

**Pittsburg Unified School District
2000 Railroad Avenue, Pittsburg, CA. 94565**



GOVERNING BOARD REGULAR MEETING A G E N D A

DATE:	December 15, 2010
TIME:	5:30 p.m. – Reception for New Board Trustees
	6:00 p.m. – Call to Order – Trustees Oath of Office – Student Recognition
	6:30 p.m. – Closed Session
	7:30 p.m. – Open Session
LOCATION:	2000 Railroad Avenue Board Room

MISSION STATEMENT:

It is the mission of Pittsburg Unified School District to inspire our students, to ensure they achieve equity in academic excellence and to bring students closer together through shared experiences in learning. We believe the cultural diversity of our community and our youth are our greatest assets. We endeavor to bring our students to their fullest potential and to create life long learners who will contribute positively to the world.

MAJOR GOALS:

- 1. Continue progress towards a target of 800 on the API at all schools by the year 2012.*
- 2. Ensure that all groups of students attain the target of 800 on the API by the year 2012.*
- 3. Monitor enrollment and adjust programs, services, staffing and budgets to run efficiently and be fiscally responsive to students' needs.*
- 4. Provide fully qualified staff for our students in a timely manner.*
- 5. Provide safe and clean learning facilities.*
- 6. Be proactive with our educational customers (parents).*

NOTICE TO THE PUBLIC

As the Board discusses agenda items, audience participation is permitted. The President will recognize those members of the audience who wish to speak. The President may set a time limit on each person's remarks, if necessary. Each person wishing to speak must complete a speaker card. Speaker cards must be submitted to the Superintendent's Secretary prior to the Board's consideration of the agenda item. Generally, the President will ask Board members for their remarks prior to recognizing requests to speak from the audience. At the President's discretion, agenda items may be considered in other than numerical order.

SPECIAL NOTICE

Anyone who is planning to attend the Board meeting and is visually or hearing impaired or has any disability that needs special assistance should call the Superintendent's Office at 473-2351 at least 48 hours in advance of the meeting to make arrangements.

For individuals who do not speak English, interpreter services are available. A request for an interpreter must be received by the Special Education Department at 925 473-2343 by 5:00 p.m. two days before the meeting. If you wish to speak to a district representative for an oral summary of the agenda items (in lieu of a fully translated agenda) you may call 925 473-2343 and ask for a translator/interpreter.

(Para las personas que no hablan inglés, habrá servicios de interpretación. La solicitud de un interprete debe de ser recibida en el Servicios de Sicolgia (Psychological Services) al 473-2343 antes de las 5:00 p.m. dos dias antes de la reunión. Si quiere hablar con un representante del distrito para recibir un resumen verbal de alguno de los asuntos de agenda (en vez de recibir la agenda entera traducida) puede llamar at 925 473-2343 y preguntar por un traductor/interprete.)

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

Pittsburg Unified School District, in compliance with the Americans with Disabilities Act ("ADA") and California Government Code section 54953.2, provides special accommodations to individuals who may need assistance with access, attendance, and/or participation in Governing Board meetings, including alternative formats for agendas, documents constituting agenda packets, and materials distributed during public meetings. Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at (925) 473-2351, for specific information on resources or programs that may be available for such accommodation. Please call at least 48 hours in advance of meetings and five days in advance of scheduled services and activities. Translation and Hearing-Impaired services are also available.

5:30 p.m.

RECEPTION TO WELCOME NEW BOARD TRUSTEES

George Miller and Robert Belleci

I. CALL TO ORDER – 6:00 p.m.

II. ROLL CALL

_____	Mr. Vincent Ferrante	President
_____	Dr. Laura Canciamilla	Trustee
_____	Mr. Robert Belleci	Trustee
_____	Mr. George Miller	Trustee
_____	Dr. William Wong	Trustee
_____	Ms. Linda Rondeau	Superintendent/Secretary
_____	Mr. Brice Tugbenyoh	Student Board Member

PLEDGE OF ALLEGIANCE

The audience will be asked to stand for the Pledge of Allegiance

III. OATH OF OFFICE

Superintendent Rondeau will administer the Oath of Office to the newly elected Board Trustees, Robert Belleci and George Miller.

IV. STUDENT RECOGNITION

A. PUSD wishes to recognize Foothill Elementary students who have been re-designated as Fluent English Proficient (RFEP).

B. PUSD wishes to recognize Deborah Meylan as recipient of a \$1,200.00 Teacher Scholarship. Donated from the Pittsburg Women's Community League on behalf of Maria McCullough's retirement project.

V. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

Speaker cards for closed session agenda items must be submitted prior to the closed session opening gavel.

VI. RECESS TO CLOSED SESSION – 6:30 p.m.

CLOSED SESSION AGENDA

Public Employee Employment and Appointment

Pursuant to Government Code §54957, the Board will meet in closed session to discuss employment, appointment and evaluation of the following positions:

Classified Employee Positions:

Administrative Assistant
Bus Drivers
Child Nutrition I
Child Nutrition II
Instructional Aides
Subs: FS/Aid/Clerical/Custodians/Maintenance

Certificated Employee Positions:

Teachers
Speech Therapist
Athletic Coaches
Substitute Teachers

Leaves/Resignations/Retirements/Privacy or Other Confidential Issues

Public Employee Performance Evaluation/Contract/Salary

Principals	Vice Principals	Superintendent
Assistant Principals	Directors	Associate Superintendent
		Assistant Superintendents

Public Employee Discipline/Dismissal/Release/Reassignment

Pursuant to Government Code Section §54957

Certificated (1) Classified (1)

Potential/Existing Litigation

Pursuant to Government Code Section §54957.6, the Board will meet in closed session to discuss existing and/or potential litigation.

(1) Case

Student Admissions/Readmission/Expulsions

Pursuant to Government Code §54947 and Education Code §48918(k), the Board will meet in closed session to discuss student readmissions/expulsions.

RECALL TO OPEN SESSION – 7:30 p.m.

Depending upon completion of Closed Session items, the Governing Board intends to convene in Open Session at 7:30 p.m. to conduct the remainder of its meeting, reserving the right to return to Closed Session at any time.

OPEN SESSION AGENDA

Speaker cards for items not on the agenda must be submitted prior to the opening gavel of the Board meeting. Public comments will be limited to a total of 30 minutes during this segment. Additional comments will be heard after Action Items.

VII. PLEDGE OF ALLEGIANCE

The audience will be asked to stand for the Pledge of Allegiance.

VIII. AGENDA REORGANIZATION / REPORT OF CLOSED SESSION ACTION

Requests from the Board to move agenda item(s) to a different location may be made at this time.

Report of Closed Session Actions (personnel, students, other)

IX. ANNUAL REORGANIZATION AND APPROVALS

- A. Resolution #10-37, Selection of Board Officers (*roll call*)
 - Election of Board President
 - Election of Board Vice President
 - Appointment of Board Secretary
- B. 2010 Board Meeting Calendar
 - (January – select from 2 additional date options; select Board Workshop date)
- C. Designate Board Representatives / Committee Assignments
 - PUSD Facilities Committee
 - PUSD Budget Sub Committee
 - PUSD/City or Pittsburg Liaison Committee
- D. Resolution #10-34, Yearly Authorizations (*roll call*)

NOTICE TO THE PUBLIC

Members of the audience are given an opportunity to address the Board regarding items not listed on the agenda. As the Board discusses agenda items, audience participation is permitted. The President will recognize those members of the audience who wish to speak. The President may set a time limit on each person's remarks, if necessary. Each person wishing to speak will be asked to identify himself before speaking. Generally, the President will ask Board members for their remarks before recognizing requests to speak from the audience. No action will be taken. At the President's discretion, agenda items may be considered in other than numerical order.

X. COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA *

Public comments will be limited to a total of 30 minutes during this segment. Additional comments will be heard after Action Items.

XI. COMMENTS FROM THE STUDENT BOARD MEMBER

XII. COMMENTS FROM THE SUPERINTENDENT

XIII. REPORTS / INFORMATION

- A. School Highlights – Foothill Elementary School (Araiza) Doctolero
- B. Construction and Facilities Planning Update Palacios
- C. Title III Year 4 English Learner Subgroup Self Assessment (ELSSA) and Improvement Action Plan Colbath

XIV. CONSENT AGENDA

A.	Approval:	Minutes of October 27, 2010	Rondeau
B.	Approval	Minutes of November 17, 2010	Rondeau
C.	Approval:	Overnight Trip Tuolumne, CA. for Foothill 5 th grade students (June 1-3, 2011)	Araiza
D.	Approval	Demolition Bricks (from PHS) to be donated to the Eddie Hart All In One Foundation	Palacios
E.	Approval:	Budget Adjustments and Financial Status Report	Palacios

XV. ACTION ITEMS

Elementary/Secondary Education:

- 1. Adoption: Resolution #10-38, Denying the Charter Petition for Establishment of the Synergy Independent Study Charter School Rondeau
(ROLL CALL):
- 2. Adoption: Resolution #10-39, Denying the Charter Petition for Establishment of the Synergy Charter School Rondeau
(ROLL CALL):
- 3. Acceptance: Donation of \$5,000.00 from Dow Chemical Foundation to Marina Vista Elementary for math and science programs Plunkett
- 4. Acceptance: Donations totaling \$395.03 to Rancho Medanos (from Lifetouch Studios, Reynaldo Padilla, Catalina Bolton, and the Wells Fargo / United Way Campaign Peyko
- 5. Acceptance: \$252.22 Donation from Clayton Perreira-Pico and the Wells Fargo Campaign to Heights Elementary Clark
- 6. Acceptance: \$885.60 in Teacher Grants from the Assistance League of Diablo Valley to Heights Elementary teachers. (Lisa Abono and Joanne Stark) Clark

