions listed below are examples only and should be modified to reflect district practice. If the district's Board members and Superintendent are not "officials who manage public investments," they are subject to the district's conflict of interest code and their titles should be added to Category 1.*

- 1. Persons occupying the following positions are designated employees in Category 1:  
**Governing Board Members**  
**Superintendent of Schools**

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the district

## **CONFLICT OF INTEREST (continued)**

**BB 9270 (g)**

- (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or
- (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

Note: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

2. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

Note: As amended and renumbered in Register 2001, No. 2, 2 CCR 18701 provides the following definition of "consultant".

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

**CONFLICT OF INTEREST (continued)**

**BB 9270 (h)**

*Legal Reference:*

**EDUCATION CODE**

1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices  
35233 Prohibitions applicable to members of governing boards.

**GOVERNMENT CODE**

1 090-1098 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91015 Political Reform Act of 1974, especially:  
82011 Code reviewing body  
82019 Definition of designated employee  
82028 Definition of gifts  
82030 Definition of income  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts 91000-91014 Enforcement

**CODE OF REGULATIONS, TITLE 2**

18110-18997 Regulations of the Fair Political Practices Commission

**COURT DECISIONS**

*Thorpe v. Long Beach Community College District. (2000) 83 Cal App. 4th. 655*  
*Kunec v. Brea Redevelopment Agency, (1997) 55 Cal App. 4th 511*

**ATTORNEY GENERAL OPINIONS**

82 Ops.Cal.AttyGen. 83 (1999)  
81 Ops.Cal.AttyGen. 327 (1998)  
80 Ops.Cal.AttyGen. 320 (1997)  
69 Ops.Cal.AttyGen. 255 (1986)  
68 Ops.Cal.AttyGen. 171 (1985)  
65 Ops.Cal.AttyGen. 606 (1982)

**Management Resources:**

**WEB SITES**

Fair Political Practices Commission: <http://www.fppc.ca.gov>

**Adopted: 3-11-04**

**GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, California**

# CSBA Sample

## Board Bylaw

### Conflict Of Interest

BB 9270

#### Board Bylaws

\*\*\*Note: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes: (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87500.1), detailed in the section below entitled "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled "Financial Interest in Contracts under Government Code 1090." However, even when a conflict does not exist pursuant to those statutes, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest; see the section below entitled "Common Law Doctrine Against Conflict of Interest. \*\*\*"

\*\*\*Note: Because the law and definitions are quite complex, it is strongly recommended that districts consult with legal counsel and staff from the Fair Political Practices Commission (FPPC) as soon as a potential conflict is presented. \*\*\*

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

\*\*\*Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. \*\*\*



\*\*\*Note: Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county. \*\*\*

\*\*\*Note: Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit (E 9270) contains a sample resolution which includes an appendix with designated positions and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body. Districts that do not wish to adopt a resolution as their conflict of interest code should modify the following paragraph accordingly. \*\*\*

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

**\*\*\*Note:** The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected Board member must disclose the interest and disqualify himself/herself from participating in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a Board member's spouse is also applicable to a registered domestic partner. **\*\*\***

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

#### Additional Requirements for Boards that Manage Public Investments

**\*\*\*Note:** The following optional section is for use only by districts in which the Board and/or the Superintendent or designee are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information. **\*\*\***

**\*\*\*Note:** According to the FPPC, officials who manage public investments are Boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those Boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, or approve investment transactions involving these funds are considered officials who manage public investments. Even if the Board delegates day-to-day investment decisions to district staff, Board members are considered officials who

manage public investments if they set or approve policy as to the investment of these funds. \*\*\*

\*\*\*Note: The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued. Board members and Superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments. \*\*\*

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

## Conflict of Interest under Government Code 1090

\*\*\*Note: Pursuant to Government Code 1090, if a Board member has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot be resolved by having the financially interested Board member abstain from participating in the matter. However, there are two categories of exceptions. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "remote interest" pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions are satisfied, as specified below. \*\*\*

\*\*\*Note: While the prohibitions in the PRA only apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below. \*\*\*

\*\*\*Note: Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and legal counsel should be consulted as appropriate. \*\*\*

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

\*\*\*Note: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior the Board member's election or appointment, the exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse. (80 Ops.Cal.Atty.Gen. 320 (1997)) \*\*\*

\*\*\*Note: Attorney General opinions and case law have further clarified the application of

this noninterest exception when a previously employed spouse changes to a different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986)) \*\*\*

\*\*\*Note: Because this area of law is complex, it is strongly recommended that district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest. \*\*\*

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

\*\*\*Note: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the Board member has been employed more than three years), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter. \*\*\*

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

\*\*\*Note: Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097. \*\*\*

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined

by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

\*\*\*Note: The following paragraph reflects the common law definition of "relative within the third degree." \*\*\*

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

#### Common Law Doctrine Against Conflict of Interest

\*\*\*Note: Even when there is not a conflict pursuant to the PRA (Government Code 87100-87500.1) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety. \*\*\*

\*\*\*Note: Districts are encouraged to consult legal counsel if situations arise that raise the question as to whether such a conflict exists. \*\*\*

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

#### Rule of Necessity or Legally Required Participation

\*\*\*Note: Pursuant to Government Code 87101, when a conflict exists under the PRA, the district may still enter into a contract if the rule of necessity or legally required participation applies. In general, this rule will permit a district to acquire an essential supply or service. The rule also permits a Board member to carry out an essential duty of his/her office in accordance with 2 CCR 18708, where he/she is the only one who may legally act and there is no alternative source of decision-making authority. It is recommended that legal counsel be consulted when situations arise involving the rule of necessity. \*\*\*

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

## Incompatible Offices and Activities

\*\*\*Note: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 mandates the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees. \*\*\*

\*\*\*Note: Attorney General opinions have indicated that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (85 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then his/her position in the prior office is automatically terminated. \*\*\*

\*\*\*Note: Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office. See BB 9220 - Governing Board Elections. \*\*\*

\*\*\*Note: The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that district legal counsel be consulted as appropriate. \*\*\*

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

## Gifts

\*\*\*Note: Pursuant to 2 CCR 18730, the gift limitation is currently \$420. This amount is adjusted in odd-numbered years by the FPPC. However, this limit may not be applicable to gifts from every source. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable to those individuals and entities that are disclosed on the Form 700. \*\*\*

\*\*\*Note: Exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. \*\*\*

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

#### Legal Reference:

##### EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

##### FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

##### GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body



87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
91000-91014 Enforcement

#### PENAL CODE

85-88 Bribes

#### CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:  
18702.5 Public identification of a conflict of interest for Section 87200 filers

#### COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

#### ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

#### Management Resources:

##### CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

##### FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

##### INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

##### WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>