

RESOLUTION NO. 10-0041

Petition to renew operation of the Alameda Community Learning Center subject to execution of text revisions, conditions and memoranda of understanding:

WHEREAS, the California Legislature has charged local school boards with reviewing and acting on petitions for establishment and operation of charter schools; and

WHEREAS, the Alameda Community Learning Center, as a California non-profit corporation, has delivered a Charter School Petition (“Petition”) to the Alameda Unified School District (“District”) to renew operation of the Alameda Community Learning Center (“Charter School”); and

WHEREAS, the Petition was received by the District’s Board of Education (“Board”) on January 12, 2010 and a public hearing was conducted on February 9, 2009, pursuant to Education Code section 47605, to consider the level of public support for the Charter School by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, the Board has considered the level of support expressed at that public hearing for the Petition; and

WHEREAS, the Board has obtained, reviewed, and analyzed the Petition and all information received with respect to the Petition, including all exhibits and supporting documentation. In reviewing the Petition, the Board has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

NOW, THEREFORE, the Board does hereby grant the Petition, with the following revisions to the charter and conditions. Should Petitioners fail to make the required revisions and meet the following conditions; the Petition shall be deemed to be denied pursuant to this resolution. The Memoranda of Understanding, once executed shall be affixed to the charter, shall be incorporated by reference thereto, and the terms and conditions of the Memoranda of Understanding shall be treated as having full force and effect as if contained within the charter.

Petitioners shall make the following required revisions and meet the following conditions according to the timelines set forth herein:

Required Revisions

Charter Text	Text Reference	Required Revision(s)
<p><u>4/D Governance Structure</u></p> <p>ACLIC Governing Board</p>	<p>Page 36</p>	<p>Add the following text : In accordance with Ed Code section 47604(b) and AUSD Board Policy 0420.4(a), <i>AUSD shall be entitled to a representative on the Boards of Directors of ACLC and CLCS.</i></p>
<p><u>6/F Health and Safety of Pupils</u></p> <p>Plant Safety</p>	<p>Pg 47</p>	<p>Change the following text: Beyond these basic safeguards, the internal furnishings, equipment and risk management is the responsibility of the entire learning community as represented by the CCG CLC and, ultimately...</p>
<p><u>6/F Health and Safety of Pupils</u></p> <p>Criminal Record Check</p>	<p>Pg 49</p>	<p>Change the following text: CLCS Executive Director Paul Bentz shall check each Livescan report to make sure that the charter school doesn't does not hire any person....</p>
<p><u>6/F Health and Safety of Pupils</u></p> <p>Special Information for Parents – Learner Release</p>	<p>Pg 50</p>	<p>Change the following text: Learner Release Procedure Learner Release – Parent Guardian Procedure 1. Go directly to the.....</p>
<p><u>6/F Health and Safety of Pupils</u></p> <p>Special Information for Parents – Fire Drills and Evacuations</p>	<p>Pg 51</p>	<p>Change the following text: Fire drills will be conducted at least once per year 4 times each year for middle school students and 2 times each year for high school students per CA Ed Code 32001 with the evacuation notification of the local fire department.</p>
<p><u>10/J Student Expulsions</u></p> <p>Disciplinary Records</p>	<p>Pg 67</p>	<p>Change the following text: ACLC shall notify the superintendent of AUSD of an expelled learner’s name, last known known address...</p>
<p><u>14/N Dispute Resolution</u></p>	<p>Pg 74-75</p>	<p>Change the following text and remove and text to the contrary: 1. If a second formal step is needed for resolution, and if mutually agreeable to both ACLC and AUSD, three..... 2. to facilitate resolutions of the dispute. If both parties agree to mediation, the format of the..... 3. the dispute has given AUSD reasonable cause to believe any of the following: (a) that ACLC has committed a material violation of any of the</p>

		<p><i>conditions, standards or procedures set forth in this charter; (b) that ACLC has failed to meet or pursue any of the pupil outcomes identified in the charter; (c) that ACLC has failed to meet generally accepted accounting principles or engaged in fiscal mismanagement; or (d) that ACLC has violated any provision of law. that a violation of this charter or related laws or agreements has occurred, or unless the Alameda Governing Board of the charter school has requested AUSD to intervene in the dispute.</i></p> <p>4. AUSD may inspect or observe any part of the charter school at any time. With only occasional exceptions, When possible, AUSD will seek.....</p>
<p><u>17/ Q</u> <u>Miscellaneous Provisions</u></p> <p>Chartering Authority, Reasonable Efforts to Accommodate Growth of the Charter</p>	Pg 80	<p>Delete the following text:</p> <p>Upon approval of this charter AUSD commits itself to make reasonable efforts to accommodate the growth of ACLC by providing administrative services at a cost not to exceed actual costs as negotiated by the parties to support the growth of the ACLC.</p>