Human Resources / Business Services:

- 7. Approval: Change District Secretary II Position to Business Services Technician Epps
- 8. Approval: Independent Contract for Safety Officer, Steven Spann Epps
- 9. Approval: Early Retirement Program Offer for Certificated and Classified (Non-Management Staff) – Funded by the Federal Jobs Act of 2010 Palacios

- | | | | |
|------------------------|---------------------------|--|-----------------|
| 10. | Approval: | 2010-2011 First Interim Financial Report | Palacios |
| 11. | Approval: | Partnership between PUSD and West Coast Jamboree, 2010-2013 | Palacios |
| 12. | Adoption:
(ROLL CALL): | Resolution #10-35 Canvassing and Certifying Election Results for Measure L | Palacios |
| 13. | Denial | Claim Demand for Damages – Submitted by Michael J. Haddad, Attorney representing a minor | Palacios |
| 14. | Adoption:
(ROLL CALL): | Resolution #10-36, Notice of Completion (Gudgel Roofing, Inc. dba Yancey Roofing) - Los Medanos Elementary School | Palacios |
| 15. | Approval: | Change Order #3 from S.J. Amoroso Construction Company for Pittsburg High School – Modernization of New Campus | Palacios |
| 16. | Approval: | Change Order #8 from S.J. Amoroso Construction Company for Pittsburg High School – Reconstruction, Increment 2, New Campus | Palacios |
| Superintendent: | | | |
| 17. | Adoption:
(ROLL CALL): | Resolution #10-40, University of California Education Equality | Rondeau |
| 18. | ---- | Call for Nominations for CSBA Delegate Assembly | Rondeau |

* **CONTINUATION OF ITEM VIII:**

COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA

XVI. COMMUNICATIONS

- a. Written Communications from Public Agencies – Read by the Board President
- b. Comments from Board Members – reports presented as applicable.
- c. Comments from Employee Representatives
- d. Comments from Community Organizations

XVII. FUTURE EVENTS

- Dec. 13 - DELAC – District Office
- Dec. 15 - Regular Board Meeting
- Dec. 20-31 - Winter Break (No school)
- Jan. 17 - Martin Luther King Holiday
- Jan. 24 - Professional Staff Development Day (no students)
- " " - DELAC – District Office

XVIII. FUTURE REQUESTS

XIX. NEXT BOARD MEETING

The next regular meeting of the Governing Board will be held in January 2010; (exact date to be determined during this meeting).

XX. ADJOURNMENT

Notice Posted: December 10, 2010

BOARD REPORT

Date: December 15, 2010
Recognition: _____
Information: _____
Consent: _____
Action: X

TO: Board of Education
PRESENTED BY: Linda K. Rondeau, Superintendent

SUBJECT: Resolution No. 10-38, Denying the Charter Petition for the Establishment of the Synergy Independent Study Charter School

OVERVIEW:

The Petitioners seek approval of their Charter Petition proposing the establishment of the Synergy Independent Study Charter School. California law governing charter school petitions provides that the District's Board must take action to approve or deny a charter petition within a specified time period after submission of the charter petition to the District.

The Petitioners submitted their Charter Petition to the District on or about October 8, 2010. Following submission of the Charter Petition a Committee consisting of Superintendent Rondeau, other District staff, and legal counsel was convened for the purpose of reviewing and analyzing the Charter Petition for legal sufficiency.

On October 27, 2010, a Public Hearing on the Charter Petition was held as required by Education Code section 47605 at which time the Petitioners were given an opportunity to make a presentation to the Board regarding their Charter Petition. Petitioners agreed to extend the 60-day deadline for the District to take action regarding the Charter Petitions, so that the District Board's decision of whether to grant or deny the Synergy Independent Study Charter Petition would be made at its December 15, 2010 regular meeting. At the October 27, 2010, Board meeting, the Petitioners were informed that the Board would take action to approve or deny the Petition at its meeting on December 15, 2010.

RATIONALE

District staff and the District's legal counsel, have extensively reviewed the proposed Charter and supporting documents submitted by Petitioners. It is the staff and legal counsel's opinion that granting the Charter for the establishment of the Synergy Independent Study Charter School is not consistent with sound educational practice. The proposed Charter fails to meet the requirements of law for approval, and there are substantive concerns in multiple areas. Attached is Resolution No. 10-38, Denying the Petition, which sets forth the specific legal bases for denial of this Charter Petition, including factual findings specifically supporting denial of the Petition.

RECOMMENDATION:

It is recommended that the Governing Board adopt Resolution No. 10-38, Denying the Charter Petition submitted by the Petitioners for the Establishment of the Synergy Independent Study Charter School.

BUDGET IMPLICATIONS:

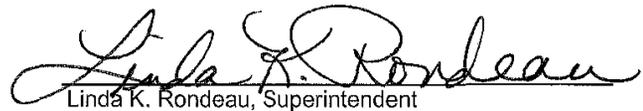
SACS #

SACS #

SACS #

Enrique Palacios
Associate Superintendent, Business Services

PREPARED BY:


Linda K. Rondeau, Superintendent

Item No.: XV. 1

Enclosures: 2 pgs.



Pittsburg Unified School District

Resolution #10-38

RESOLUTION OF THE GOVERNING BOARD OF THE PITTSBURG UNIFIED SCHOOL DISTRICT DENYING THE CHARTER PETITION FOR THE ESTABLISHMENT OF THE SYNERGY INDEPENDENT STUDY CHARTER SCHOOL AND WRITTEN FINDINGS IN SUPPORT THEREOF

WHEREAS, the establishment of Charter Schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 *et seq.* and implementing Title 5 of the California Code of Regulations;

WHEREAS, on or about October 8, 2010, the Pittsburg Unified School District ("District") received the charter Petition ("Petition") proposing the establishment of the Synergy Independent Study Charter School ("Charter School");

WHEREAS, consistent with Education Code section 47605 subdivision (b), at a regular meeting on October 27, 2010, the District's Governing Board ("Board") held a public hearing on the Petition, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, on or about October 18, 2010, the charter petitioners agreed to extend the 60-day deadline for the District to take action regarding the Petition, so that determination of whether to grant or deny the Petition would be made by the District's Board at its December 15, 2010 regular meeting;

WHEREAS, the Board has convened at its regularly scheduled meeting on December 15, 2010, to consider whether to grant or deny the Petition;

WHEREAS, approval of charter petitions is governed by the standards and criteria set forth in Education Code section 47605 and implementing Title 5 of the California Code of Regulations;

WHEREAS, Education Code section 47605 subdivision (b) prohibits the Board from denying a charter Petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, which include:

1. The petition does not contain the number of signatures required by Education Code section 47605 subdivision (a);
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;

3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;

4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d); or

5. The petition does not contain reasonably comprehensive descriptions of all 16 elements required in Education Code section 47605 subdivision (b)(5).

WHEREAS, the District's administration, with assistance from legal counsel, has reviewed and analyzed the petition and supporting documents for legal sufficiency, and has identified numerous deficiencies in, and concerns related to, the Petition, and recommends that the Board adopt the Findings of Fact, attached hereto as Exhibit "A" and incorporated herein by this reference, and deny the Petition;

THEREFORE BE IT RESOLVED, that the Governing Board of the Pittsburg Unified School District hereby adopts the Findings of Fact, attached hereto as Exhibit "A," and denies the Petition to establish the Synergy Independent Study Charter School;

PASSED AND ADOPTED by the Governing Board on December 15, 2010, at a duly noticed meeting by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

I, _____, Clerk of the Governing Board of the Pittsburg Unified School District, **HEREBY CERTIFY** that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on December 15, 2010, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this 15th day of December, 2010.

Linda K. Rondeau, Superintendent
Clerk of the Governing Board

BOARD REPORT

Date: December 15, 2010
Recognition: _____
Information: _____
Consent: _____
Action: X

TO: Board of Education

PRESENTED BY: Linda K. Rondeau, Superintendent

SUBJECT: Resolution No. 10-39, Denying the Charter School Petition for the Establishment of the Synergy Charter School

OVERVIEW:

The Petitioners seek approval of their Charter Petition proposing the establishment of the Synergy Charter School. California law governing charter school petitions provides that the District's Board must take action to approve or deny a charter petition within a specified time period after submission of the charter petition to the District.

The Petitioners submitted their Charter Petition to the District on or about October 8, 2010. Following submission of the Charter Petition a Committee consisting of Superintendent Rondeau, other District staff, and legal counsel was convened for the purpose of reviewing and analyzing the Charter Petition for legal sufficiency.

On October 27, 2010, a Public Hearing on the Charter Petition was held as required by Education Code section 47605 at which time the Petitioners were given an opportunity to make a presentation to the Board regarding their Charter Petition. The Petitioners were informed that the Board would take action to approve or deny the Petition at its meeting on December 15, 2010.

RATIONALE

District staff and the District's legal counsel, have extensively reviewed the proposed Charter and supporting documents submitted by Petitioners. It is the staff and legal counsel's opinion that granting the Charter for the establishment of the Synergy Charter School is not consistent with sound educational practice. The proposed Charter fails to meet the requirements of law for approval, and there are substantive concerns in multiple areas. Attached is Resolution No. 10-39, Denying the Petition, which sets forth the specific legal bases for denial of this Charter Petition, including factual findings specifically supporting denial of the Petition.

RECOMMENDATION:

It is recommended that the Governing Board adopt Resolution No. 10-39, Denying the Charter Petition submitted by the Petitioners for the Establishment of the Synergy Charter School.