Conditions

Date Due	<input type="checkbox"/>	Condition	Monitor
Governance			
June 1, 2010	<input type="checkbox"/>	Submit the names and contact information ACLC and CLCS Boards of Directors, and Board meeting dates, times, and locations *	Asst. Supt.
	<input type="checkbox"/>	Submit current organizational chart	
	<input type="checkbox"/>	Submit resumes for any new member of the ACLC and CLCS Boards of Directors that was not included in the Approved Charter	
	<input type="checkbox"/>	Submit current bylaws approved by the ACLC and CLCS Boards of Directors	
	<input type="checkbox"/>	Submit ACLC and CLCS Board policies aligned with the principles of the Brown Act, the Political Reform Act, and policies and procedures regarding self-dealing and conflict of interest	
	<input type="checkbox"/>	Submit any changes to the ACLC and CLCS Boards of Directors, and/or governance documents*	
	<input type="checkbox"/>	Submit a description of the specific methods for resolving conflicts of interest for members of the governing boards	
Nutrition Services Program			
June 1, 2010	<input type="checkbox"/>	Submit written assurance identifying the terms of a contract with an external food service provider, or whether or not the school wishes to contract food services through the District	Chief Financial Officer

Complaint Procedure			
June 1, 2010	<input type="checkbox"/>	Submit Comprehensive Complaint and Investigation Process approved by the ACLC Board of Directors to include the internal Dispute Resolution Policy	Asst. Supt.
	<input type="checkbox"/>	Submit Uniform Complaint Process approved by the ACLC and CLCS Boards of Directors, posting location(s), and method of notifying parents of this annually	
	<input type="checkbox"/>	Submit Comprehensive Anti-Harassment Policies and Procedures approved by the ACLC and CLCS Boards of Directors regarding sexual harassment or other harassment based on gender, race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability	
Student Learning Time			
June 1, 2010	<input type="checkbox"/>	Submit certification of instructional hours to be provided in 2010-11*	Asst. Supt.
	<input type="checkbox"/>	Submit adopted 12 month school calendar distinguishing dates with standard or reduced instructional time, and noting vacation days*	
Student Assessments			
June 1, 2010	<input type="checkbox"/>	Submit name of the staff person responsible for administering all state mandated tests for the school	Asst. Supt.
	<input type="checkbox"/>	Submit plan describing the specific methods to be used for measuring student outcomes with clear, measureable goals and criteria for pupil outcomes, including baseline goals and benchmarks	
	<input type="checkbox"/>	Submit a timeline and calendar for administering all state mandated tests	
Code of Conduct, Student Handbook, and Recommended Policies			
June 1, 2010	<input type="checkbox"/>	Submit Student Handbook, (Prepare student handbook and registration materials – to include the enrollment schedule, school calendar, all policies and procedures pertaining to health and safety, homework, attendance, discipline, suspension and expulsions – in all languages and distributed)	Asst. Supt.
	<input type="checkbox"/>	Submit Code of Conduct approved by the ACLC and CLCS Boards of Directors	
Financial Organization			
June 1, 2010	<input type="checkbox"/>	Finalize Memorandum of Understanding with District regarding Fiscal Issues	Chief Financial Officer
June 1, 2010	<input type="checkbox"/>	Submit copy of the school's Annual Information Sheet & Funding Survey to the CDE (plus annual filings to be provided to CDE by June 1, 2009)	
	<input type="checkbox"/>	Submit the school's Fiscal Policies and Procedures	
	<input type="checkbox"/>	Submit description of the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of AUSD	
	<input type="checkbox"/>	Submit proof of contracts regarding the services for which it intends to contract	
School Facility and Building Safety			
June 1, 2009	<input type="checkbox"/>	Submit Blood Borne Pathogens Exposure Control Plan	Chief Financial Officer
	<input type="checkbox"/>	Submit Facilities Safety and Evacuation Plan	
	<input type="checkbox"/>	Submit Emergency Preparedness Handbook approved by the ACLC and CLCS Boards of Directors	
	<input type="checkbox"/>	Submit Drug, Alcohol, and Smoke Free Environment approved by the AAMS Board of Directors	
	<input type="checkbox"/>	Submit proof of a contract regarding custodial or maintenance services	
	<input type="checkbox"/>	Submit plan to comply with state and federal laws regarding	

		environmental protection	
	<input type="checkbox"/>	Submit plan for staff training on emergency situations	
June 1, 2010	<input type="checkbox"/>	Finalize Memorandum of Understanding with District regarding Facilities Issues	
AAMS must also provide the following unless facilities are those provided by the District pursuant to Proposition 39			
June 1, 2009	<input type="checkbox"/>	Submit a copy of an executed lease or deed for a facility, or suitable comparable facility use agreement, noting occupancy on or before July 1, 2010 or no later than 45 days prior to the start of instruction	
	<input type="checkbox"/>	Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals	
	<input type="checkbox"/>	Make available for inspection a current Certificate of Occupancy	
	<input type="checkbox"/>	Make available for inspection a current Fire Inspection Certificate	
	<input type="checkbox"/>	Make available for inspection a current Building Safety Inspection Certificate	
	<input type="checkbox"/>	Make available for inspection a current Health Inspection	
	<input type="checkbox"/>	Make available for inspection a current Asbestos Inspection Report and Management Plan	
Special Education Program Plan			
			Asst. Supt.
June 1, 2010	<input type="checkbox"/>	Submit adopted 504 plan, policy, and procedures	
	<input type="checkbox"/>	Submit Special Education Identification, Assessment, Program and Services Plan	
	<input type="checkbox"/>	Submit plan for administering all state mandated tests for the school for special education students	
Budget and Cash Flow			
June 1, 2010	<input type="checkbox"/>	Submit 2 paper copies, in addition to an electronic version of an updated and revised cash flow statement and 3-year projections. Include revised facility expenses	Chief Financial Officer
School Health Plan and Medications Administration Plan			
June 1, 2010	<input type="checkbox"/>	Submit School Health Plan (to comply with immunization audit, hearing and vision screening requirements) and Medications Administration Plan	Asst. Supt.
	<input type="checkbox"/>	Submit plan for staff regarding administration of prescription medication, including insulin shots	
	<input type="checkbox"/>	ACLC will submit health, safety, and risk management policies	
Insurance Policies			
June 1, 2010	<input type="checkbox"/>	Submit evidence of commercial general liability insurance held by ACLC for not less than \$1,000,000 per incident; to include the District as additionally insured	Chief Financial Officer
	<input type="checkbox"/>	Submit evidence of fidelity bond coverage held by ACLC for not less than \$50,000 per occurrence and workers' compensation insurance	
Instructional Staff			
June 1, 2010	<input type="checkbox"/>	Submit employee handbook, including policies and procedures that ensure the health and safety of students and staff	
	<input type="checkbox"/>	Submit a description of the plan for the inspection and monitoring of credentials (i.e. a description of the process for handling credential checking and other personnel matters)	
June 1, 2010	<input type="checkbox"/>	Submit a list of teachers hired – including name, DOB, assignments, subject matter certification and credential evidence, qualification to teach ELL students, evidence of current clear tuberculosis test, date of fingerprinting, date of background review*	
	<input type="checkbox"/>	Submit proof of a contract regarding required background checks	