BUDGET IMPLICATIONS:

SACS #

SACS #

SACS #

Enrique Palacios
Associate Superintendent, Business Services

PREPARED BY:


Linda K. Rondeau, Superintendent

Item No.: XV. 2

Enclosures: 2pgs



Pittsburg Unified School District

Resolution #10-39

RESOLUTION OF THE GOVERNING BOARD OF THE PITTSBURG UNIFIED SCHOOL DISTRICT DENYING THE CHARTER PETITION FOR THE ESTABLISHMENT OF THE SYNERGY SCHOOL CHARTER SCHOOL AND WRITTEN FINDINGS IN SUPPORT THEREOF

WHEREAS, the establishment of Charter Schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 *et seq.* and implementing Title 5 of the California Code of Regulations;

WHEREAS, on or about October 8, 2010, the Pittsburg Unified School District ("District") received the charter Petition ("Petition") proposing the establishment of the Synergy School Charter School ("Charter School");

WHEREAS, consistent with Education Code section 47605 subdivision (b), at a regular meeting on October 27, 2010, the District's Governing ("Board") held a public hearing on the Petition, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, on or about October 18, 2010, the charter petitioners agreed to extend the 60-day deadline for the District to take action regarding the Petition, so that determination of whether to grant or deny the Petition would be made by the District's Board at its December 15, 2010 regular meeting;

WHEREAS, the Board has convened on December 15, 2010, to consider whether to grant or deny the Petition;

WHEREAS, approval of charter petitions is governed by the standards and criteria set forth in Education Code section 47605 and implementing Title 5 of the California Code of Regulations;

WHEREAS, Education Code section 47605 subdivision (b) prohibits the Board from denying a charter Petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, which include:

1. The petition does not contain the number of signatures required by Education Code section 47605 subdivision (a);
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;

3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;

4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d); or

5. The petition does not contain reasonably comprehensive descriptions of all 16 elements required in Education Code section 47605 subdivision (b)(5).

WHEREAS, the District's administration, with assistance from legal counsel, has reviewed and analyzed the petition and supporting documents for legal sufficiency, and has identified numerous deficiencies in, and concerns related to, the Petition, and recommends that the Board adopt the Findings of Fact, attached hereto as Exhibit "A" and incorporated herein by this reference, and deny the Petition;

THEREFORE BE IT RESOLVED, that Governing Board of the Pittsburg Unified School District hereby adopts the Findings of Fact, attached hereto as Exhibit "A," and denies the Petition to establish the Synergy School Charter School;

PASSED AND ADOPTED by the Governing Board on December 15, 2010, at a duly noticed meeting by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

I, _____, Clerk of the Governing Board of the Pittsburg Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on December 15, 2010, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this 15th day of December, 2010.

Linda K. Rondeau, Superintendent
Clerk of the Governing Board

EXHIBIT "A"

FINDINGS OF FACT

Synergy School Charter School

EXHIBIT "A"

FINDINGS OF FACT

I. THE SYNERGY SCHOOL CHARTER SCHOOL ("Charter School") PETITIONERS ("Petitioners") HAVE FAILED TO SATISFY THE SIGNATURE REQUIREMENT:

A. To contain the requisite signatures pursuant to section 47605 of the California Education Code, a charter petition must be signed by either: (i) the number of parents/legal guardians that is equivalent to at least half of the number of students the charter school estimates will enroll in the charter school during its first year of operation, or (ii) the number of teachers that is equivalent to at least half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation. For the parent/guardian signatures to be valid, the petition must include a prominent statement that a signature on the petition means that the parent/guardian is meaningfully interested in having his/her child/ward attend the charter school, or in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. (Cal. Ed. Code § 47605(a)(3).) The signatures submitted with the Synergy School Charter School petition ("Petition") are invalid for the following reasons:

1. The Petitioners submitted signatures of teachers. The heading of each signature page identifies the underlying attached document as the "Petition for the Establishment of Synergy Education Project Charter Schools" and lists "Synergy School (Grades 6-12)" and "Synergy Independent Study School." None of the teacher signatures provided with the Petition sufficiently represent that those individuals who signed the Petition are meaningfully interested in being employed at the Synergy School Charter School that is being proposed to the District, but merely represent that such teachers are meaningfully interested in employment with "Synergy Education Project Charter Schools" calling into question the individuals' understanding of the document to which they were signing their support. Based on the lack of a sufficient prominent statement that the signature on the Petition means that the teacher is meaningfully interested in teaching at Synergy School, the signatures cannot be deemed to demonstrate meaningful interest.
2. While the Petitioners also submitted parent/guardian signatures with the Petition, they did not submit signatures equivalent to at least one-half of the number of students the Charter School estimates will enroll in the Charter School during its first year of operation.

II. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION.

A. The Petitioners are demonstrably unlikely to successfully implement the program because they have presented an unrealistic financial and operational plan for the proposed charter.

1. The Charter School's budget submitted with its Petition contains multiple fiscal problems including:

(a) The projected enrollment for at least the first year of operation is estimated to be a number which the District's staff believes is unrealistically inflated. Specifically, the Petitioner indicates that the Charter School plans to enroll 225 students in year one for grades 6th through 8th (75 per grade level) with 300 in year two, jumping up to 700 by year five, and the Charter School's Budget is based on these enrollment projections. The ability of the Charter School to be able to obtain 225 students in its first year of operation is impacted by the following, but not limited to, facts:

(i) The Petitioners have simultaneously with this Petition submitted a proposal to establish Synergy Independent Study School charter school. In the petition for Synergy Independent Study School, the Petitioners project 300 students for year one in grades K-12. The parent/guardian signatures submitted with the petition demonstrate that a significant portion of those students meaningfully interested in enrolling in the Synergy Independent Study School Charter School will be in grades 6-8, impacting the Petitioner's ability to reach the projected enrollment for Synergy School. Since these charter schools will potentially be competing against each other for students, the Petitioners will need to expend an extraordinary amount of effort in order to achieve the student numbers it is projecting for both schools.

(ii) The Contra Costa County Board of Education recently approved the petition for the establishment of K12 Academy Mt. Diablo charter school to commence operation in the Fall of 2011. The K12 Academy charter anticipates ADA projections of over 250 for its first year and over 500 for its second and third years of operation. The District believes that the existence of a newly created charter school in Contra Costa which will commence operation at the same time as the proposed Synergy School may impact the ability of Synergy School to obtain the student enrollment projections it is anticipating.

Because the Charter School's budget is premised on these inflated enrollment projections, the entire projected budget will be impacted, likely resulting in a deficit budget jeopardizing the ability of the Petitioners to successfully operate their program.

- (b) The proposed budget submitted with the Petition does not appear to budget for an annual reserve amount sufficient to satisfy Title 5, California Code of Regulations, section 15450(a).
- (c) The Charter School's planning budget assumes receipt of a Public Charter School Grant Program (PCSGP) planning and implementation award of \$625,000. The Petition's projected distribution of PCSGP funds is inconsistent with the information available from the State resulting in a cash flow deficit. The specific differences are shown in the following table:

PCSGP	State's Distribution Schedule (classroom-based):	Petitioner's Budget:	Cash Flow Deficit:
Planning	\$175,000	\$200,000	-\$25,000
Imp. Year 1	\$100,000	\$225,000	-\$125,000
Imp. Year 2	\$100,000	\$200,000	-\$100,000
Total Distribution:	\$375,000	\$625,000	Short \$250,000

Additionally, the Petitioners' budget reflects the Charter School's presumed receipt of the Public Charter School Grant as a revenue source. The Charter School does not include an alternative funding plan in the event the Charter School is not awarded some/all of these monies. Furthermore, the likelihood that the Charter School will qualify to receive any PCSGP funds is called into question by the fact that the Petitioners intend to simultaneously submit PCSGP applications to the California Department of Education for two separate charter schools which will share staff, facilities and other resources. Since the assumed PCSGP monies are a significant portion of the Charter School's budget, should it not receive the maximum amount of funds it assumes, the likelihood of the Charter School to be able to successfully implement its program will be impacted.

- (d) The Charter School's revenue limit calculations do not indicate an ADA rate.

- (e) The Petitioners indicated at the Public Hearing on October 27, 2010, that they have been invited to apply for the Walton Family Foundation grant, but they have not provided any evidence that they will be able to secure any such grant monies.
 - (f) The Petition lacks data on projected special education costs and the budget does not account for appropriate staffing to provide special education services in the manner required by law.
 - (g) The State Lottery revenue amounts in the Charter School's planning budget are overestimated on a per ADA basis.
 - (h) The Charter School's budget for Economic Impact Aid (EIA) revenue is not based on the average allocation per student. This may be problematic for the Charter School as a new school since EIA revenue calculations require consideration of many factors including demographics, enrollment, and program requirements.
2. The Petition fails to sufficiently identify where the Charter School intends to locate as required by Education Code section 47605(g). The Petitioners originally intended to submit a Proposition 39 facilities request to the District for facilities but then expressed to the District on October 29, 2010, that they decided to pursue a different path for securing the Charter School's facilities. Without providing any specific information about the facility, the Petition indicates that Synergy may consider leasing private facilities and is searching for an alternative location "within the District's boundaries."
3. Petitioners' overly ambitious proposal to open and operate two charter schools at the same time may impact their ability to successfully implement the program of one or both of the proposed charter schools. Supporting this finding, is the fact that the Petitioners admitted to the District that they are the first charter developer with whom the California Charter School Association (CCSA) has assisted in the submission of two petitions that are completely different in education design to a district in the same year. Certainly, the CCSA, an organization that assists hundreds of charter developers throughout the State, would have come across such a scenario in the past if it were a viable endeavor.