	<input type="checkbox"/>	Submit list of teachers requiring Beginning Teacher Support and Assessment, if any	
	<input type="checkbox"/>	Submit personnel policies approved by the ACLC Board of Directors	
	<input type="checkbox"/>	Submit description of the process by which ACLC will communicate to prospective employees any rights of return those employees may or may not have to AUSD	
Programming Plans			
June 1, 2010	<input type="checkbox"/>	Submit English Learner Plan- adopted policies and procedures that pertain to use of a home language survey and mandatory CELDT testing	Asst. Supt
	<input type="checkbox"/>	Submit a list of which courses the school considers non-core, non-college preparatory courses	
	<input type="checkbox"/>	Submit a course catalog, or equivalent, notifying parents about transferability of courses to other public schools and the ability of courses to meet college entrance requirements	
	<input type="checkbox"/>	Submit a year one curriculum map	
All Other Staff/Volunteers			
June 1, 2010	<input type="checkbox"/>	Submit description of the specific credentials/qualifications of non-certificated charter school staff (counselors, librarians, administrators, nurses and others)	Chief Human Resources Officer
June 1, 2010	<input type="checkbox"/>	Submit list of all other school employees, on-site contractors, and volunteers working directly with students – including name, position, and evidence of current clear tuberculosis test, date of fingerprinting, and date and outcome of background review in accordance with District policy. *	
Evaluation of School Leader, School Administrators, and Teachers			
June 1, 2010	<input type="checkbox"/>	Submit performance evaluation criteria and evaluation plan templates for school site leader/administrator and teachers	Chief Human Resources Officer
Professional Development for School Administrators and Teachers			
June 1, 2010	<input type="checkbox"/>	Submit professional development plans for school site leader(s), administrator(s), and teachers	Asst. Supt.
Attendance Reporting			
June 1, 2010	<input type="checkbox"/>	Submit for review the attendance accounting system	Chief Financial Officer
Additional Information			
June 1, 2010	<input type="checkbox"/>	Confirm one District representative on the ACLC and on the CLCS Boards of Directors	Asst. Supt Asst. Supt.
June 1, 2010	<input type="checkbox"/>	Submit the names and contact information of the ACLC and CLCS Governing Board members, and Board meeting dates, times, and locations*	
June 30, 2010	<input type="checkbox"/>	Provide a copy of written internal complaint and dispute resolution policy	
Risk Management Program			
September 1 – *Annually	<input type="checkbox"/>	Submit a report of the risk management program operation with the following components – Designated Safety Officer and establish the following are in place, Injury Illness Prevention Plan, Hazard Communication Program, Emergency Plan, Annual Safety Inspections	Chief Financial Officer

October 1 – *Annually	<input type="checkbox"/>	Submit evidence of the following training: Bloodborne Pathogen Training, Employee Safety Training	
Student Demographic Report			
Not later than October 31, *Annually	<input type="checkbox"/>	Submit annually a report of enrollments showing each student's demographic information, including home address, grade level and school of attendance in the prior fiscal year.	Asst. Supt.
Statement of Facts Roster			
October 31 – *Annually	<input type="checkbox"/>	Submit the current State of Facts Roster of Public Agencies as required by Government Code Section 53051	Asst. Supt.
Evaluation of the Educational Program/General Operations			
January 1 – *Annually	<input type="checkbox"/>	Furnish to the District an annual written report and evaluation of its educational program and general operation in accordance with the Approved Charter and the Educational Code.	Asst. Supt.
Fiscal Reporting - * Annually			
On or before June 15	<input type="checkbox"/>	A preliminary Budget	Chief Financial Officer
On or before July 15	<input type="checkbox"/>	A final Budget	
On or before July 15	<input type="checkbox"/>	Annual Attendance Reports for Period 1 and Period 2	
On or before September 15	<input type="checkbox"/>	A final, unaudited report for the prior school year, derived from the Charter School's general ledger, reflecting actual revenues and total expenditures	
On or before December 15	<input type="checkbox"/>	An interim financial report. This report, derived from the Charter School's general ledger, shall reflect actual revenues and expenditures, as well as, budget activity and changes through October 31	
On or before March 15	<input type="checkbox"/>	A second interim financial report. This report, derived from the Charter School's general ledger, shall reflect actual revenues and expenditures, as well as budget activity and changes through January 31.	
On or before Dec. 15	<input type="checkbox"/>	Annual Audit Report	
Employment Audit - *Annually			
No later than the workday immediately prior to the first day of student instruction- * Annually	<input type="checkbox"/>	Submit a list of all employees verifying TB clearance	Chief Human Resources Officer
	<input type="checkbox"/>	Submit a list of certificated employees verifying credentials held, as well as, the expiration date for each credential	
	<input type="checkbox"/>	Verification that all employees have submitted fingerprints, and prior to employment, were found eligible to work for a public school	
	<input type="checkbox"/>	Master Schedule listing all teaching assignments	

Conclusion:

The Board finds that as set forth above and as set forth in the Memorandum dated March 19, 2010 presented to Superintendent Vital and the Board of Education, the Petition satisfies the five legally required categories set forth in Education Code 47605 and at least one of the four criteria for academic achievement set forth in Education Code section 47607.

For all of the forgoing reasons, the Board hereby approves the Petition for renewal of the charter of the Alameda Community Learning Center.

APPROVED, PASSED AND ADOPTED by the Board of Education of the District on the 23rd day of March, 2010, by the following vote:

Ayes: Members:

Noes: Members:

Absent: Members:

Ron Mooney
President of the Board of Education
Alameda Unified School District