Furthermore, the Petitioners have admitted that their original plan was to open one school that would encompass a site-based and an independent study program. However, their admitted reason for splitting the school is to obtain additional Title I and facilities funding. This calls into question whether the Petitioners will be able to successfully implement either charter school's education program if they are unable to obtain the anticipated double dip of federal funds.

B. The Petitioners are demonstrably unlikely to successfully implement their program because their past history of involvement in charter schools has been unsuccessful.

1. Cheryl Townsend (Co-Founder and Charter School's Program Director) has a past history of involvement in charter schools which has been unsuccessful, including the following charter schools which were closed within two years of opening for financial or other operations mismanagement reasons:
 - Fort Ross Charter School
 - New Hope Charter School
 - West Sonoma Charter School

III. THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL.

A. The Petition presents an unsound educational program for the students to be enrolled in the Charter School reasons including, but not limited to, the following:

1. The Petition fails to sufficiently address how the Charter School will serve the needs of special education students. The Petition does not demonstrate the Petitioners' understanding of its responsibilities under law for special education students, and how the Charter School intends to meet those responsibilities, as described in more detail below.
2. The Charter School projects 75 8th grade students for the 2011-2012 school year, but does not plan to expand to operate its 9th grade until the 2013-2014 school year leaving these students (who will be 9th grade students in 2012-2013 school year) with no education program for the entire 2012-2013 school year. The Petitioner's failure to account for an entire grade of students for an entire school year calls into question the soundness of the Charter School's proposed education program. Additionally, to the extent the Charter School's budget includes revenue from these projected 75 students, its ability to continue to successfully implement its education program will be impacted.

IV. The Petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d).

- A. The Petition includes contradictory affirmations regarding the obligation of the Charter School not to discriminate against any pupil on the basis of the characteristics listed in Education Code section 220.

- B. The Petition fails to sufficiently affirm that the Charter School shall admit all students who wish to attend.

V. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE ELEMENTS REQUIRED IN EDUCATION CODE SECTION 47605(b)(5).

A. The Petition does not contain a reasonably comprehensive description of the Educational Program (Element 1).

1. The Petition fails to include a framework for instructional design that is aligned with the needs of the students that the Charter School has identified as its target population. The basic design is Project Based Learning, described in the Petition as: “focuses less on teaching and more on learning,” focus on a content driven learning project,” through investigation, research, and collaboration,” “text books, lectures, conventional assessments, experimentation and technology all serve as resources,” “students engage in cooperate learning,” “students collect, evaluate, and interpret data,” “during course of inquiry, students learn content, process and problem solving.”

The basic Project Based Learning design described in the Petition presumes a high level of student English language fluency and literacy in order to inquire, collaborate, investigate, research, listen and comprehend lectures, and to complete and present projects. This approach is not a promising alignment with the needs of English learners who will need significant direct instruction in order to mediate the demands of secondary-school academic English. For instance, English learners will need frequent direct instruction in both content-specific vocabulary and general academic vocabulary, as well as, direct instruction in the complexities of academic syntax, throughout the school day and in all subject matter. English learners require a basic instructional design that directly teaches language and content within the context of delivering content instruction.

Furthermore, the Petition only makes passing reference to bilingual teachers (“administrators will make every effort to employ a number of bilingual staff”), but provides no detail on how the PBL approach might operate in a consistent, coherent, bilingual fashion, or provide any assurance that bilingual staff will be available at the Charter School.

2. The Petition fails to indicate how the Charter School will meet the needs of English learners. For instance, the Petition proposes that beginner and early intermediate level EL students will be enrolled in the Majors Program for English Learners (PBLEL), which is where English learners will be instructed in English language acquisition. However, the Petition fails to specify how intermediate to advanced level English learners will

receive instruction in ELD, a State required core academic subject for English learners.

Furthermore, the Petition provides scarce detail about how the needs of English learners will be accommodated in core-content instruction. For instance, the Petition states: "PBL projects development will include instructional strategies for English learners and support their needs in the regular classroom setting." However, other than its reference to online coursework in Spanish, the Petition fails to describe/mention any pedagogical approach known to be effective for English learners in fostering English language development or core-content understanding.

3. The Charter Schools proposed plan regarding transferability of courses to other public high schools and to meet college entrance requirements is inadequate. While the Petition generally discusses the Charter Schools plan for obtaining WASC accreditation, the Petition does not address how they will handle the issues of students who graduate from the Charter School before the WASC accreditation process is complete.
4. The Petition fails to address how the proposed school will serve socioeconomically disadvantaged (SED) students. While the Petition describes its plan for identifying and supporting students functioning below grade level, the strategies described in the Petition for academically low achieving students do not appear to contain strategies geared towards SED students.
5. The Petition fails to sufficiently address how the Charter School will serve the needs of special education students. Below is a non-exhaustive list of deficiencies:
 - (a) While the Petition specifies that the Charter School will comply with all applicable provisions of the Individuals with Disabilities Education Act ("IDEA") and other federal and state laws concerning children with disabilities, since the Petition does not indicate which services the Charter School proposes to provide itself and which services it plans on contracting with the District to provide, it is impossible to determine whether the Charter School will be able to comply with the above stated requirements.
 - (b) The petition states that the Charter School offers a "full inclusion program" for all its students. Special education students may be served outside the general education classroom for "periodic services," but shall otherwise be fully included in the general education classroom. This model does not take into account the full spectrum of unique needs and corresponding services a student with disabilities might require in order to receive a Free and Appropriate Education ("FAPE"). The Petition does not contain any information regarding other options or programs that will be

available for Charter School students who will not benefit from a full inclusion program.

- (c) The Petition states that Synergy's Project Based Learning (PBL) "naturally and organically" supports many students with learning disabilities, and that many of the interventions, accommodations and modifications called for in Rtl and IEPs come as a natural consequence of the implementation of the PBL model. However, the Petition does not describe with any specificity what the interventions, accommodations and modifications are, how they would be implemented, or how they would meet the needs of special education students.
- (d) The Petition states that students enrolling at the Charter School with an active IEP will receive the placement and services as called for in their IEP. The Petition provides no information about where or how the placement and services will be provided, particularly for students enrolling from SDCs. The petition is silent as to how the Charter School will provide placement and services to students requiring a special day class.
- (e) The Petition states that within 30 days of the enrollment of a student with an active IEP, the Charter School will hold an IEP team meeting to determine the need for evaluations, appropriate placement and/or changes to the student's IEP goals "relative to Synergy's unique education delivery." For students with disabilities, goals and objectives must be based on the student's unique needs, not the school's system for delivering instruction.
- (f) The Petition states that if a student is found ineligible for special education, he or she will be referred to Synergy's Rtl Program or referred for a Section 504 Plan. This proposed procedure demonstrates a misunderstanding of the process for finding a student eligible for a Section 504 Plan. Finding a student ineligible for special education and related services does necessitate a referral under Section 504. Section 504 contains its own assessment, eligibility and FAPE criteria.
- (g) According to the Petition, initially the Charter School intends to function as a "public school of the local education agency that granted to charter" for purposes of providing special education and related services, and will seek funding and/or services from the District for special education in the same manner provided to students in the District's other public schools. If the District is unable to provide special education services, the Charter School will seek its own special education providers. These assertions are deficient for reasons including the following :

- (i) The Petition provides no details regarding the types of special education programs and services the Charter School will make available to students;
 - (ii) The Petition contains no information regarding delivery system for special education programs and services except that all students will be in full inclusion program;
 - (iii) The Petition identifies only one special education staff member the Charter School intends to employ, the Special Education Coordinator, who will be responsible for all aspects of a student's IEP with no description of how IEP services will be delivered and by whom;
 - (iv) The Petition provides no detail about the type of funding the Charter School seeks;
 - (v) The Petition contains no information regarding how or where the Charter School would procure special education services, if the District is not able to provide them; and
 - (vi) The Petition "assumes" any agreement with the District would provide the Charter School with reasonable "flexibility" to decide whether to receive services, funding or some combination of the two without any articulation of how special education and related services would be provided and by whom within this "flexible" model.
- (h) The Petition does not sufficiently address how State compliance complaints and due process complaints will be handled. In fact, these two separate types of complaints, which are filed with separate State agencies and require different types of responses and resolutions, are described together in the Petition with the assumption that the District will defend itself and the Charter School. No other details are provided.
6. The Petition fails to adequately describe a curriculum/program for students in the area of Physical Education.

B. The Petition does not contain a reasonably comprehensive description of the Measureable Pupil Outcomes Identified for use by the Charter School (Element 2).

- 1. The Petition does not sufficiently describe the measurable pupil outcomes to be used by the Charter School in determining the extent to which pupils will demonstrate they have attained the skills, knowledge, and attitudes specified as goals in the Charter School's educational program.

2. The Petition does not sufficiently demonstrate how the Charter School's objective means for measuring student outcomes are capable of being readily used to evaluate the effectiveness of, and to modify instruction for, individual students and for groups of students.
3. The Petition makes no reference to the Charter School's Academic Performance Index (API) growth target.

C. The Petition does not contain a reasonably comprehensive description of the Methods to Assess Pupil Progress Towards Outcomes (Element 3).

1. The Petition does not sufficiently describe the methods used to assess student progress toward stated outcomes.
2. The Petition does not sufficiently assure that the Charter School shall conduct all state mandated assessments, including the Statewide Testing and Reporting (STAR) program.

D. The Petition does not contain a reasonably comprehensive description of the Charter School's Governance Structure, including the Process to Ensure Parental Involvement (Element 4).

1. The Petition fails to provide a sufficient assurance that the Charter School will comply with the Brown Act. While the Petition specifies that the Charter School's Board of Directors will meet in accordance with the Brown Act, the Synergy Education Project's draft Bylaws are void of any assurance that the corporate Board of Directors shall abide by the Brown Act potentially allowing the corporate Board to operate in a manner which may conflict with the Brown Act.
2. The Petition fails to provide sufficient assurance that the Charter School will comply with the laws against conflicts of interest and the Charter School Board's proposed Conflict of Interest Policy allows for practices that may run contrary to conflict of interest laws including Government Code section 1090 *et seq.* For instance, the Conflict of Interest Policy allows the Board to approve a transaction in which a Board member will receive a direct or indirect financial benefit or profit from the decision, including compensation for employment, so long as the interested member abstains from deliberations and voting on the Board's decision. Section 1090 *et seq.* prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members. A conflict of interest in a contract per Section 1090 results in a void contract and the steps the board may take per the proposed Conflict of Interest Policy will not cure that conflict.
3. The Petition's discussion of parental involvement does not include any provision to communicate with or engage non-English speaking parents/guardians, although the Petitioners should be aware of the large limited English population, particularly Spanish speaking, in the District.

4. The Charter School allows its Board of Directors and Program Director to delegate or contract out to a business administrator, other employee, or third party provider the responsibilities of the Program Director in multiple areas, including ensuring the Charter School enacts its mission, vision, and core values, compliance with state and federal laws, and ensuring fiscal stability. Allowing delegation of responsibilities in this manner calls into question who will actually be governing the Charter School's operations and raises issues regarding the ability of the District to exercise its oversight obligations.
5. While the Petition specifies that the Charter School will be governed by the Synergy Education Project Board of Directors in accordance with its adopted corporate bylaws, the Petitioners have failed to submit adopted Bylaws with their petition.
6. The Petition fails to sufficiently acknowledge the right of the District to charge the Charter School an oversight fee per Education Code section 47613.

E. The Petition does not present a reasonably comprehensive description of Employee Qualifications (Element 5).

1. The Petition fails to describe procedures it will follow for monitoring teacher credentials, including who has the responsibility to monitor.
2. The Petition does not sufficiently describe its "Affirmative Action Policy" related to the Charter School's hiring procedures. As a result, the District is unable to determine whether the Charter School's hiring practices are discriminatory subjecting the Charter School to potential liability.

F. The Petition does not present a reasonably comprehensive description of the Charter School's Health and Safety Procedures (Element 6).

1. The Petition fails to sufficiently assure that the Charter School's facilities will comply with the Americans with Disabilities Act access requirements, and any other applicable fire, health, and structural safety requirements and that it will maintain on file readily accessible records documenting such compliance.
2. The Petition fails to sufficiently describe the insurance coverage that will be maintained for the Charter School, preventing the District from being able to determine whether such coverage is sufficient enough to protect the District from potential liability of the Charter School and the acts, errors, and omissions of the Synergy Education Project. For instance, the Charter School fails to commit to any levels of insurance coverage, and fails to assure that the District will be named as an additional insured on such policies.

G. The Petition does not present a reasonably comprehensive description of Means for Achieving Racial and Ethnic Balance (Element 7).

1. Education Code section 47605(b)(5)(G) requires a reasonably comprehensive description of the means by which Charter 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 be included in the Petition. The Petition fails to sufficiently specify what geographic areas will be targeted in its outreach efforts. For instance, the Petition generally references “local” establishments and organizations that will be targeted and “low-income neighborhoods, with no specificity regarding what it considers “local.” This deficiency is compounded by the fact that the Charter School has not identified where its facilities will be located.
2. The Charter School may have difficulty in achieving a racial and ethnic balance reflective of the general population residing within the District in part due to the inadequacy of the Charter School’s plan for ELL students. The District has a large ELL population, predominantly consisting of students whose first language is Spanish. The Charter School’s failure to adequately address how it will properly serve ELL students, and the fact that the Charter School may be unable to do so, may result in a lower enrollment by ELL students, which may in turn result in a lower overall enrollment of Latino students, thereby impacting the racial and ethnic balance at the Charter School.

H. The Petition does not present a reasonably comprehensive description of Admission Requirements (Element 8).

1. The Charter School’s stated lottery exemptions conflict with federal non-regulatory guidance utilized by the California Department of Education in the Public Charter School Grant Program application process, jeopardizing the likelihood that the Charter School will be awarded any grant under that Program.

I. The Petition does not present a reasonably comprehensive description of Annual Independent Financial Audits (Element 9).

1. The Petition fails to provide an assurance that it will annually prepare and submit the preliminary budget and reports required by Education Code section 47604.33 to the District and to the Contra Costa County Superintendent of Schools by the deadlines specified in that Section.

J. The Petition does not present a reasonably comprehensive description of Student Suspension and Expulsion Procedures (Element 10).

1. While the Petition specifies that all of the Charter School’s disciplinary actions will “strictly comply” with the California Education Code, the

Charter School's procedures described in the Petition at times conflict with the Education Code.

2. The Petition fails to identify offenses for which students will be subject to mandatory suspension and/or expulsion recommendations and which are discretionary. The Charter School's apparent failure to require mandatory suspension and/or expulsion recommendations when students commit a serious offense warranting mandatory suspension and expulsion recommendation under the Education Code, including possession of a firearm, robbery/extortion, and sexual assault, causes the District to question whether the Charter School sufficiently considered whether their proposed list of offenses and procedures for expulsion provides adequate safety for students, staff, and visitors to the school.
 3. The Charter School does not afford students any appeal rights following a decision to expel which may impact their due process rights.
 4. The Petition fails to sufficiently and accurately describe the rights of students who have been expelled from the Charter School and the responsibilities of the Charter School for facilitating post-expulsion placements to ensure expelled students are not lost in the system or drop out of school.
 5. The Charter School improperly places the burden on parents/guardians to find an alternative placement for their child following expulsion.
 6. The Petition fails to sufficiently describe rights of Charter School students with disabilities in regard to suspension and expulsion.
- K. The Petition does not present a reasonably comprehensive description of Student Public School Attendance Alternatives (Element 12).**
1. The Petition fails to specify that the parent/guardian of each student enrolled in the Charter School will be informed that their child has no right to admission in a particular school of the District as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the District.
- L. The Petition does not present a reasonably comprehensive description of Dispute Resolution Procedures (Element 14).**
1. The Petition fails to sufficiently acknowledge the District's right to pursue revocation of the Charter despite the dispute resolution process.
 2. The Petition's description of the Charter School's dispute resolution procedures is reasonably comprehensive. For instance, it does not specify all timeframes for completing each step of the resolution process, which may lead to disputes going unresolved for an excessive amount of time potentially impacting the District's exercise of its oversight obligations.

M. The Petition does not present a reasonably comprehensive description of Closure Procedures (Element 16).

1. The Petition fails to describe closure procedures that are sufficient to ensure the proper disposition of all assets and liabilities of the Charter School upon closure. The Petition specifies that upon closure of the school, all school assets, including “all ADA apportionments and other revenues generated by students attending the school” shall remain the sole property of the Synergy Education Project and be distributed “in accordance with the Articles of Incorporation to another public educational entity.” However, should Synergy Education Project not dissolve upon closure of the Charter School, such funds would continue to be retained allowing Synergy Education Project to use such public funds for non-Charter School related purposes.
2. The Petition fails to specify that the Charter School will complete and file annual reports required by law.
3. The Petition fails to identify a source of funding for closure-related activities.

End

PITTSBURG UNIFIED SCHOOL DISTRICT

2000 Railroad Ave
Pittsburg, Ca 94565

BOARD OF EDUCATION

MINUTES
December 15, 2010

ROLL CALL

Dr. William Wong	President
Dr. Laura Canciamilla	Vice President
Mr. Robert Belleci	Trustee
Mr. Vince Ferrante	Trustee
Mr. George Miller	Trustee
Ms. Linda Rondeau	Superintendent/Secretary
Mr. Brice Tugbenyoh	Student Board Member

316. CONVENE

Following a reception for new trustees Robert Belleci and George Miller, Superintendent Rondeau administered the Oath of Office to the newly elected and re-elected trustees, Robert Belleci, George Miller, Vince Ferrante and Dr. Willie Wong. Certificates of recognition were presented to students from Foothill Elementary who had been re-designated as Fluent English Learners.

317. COMMENTS FROM PUBLIC – ON CLOSED SESSION AGENDA ITEMS

There were no comments from the public on closed session agenda items. The Board convened to closed session at 6:12p.m.

318. RECONVENE

The board convened the regular session at 7:31p.m.

319. AGENDA REORGANIZATION / REPORT OF CLOSED SESSION ACTION

Ms. Rondeau requested that action item 15.7 be removed from the agenda. The board voted to approve the personnel actions report: motioned by Canciamilla, seconded by Wong (5/0) with special recognition to Stephanie Koteles, PHS Counselor on her retirement with 14 years of service to the staff and students of PUSD.

320. ANNUAL REORGANIZATION AND APPROVALS

A. Resolution #10-37, Selection of Board Officers – Pittsburg board by-laws state that the Vice President will naturally transition to president. Dr. Wong requested that board policy 90-100 be suspended since the vice president was not re-elected. Motion made by Wong, seconded by Canciamilla (5/0).
Ayes: Canciamilla, Belleci, Miller, Wong and Ferrante.

- Election of Board President – **Dr. Canciamilla nominated Dr. Wong, motion was seconded by Belleci (5/0).**
- Election of Board Vice President – **Dr. Wong nominated Dr. Canciamilla seconded by Ferrante (5/0).**
- Appointment of Board Secretary – **Dr. Wong motioned to appoint Linda Rondeau, seconded by Canciamilla (5/0).**

B. 2011 Board Meeting Calendar

- The 2011 Board meeting calendar was presented, due to conflicts with the January 26th date; the Superintendent requested that the January 26th meeting date be moved forward one week to January 19th. The January 19th meeting will be a budget overview. **Motion to approve the 2011 calendar made by Wong, seconded by Belleci (5/0).**

C. Designate Board Representatives / Committee Assignments

The board members volunteered for the following committees:

- PUSD Facilities Committee – Ferrante and Miller
- PUSD Budget Sub Committee – Wong and Miller
- PUSD/City or Pittsburg Liaison Committee – Belleci and Wong

Motion to accept committee selections made by Canciamilla, seconded by Wong (5/0).

D. Resolution #10-34, Yearly Authorizations - Motion to approve yearly authorizations made by Wong, seconded by Canciamilla, Ayes: Canciamilla, Belleci, Ferrante, Miller and Wong.

Mr. Ferrante handed the gavel over to Dr. Wong. This was followed by a presentation of a plaque to Mr. Ferrante for his service as President of the Board.

321. COMMENTS FROM PUBLIC – ON ITEMS NOT ON THE AGENDA

Chris Coan – PEA president and Pittsburg resident, welcomed the new board members and invited them to attend a CTA event on January 29, 2011. Ms Coan then stated that PEA does not support Synergy Charter School or Synergy Independent Charter school. Mr. Mims – BPA, acknowledged past president Ferrante, and welcomed Dr. Wong as the new president along with new board members. He also expressed his concern over the recent article in the Contra Costa Times regarding the dropout rate.

322. COMMENTS FROM STUDENT BOARD MEMBER

Mr. Tugbenyoh reported – the ROP Robotics class made it to the finals and will be competing at Disney World in the world competition. He also stated that the high school has been running smoothly.

323. COMMENTS FROM THE SUPERINTENDENT

Ms. Rondeau welcomed the new board members. Associate Superintendent presented at CSBA, PUSD was featured in a case study on financing facilities. She let the Board know there will be a presentation to address the graduation and dropout rate at a February board meeting. She attended the dedication of the Foothill Solar system, and commented that soon the district will have 14 systems up and running. She was proud to share that a former PHS student, Anna Tiglao, currently attending UC Davis, was one of 22 students with a writing published in the book The Fabric of Our Society. Ms. Rondeau also noted that Pittsburg USD has been awarded the California Mathematics and Science Partnership Grant (CaMPS), which is approx 1.5 million over three years. Ms. Rondeau acknowledged Cal State East Bay, Contra Costa COE, Gibson and Associates, and Director of Special Projects, Monica Pruitt for their assistance in getting this grant. Pittsburg was 1 of 10 recipients statewide.

324. REPORTS / INFORMATION

- A. School Highlights – Foothill Elementary School (Araiza)
Mr. Araiza shared the success of the writing program with the board.
- B. Construction and Facilities Planning Update (Palacios) Mr. Novero updated the board on the following: **PHS:** The transition from Phase 1 to Phase 2 is continuing. The last of the Environmental clean-up and demolition of the old main campus is nearing completion. The completion of the new campus is continuing. The punch list and warranty items are being tracked in order to achieve final completion and operation. The state Allocation Board approved the funding release for the remaining applications. These applications will generate an additional reimbursement of over \$6 million dollars. The total State matching funding for the project is now at \$30.5 million. **Riverside Continuation High School:** The plans have been submitted to the Division of the State Architect (DSA) for approval. The expectation is

that the plans will be approved this Spring in order to start the bidding process. **Hillview Playfield:** The City is finalizing the DSA approval of the plans for the joint-use improvements. The plan is to complete the bid process in January and move forward with the construction.

- C. Title III Year 4 English Learner Subgroup Self Assessment (ELSSA) and Improvement Action Plan (Colbath) – Ms. Colbath presented information on the Title III Improvement Action plan. Staff, parents and community members worked together to complete a comprehensive plan. The required paperwork has been sent to the state. Willie Mims – expressed concern that Pittsburg USD may not be implementing a true dual immersion program.

325. CONSENT AGENDA

A.	Approval:	Minutes of October 27, 2010	Rondeau
B.	Approval	Minutes of November 17, 2010	Rondeau
C.	Approval:	Overnight Trip Tuolumne, CA. for Foothill 5 th grade students (June 1-3, 2011)	Araiza
D.	Approval	Demolition Bricks (from PHS) to be donated to the Eddie Hart All In One Foundation	Palacios
E.	Approval:	Budget Adjustments and Financial Status Report	Palacios

Motion to approve items A, B, C and E made by Belleci and seconded by Canciamilla. (5/0) Student Board Member agreed.

Comment on Item D: Mr. Ferrante let the public know that he volunteers for the Eddie Hart Foundation. Motion to approve made by Ferrante, seconded by Belleci (5/0). Student Board Member agreed.

326. ACTION ITEMS

Elementary/Secondary Education:

1. Adoption: Resolution #10-38, Denying the Charter Petition for Establishment of the Synergy Independent Study Charter School (**Rondeau**)
(ROLL CALL): Ms. Rondeau explained the timeline and process that was put in place to research both petitions. Various parents, community members, and Synergy Staff members spoke in favor of the petition. Pittsburg USD legal counsel, Bill Schuetz, informed that board that after a thorough study of both petitions (Independent Study and Charter school), there were flaws in the petitions and advised the board to deny both petitions. **Motion made by Ferrante to deny seconded by Miller.** Roll call vote: Ayes: Canciamilla, Belleci, Ferrante, Miller, Nos: Wong (4-1). Student Board Member abstained.
2. Adoption: Resolution #10-39, Denying the Charter Petition for Establishment of the Synergy Charter School (**Rondeau**) **Motion to deny made by Ferrante, seconded by Canciamilla.** Ayes: Canciamilla, Belleci, Ferrante and Miller. Nos: Wong. (4/1) Student Board Member abstained. President Wong requested a five minute break.
3. Acceptance: Donation of \$5,000.00 from Dow Chemical Foundation to Marina Vista Elementary for math and science programs (**Plunkett**) – **Motion to accept made by Canciamilla, seconded by Ferrante.** (5/0) Student Board Member agreed.

4. Acceptance: Donations totaling \$395.03 to Rancho Medanos (from Lifetouch Studios, Reynaldo Padilla, Catalina Bolton, and the Wells Fargo / United Way Campaign **(Peyko) Motion to accept made by Canciamilla, seconded by Belleci (5/0).** Student Board Member agreed.
5. Acceptance: \$252.22 Donation from Clayton Perreira-Pico and the Wells Fargo Campaign to Heights Elementary **(Clark) Motion to accept made by Canciamilla, seconded by Ferrante (5/0).** Student Board Member agreed.
6. Acceptance: \$885.60 in Teacher Grants from the Assistance League of Diablo Valley to Heights Elementary teachers. (Lisa Abono and Joanne Stark) **(Clark) Motion to approve made by Belleci, seconded by Miller (5/0).** Student Board Member agreed.

Human Resources / Business Services:

7. Approval: Change District Secretary II Position to Business Services Technician **(Epps) Item was removed from the agenda.**
8. Approval: Independent Contract for Safety Officer, Steven Spann **(Epps) Motion to approve made by Ferrante, seconded by Belleci (5/0).** Student Board Member agreed.
9. Approval **Early Retirement Program Offer for Certificated staff (Non-Management) (Palacios)** – Mr. Palacios has met with the budget sub-committee which includes representatives from CSEA, PEA, CAPS, PASA, the school Board, and parents, all were in favor of offering another early retirement package. This will result in a savings of 2.8 million over 5 years to the general fund. **Motion to approve made by Ferrante, seconded by Canciamilla (5/0).** Student Board Member agreed.
10. Approval: 2010-2011 First Interim Financial Report **(Palacios) - Motion to approve made by Ferrante, seconded by Miller (5/0).** Student Board Member agreed.
11. Approval: Partnership between PUSD and West Coast Jamboree, 2010-2013 **(Palacios) Motion to approve for ONE YEAR ONLY made by Ferrante seconded by Belleci.** Suggestion: ask for sponsors to help defray cost, re-calculate the custodial cost, since tournament runs through normal work day. **(5/0)** Student Board Member agreed.
12. Adoption: Resolution #10-35 Canvassing and Certifying Election Results for Measure L **(Palacios) – Motion to adopt made by Canciamilla, seconded by Ferrante. Ayes: Canciamilla, Belleci, Ferrante, Miller and Wong (5/0).** Student Board Member agreed.
(ROLL CALL):
13. Denial Claim Demand for Damages – Submitted by Michael J. Haddad, Attorney representing a minor **(Palacios) - Motion to Deny made by Canciamilla, seconded by Ferrante (5/0).** Student Board Member abstained.
14. Adoption: Resolution #10-36, Notice of Completion (Gudgel Roofing, Inc. dba Yancey Roofing) - Los Medanos Elementary School **(Palacios) Motion to adopt made by Canciamilla, seconded by Miller. AYES: Canciamilla, Belleci, Ferrante, Miller Wong (5/0).** Student Board Member agreed.
(ROLL CALL):
15. Approval: Change Order #3 from S.J. Amoroso Construction Company for Pittsburg High School – Modernization of New Campus **(Palacios) – Motion to approve made by Ferrante, seconded by Canciamilla (5/0).** Student Board Member agreed.

16. Approval: Change Order #8 from S.J. Amoroso Construction Company for Pittsburg High School – Reconstruction, Increment 2, New Campus (**Palacios**) **Motion to approve made by Ferrante, seconded by Miller (5/0)**. Student Board Member agreed.

Superintendent:

17. Adoption: Resolution #10-40, University of California Education Equality (**Rondeau**).
(ROLL CALL): **Motion to adopt made by Canciamilla, seconded by Ferrante, AYES: Canciamilla, Belleci, Ferrante, Miller and Wong (5/0)**. Student Board Member agreed.
18. ---- Call for Nominations for CSBA Delegate Assembly (**Rondeau**) – The board discussed this matter, no nominations were made.

327. COMMUNICATIONS

- a. Written Communications from Public Agencies – Read by the Board President – Letter from Contra Costa County Office of Education was received, district budget has been reviewed and accepted.
- b. Comments from Board Members –Mr. Ferrante attended the CSBA conference, along with other board members. He also attended the Solar Energy ribbon cutting at Foothill. Mr. Miller expressed his gratitude on becoming a board member. He also attended the CSBA conference. Dr. Wong has visited some of the sites and observed the breakfast programs, he did notice that the breakfast program does interrupt the instructional program.
- c. Comments from Employee Representatives - Chris Coan let the board know that mediation is scheduled for January 5th with regards to extended Monday staff meetings. She has also filed a level one grievance with regards to ELD time and an informal grievance regarding the breakfast program.
- d. Comments from Community Organizations - Willie Mims – BPA, questioned the West Coast Jamboree budget and informed the board about a law banning all school districts from charging for school supplies.

328. FUTURE REQUESTS

Dr. Canciamilla requested data on students attending home schools.

329. NEXT BOARD MEETING

The next regular School Board meeting will be held on Wednesday, January 12, 2011. – Meeting adjourned at 11:50 p.m.

Respectfully Submitted,

Linda K. Rondeau
Superintendent/Secretary to the
Pittsburg Board of Education

Adopted on:

Synergy School Response to Exhibit “A” Findings of Fact

I Regarding Satisfying the Signature Requirement (pg 3 in Findings)

A. 1. and 2. Synergy’s petitioners submitted well over the required number of teacher signatures to fulfill this petitioning requirement. The teacher signatures submitted contain an indicator of which school they were meaningfully interested in seeking employment. Regarding item #2, Synergy’s petitioners submitted the parent signatures it had acquired at the time, reflecting approximately 90 students. They did so for the benefit of the district enabling them to observe the number of in-district and out-of-district students who were meaningfully interested in future enrollment for the purposes of a evaluating a future Prop 39 facilities request. The petitioners did not see a need to submit parent signatures on appeal to the county since they were not relevant in meeting the signature petition requirement.

II Regarding the Likelihood of Successful Implementation of the Program (pg 4 of Findings)

1. (a) The petitioners respectfully disagree with the district’s unsubstantiated assumption regarding the school’s ability to achieve its intended enrollment numbers. The petitioners gathered ample signatures and continue to receive inquiries from parents meaningfully interested in enrolling their children. It should also be noted that the three closest operating charter schools, all located in Antioch, are at capacity since their first day of operation. Antioch Charter Academy I has wait lists of 70-100 students per grade level prior to their public lottery each year. Antioch Charter Academy II has slightly lower wait lists but as with RAAMP Charter School both schools remain at full capacity throughout the school year. Only one of the schools mentioned above serves middle school students furthering the likelihood that Synergy will not encounter problems maintaining full enrollment for its middle and high school programs. If anything, Synergy’s founders are concerned they will not be able to offer enrollment to all those who wish to attend.

1. (a)(i) Synergy’s two proposed schools will not compete for students. They are two completely different education deliveries that will attract different populations of students.

1. (a)(ii) The district’s Findings express concern regarding Synergy’s ability to enroll their projected number of students because of the opening of Flex Academy. Unfortunately, the district’s report does not take into consideration that Flex Academy and Synergy School are two different education deliveries serving different grade levels. Flex Academy is a computer based, independent study education program serving only grades 9-12. Synergy School is a site and classroom based program serving grades 6-8 years one and two beginning with the addition of grade 9 year three.

1. (b) With respect to an annual reserve provision in the budget, it is the petitioners understanding that the ed code the district listed in their Findings does not apply to charter schools. However, a 5% cumulative cash reserve is clearly provided for on line 119 in Synergy's Planning Budget.

1. (c) The district states inaccurate figures regarding PCSGP grant funding. The school will receive a higher level of funding based on the district's Program Improvement status and the high numbers of socioeconomically disadvantaged students Synergy anticipates serving based on PUSD data. The petitioners used the funding amounts and prior year's disbursement schedule which was all that was available from the Department of Education at the time of the original submission. The funding amounts have remained basically the same but the disbursement dates have been changed based on current information from the state. The funding schedule is available through the PCSGP funding guide available through the CDE. The petitioners have also emailed a copy of this guide for easy reference to Jane Shamieh at CCCOE.

With respect to the unsubstantiated assumption regarding potential denial of PCSGP funds, Synergy has no reason to believe this to be an issue. The PCSGP grant funding guide mentioned above states that petitioners are eligible for funding for up to three schools in the start up phase. Therefore, considering the proposed schools to be financially separate entities, each would be entitled to funding as such. Furthermore, opening multiple schools in a given school year is not uncommon for non-profits that operate multiple schools like Green Dot Charter Schools. This is also common practice for Charter Management Organizations. According to the California Charter Schools Association there is no precedent of funding penalty for opening two schools simultaneously under one non-profit organization.

1. (d) The school's revenue limit calculation rates are set in the budget workbook to automatically calculate at 95% which is consistent with the state's average attendance rates.

1. (e) Synergy's invitation to apply for the Walton grant has the potential of adding an additional \$250,000 to our first year budget. The petitioners feel that potential grant money should not be added to a budget until the award is granted. We did not include this amount in our budget and are confident that we can open and sustain our school on the budget provided.

1. (f) Projected costs for special education will be dependent upon a number of factors including but not limited to the particulars of Synergy's special education student population as well as the particulars of the Memorandum of Understanding between the county and the school. For example, our projected costs will be dependent upon what services the county may be able to provide and what services will be contracted out or provided for in-house.

1. (g) According to the office of the California of the California State Lottery, the amount listed in the planning budget regarding lottery revenues are accurate numbers based on current funding amounts.

1. (h) The Economic Impact Aid (EIA) revenues are based upon the percentage of the anticipated enrollment of economically disadvantaged and English learner populations as estimated using Pittsburg Unified School Districts student demographic data. The amounts are automatically calculated in the budget workbook based on this data.

2. With respect to facilities the petition identifies the location of the school to be within the city of Pittsburg and within the Unified School District boundaries. Page 109 indicates the number of classrooms as well as space for a curriculum library, offices and storage of records. Estimated cost of said facilities is provided for on line 35 of the startup budget and on line 87 of the planning budget. In our work with Colliers International agent, Bill Hillis, we have identified the following potential school site we will pursue once approved and funded. Please note that our budgeted allocations for lease costs exceeds the cost of the properties we are currently considering.

Location: 980 Garcia Ave Suite C, Pittsburg Initial Lease Cost*: 150,000
*10,000 sq ft are currently available at this location for year one operation. An additional 8000 sq ft can be made available as the school increases its enrollment.

3. The California Charter Schools Association fully supports Synergy Education Project's decision to develop and operate two schools. Once approved Synergy will be one of a handful of charter schools across the state that operates a site and independent study program side-by-side. It should also be noted that co-founder, Cheryl Townsend, has previous experience working for a charter school with a similar dual program.

Yes, it is true that Synergy's co-founders made a decision to split the schools once they were made aware that they could better maximize their funding potential. It makes sense that an organization would increase its chances of survival by maximizing its funding potential. Again, Synergy has no reason to believe that it will be penalized in any of its grant funding sources because of the separation of the school into individual petitions.

B. Regarding Petitioners History of Charter School Involvement

It is unfortunate that the creators of Exhibit A chose this attack on the professional credibility of Cheryl Townsend, one of Synergy's co-founders. Ms. Townsend was employed as a part-time teacher at New Hope Charter School for approximately 18 months prior to the school's closure for issues apparently related to finance. She held no administrative responsibilities. Ms. Townsend also held teaching positions at Fort Ross

and West Sonoma Charter Schools which were not closed for the reasons stated but rather for reorganization under one charter that would become Pathways Charter School. The development and implementation of Pathways Charter School is where Ms. Townsend held her first school leadership responsibilities. The report also neglects to state that in her last position as principal, her school's API scores increased substantially, 15-26 points annually, under hers and the school's leadership team efforts.

III Regarding the Soundness of the Educational Program

A. Regarding the Soundness of the Educational Program

1. The petition speaks to all legal requirements regarding Synergy's obligations to serve its students in special education. Synergy's petitioners are well experienced and trained in this area. As an arm of the county and hopefully, a member of the Contra Costa County SELPA, Synergy will meet its legal obligations and serve its special education students well according to all federal and state laws. Synergy fully expects that the details of how its special education students will be served will be evident through the terms negotiated in the Memorandum of Understanding between the school and the county.
2. The petitioners feel that what grade levels they serving has little, if anything, to do with the soundness of the education program. The decision to structure growth and development of the school is based upon many factors the most important being to demonstrate full competence at serving all grade levels offered before moving on to serve additional grade levels.

IV Regarding the Required Affirmations Contained in the Petition

A. Page 6 of the petition, bullet point number 7, clearly demonstrates the required coverage of non-discriminatory practices. This assurance is also indicated on page 96.

B. Page 6 of the petition, bullet point number 5, states that Synergy will enroll all students who wish to attend. This assurance is also indicated on page 96.

V Regarding Reasonably Comprehensive Descriptions of the Required Elements

A. Regarding the Description of the Education Program Element A (pgs 8-11 in Findings)

1. and 2. Synergy's education framework is carefully described on pages 17-23 and pages 26-32. The philosophies and application of education strategies through well organized Project Based Learning design is considered researched best practice as it applies to classroom instruction and learning. Numerous resources are cited throughout the petition that speak to the research that supports Synergy's education program.

Project Based Learning strategies as applied to learning in the core curriculum areas are also highly effective within English Learner populations because they call for a high degree of scaffolded, integrated learning opportunities. Synergy's education plan for EL students is carefully detailed on pages 38-41. In addition, as described on page 40, Synergy's EL beginning and intermediate level students, as part of the extended day program, will participate in PBLEL 7+ hours per week which includes intensive instruction and learning that is exclusively EL focused.

3. Transferability of units is covered thoroughly on page 34 of the petition. The petitioners are working closely with Chase Davenport from the California Charter Schools Association in our plan to apply for WASC accreditation year 1 with an additional plan to request that UC retroactively approve our a-g courses ensuring the ability of our students to submit complete applications to the colleges of their choice. Mr. Davenport has extensive experience in working with accreditation including serving on numerous teams as well as guiding many charter schools through this process.

4. Language regarding how the school serves socioeconomically disadvantaged students is not legally required. However, it should be noted that the petitioners feel that numerous factors in terms of the schools design target this population of students. The extended day education program and Mentor Teachers along with a number of support systems described in the Student Services section are just a few things that provide for an extra layer of support for students in need. If the board or county staff feels there should be more descriptive language regarding socioeconomically disadvantaged students, the petitioners would be willing to work with the county staff on specific language that would become part of the Memorandum of Understanding.

5. (a) The district's Findings demonstrate a misunderstanding of how special education services are identified when a petition states that the charter school will function as an arm of the district. As would be the case if the charter school functions as an arm of the county, the details of services provided would be described in the Memorandum of Understanding (MOU). The petitioners would like to reiterate that the school will strictly adhere to all federal, state and local laws and regulations regarding identification and service to all its special education students.

5. (b) The petition states that the school provides a full inclusion program for all students with an active IEP. Students will receive services in accordance with the terms of their IEP. A determination must be made by the IEP Team as to an appropriate placement which must provide the least restrictive environment under FAPE. A student would be recommended for an alternate placement should the IEP team determine that Synergy School is not an appropriate placement. The student's placement would be dependent upon a variety of factors and be decided upon by the IEP team.

5. (c) Interventions, modifications and accommodations that become a part of an individual IEP will be strictly adhered to as mentioned in the petition. The students classroom teachers, the Special Education Coordinator, the parent and all service providers are responsible for ensuring that all interventions, modifications and accommodations are being met according to the IEP.

5. (d) The petition states that students enrolling with an active IEP will receive services in accordance with the terms of their existing IEP. As mentioned above, a determination must be made by the IEP Team as whether or not Synergy School provides the least restrictive environment for a particular student. If it is determined that a particular placement is inappropriate the student would be recommended for an alternate placement. That placement would be dependent upon a variety of factors present at the time of the IEP.

5. (e) See above.

5. (f) The petition does not state that all students found ineligible for special education services will be recommend for a Section 504 Plan. The petitioners are knowledgeable and experienced in this area and would ensure that its staff and service providers made appropriate referrals for Section 504 Plans.

5. (g) (i)-(vi) This entire section pages 10-11 of the district’s Findings demonstrates a lack of understanding of how a charter school functions as an “arm of its authorizer.” Who provides the special education services, how the program is managed, the proposed relationship with the local SELPA and how funding is handled are all parts to be agreed upon in the form of the MOU between the petitioner and the authorizer.

5. (h) The rights of parents to file complaints regarding special education is described on pages 43-44 of the petition. A parent’s right to file a complaint regarding special education with the California State Department of Education or the Office for Civil Rights in the case of a Section 504 Plan is provided for, by law, at each and every IEP and Section 504 Plan meeting.

6. The Fitness Program described on page 28 and indicated in the daily schedule on pages 24-25 describes the physical education programming.

B. Regarding the Description of Measurable Pupil Outcomes Element B (pg. 11 in Findings of Fact)

(a)-(b) Pages 51-56 clearly demonstrates the student goals as they correspond with student achievement and how these are evaluated to determine the effectiveness of the education program.

(c) The petition makes reference to the school's API on page 51 and again on page 56 as well as the schools goals for achieving and exceeding annual growth targets.

C. Regarding Methods to Assess Progress Toward Measurable Outcomes (pg.11)

1.-2. Synergy's petition has a highly organized and extensive set of assessments that are consistent with the school's goals and measurable outcomes. Pages 58-64 specifically list the names of the assessment programs to be used including the state mandated STAR Testing Program.

D. Regarding Synergy's Governance Structure Element D (pg. 11-12 of Finding)

1. Synergy's current Bylaws are in draft form and will contain all required Bylaws by the time of the first formal board meeting in February. Synergy's attorneys will review the Bylaws as soon as possible in order to ensure legal compliance.

2. Charter schools are not held to Government Code Section 1090. They are governed by non-profit laws and regulations. Synergy's Conflict of Interest Policy draft will be approved at the first formal meeting of Synergy's board and reviewed by the school's attorneys as soon as possible.

3. The Petitioners are thoroughly aware of the large limited English speaking population in the city of Pittsburg and surrounding communities. Synergy prides itself on their awareness and sensitivity to the needs of this community. Even its initial community outreach brochures and informational packets are currently available in Spanish. Synergy's co-founders have sought out and acquired a parent volunteer to organize the Parent Advisory Committee in part because she is bi-lingual.

4. Delegation of authority to the appropriate, qualified employees is standard practice. There are no specific tasks in the Findings that indicate that Synergy would not handle the delegation of tasks appropriately whether it be a delegation of tasks by the school's board or programs director as outlined in the governance section of the petition.

5. Members of Synergy's Governance Team will hold their first formal board meeting in early February. Bylaws, in typical fashion, will be adopted at the first formal board meeting. In the mean time Synergy's Governance Team meets regularly where it continues its work on the completion of the school's Bylaws and other governance related items in preparation for the school's opening.

6. The oversight fee per ed code 47613 is provided for on line 107 of Synergy's Planning Budget.

E. Regarding Employee Qualification Element E (pg 13 of Findings)

1. Monitoring staff including credentials falls under the job description of the Programs Director or designee listed on page 77.
2. The school's Affirmative Action Policy is described on page 85. A more formal Affirmative Action Policy will be drafted and adopted by the board.

F. Regarding Health and Safety Procedures Element F (pg 13 of Findings)

1. Page 92-94 of the petition describes how Synergy will meet all laws, federal state and local regarding the facilities. Records documenting compliance in this area are described on page 118.
2. Page 72 states the types of policies the school will carry as well as the minimum amounts of liability insurance required. Line 85 of the Planning Budget demonstrates the estimated costs for such insurance. This cost is based on the recommendation of the California Charter Schools Association. Pages 6, 72-73, And 121-122 contain language about how Synergy holds the county harmless for all Synergy's debts and obligations.

G. Regarding the Description of the Means to Achieve Racial and Ethnic Balance Element G (pg 13 of Findings)

1. Page 95 describes in detail how the school will attempt to achieve racial and ethnic balance as it applies to Pittsburg Unified School District's demographic data.
2. The EL section in Element A pages 38-41 provides for a strong EL education program. The petitioners respectfully disagree that it is "inadequate" considering that it offers instruction above and beyond what it currently being offered EL students in the district. The extended education program actually increases the likelihood of achieving racial and ethnic balance.

H. Regarding Description of Admission Requirements Element H (pg 14 of Findings)

1. The Random Public Lottery section described on pages 97-98 in the petition was written using the CDE's Request for Applications for Public Charter Schools Grants Application Guide, Appendix J. The lottery exemptions are fully compliant with all federal and state regulations.

I. Regarding the Description of Annual Independent Financial Audits Element I

1. and 2. A complete description of the process by which the school plans for its annual independent financial audits is fully described on page 99 along with the process for managing deficiencies or audit exceptions as well as the December 15th deadline for the submission of such reports.

J. Regarding Student Suspension and Expulsion Element J (pg 14-15 of Findings)

1. through 7. The petition describes the suspension and expulsion procedures beyond the extent that it is required. However, the petitioners agree that it would be of benefit to the student and their parents/guardians if an appeal process was made available to them in the event they disagreed with Synergy's Board of Directors final decision. Synergy would propose that an appeals process provision become part of the Memorandum of Understanding whereby the County Board of Directors is willing to hear such cases of suspension and expulsion on appeal if the County Board of Directors is amicable to such an arrangement. The petitioners would also like to acknowledge their willingness to assist the parents of expelled students in finding suitable education alternatives during the period of such expulsions.

K. Regarding Attendance Alternative Element L (pg 15 of Findings)

1. This section of the petition is fully compliant with the requirement. Furthermore, the petitioners question the meaning of the words used in this Finding.

L. Regarding the Dispute Resolution Procedures Element N (pg 16 of Findings)

1. and 2. The district's right to begin revocation proceedings is not a required element of a petition but it is mentioned as a district's right on page 113 of the petition. Page 114 mentions a 20 day deadline from the receipt of the dispute statement. If the county is not amenable to such language the petitioners would agree to negotiate more specific terms through the Memorandum of Understanding.

M. Regarding School Closure Procedures Element P (pg 16 of Findings)

1. Synergy Education Project in a nonprofit organization which serves no other purpose other than education of students as provided for in its Articles of Incorporation. Should Synergy School close, any remaining assets would be used for the purposes of education. In other words, there no "non-charter school related purposes" as mentioned in the Findings.

2. and 3. Page 116 describes provisions for filing the required reports and maintains its responsibilities in holding the county harmless for any debts incurred.