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## **Additional Supporting Documents from District**

- Staff Report: Oversight of John Henry High School
- Amethod Public Schools Investigation Report
- Amethod File Documents
- December 28, 2019 West Contra Costa USD Meeting Minutes

## **STAFF REPORT: OVERSIGHT OF JOHN HENRY HIGH SCHOOL**

### **I. EXECUTIVE SUMMARY**

The West Contra Costa Unified School District Board chartered John Henry High (“Charter School” or “JHHS”) in 2014 for a five-year term. JHHS is operated by Amethod Public Schools (“AMPS”). The Charter School currently serves approximately 257 students in ninth through twelfth grades in a privately owned facility located at 1402 Marina Way South, Richmond, California.

On February 28, 2018, the District issued a Notice of Violation (“NOV”) based on several allegations of violations of the law or charter at JHHS. These violations focused primarily on: 1) A lack of appropriately credentialed teachers, 2) Implementation of the special education program, 3) Implementation of the attendance lottery and wait list, and, 4) Compliance with the Conditional Use Permit for the facility. An NOV is the first step in the revocation process. Prior to the Board taking action to notice a revocation hearing, the District and AMPS entered into a Tolling and Monitoring Agreement in May of 2018. The Agreement stayed the time for the District to take further action while AMPS would report out certain information and documents over the course of the summer that would summarize steps it was taking to address the concerns raised in the NOV. These responses from AMPS reflect good progress of the issues raised in the NOV, particularly in regard to teacher credentialing. Some concerns do remain and are reviewed in this report.

During the course of the summer, the District inquired to AMPS about other, “newer” concerns at JHHS. These included concerns regarding textbooks, curriculum, and internal complaint processes.

While some significant operational and programmatic concerns remain at JHHS, staff does not recommend that the Board proceed with the pending revocation proceedings. District staff presents this report for the Board to review:

- 1) The Staff recommendation that the Board take no further action on the NOV;
- 2) AMPS’ progress at JHHS;
- 3) Remaining concerns at JHHS that will require ongoing oversight; and
- 4) Recommendations from District staff to AMPS regarding operations and ongoing issues.

### **II. PROCEDURAL HISTORY**

#### **A. November 6, 2017 Employee Complaint**

On or around November 6, 2017, the District received a written complaint (“Complaint”) from Mr. Jeffrey Clinton, alleging serious violations of the law and charter at JHHS. Mr. Clinton was the Site Director at the Charter School from May 2, 2016 through November 6, 2017—resigning concurrently with the submission of his Complaint. His complaint listed concerns and violations regarding improper teacher credentialing, inadequate special education services, student

discipline practices, failure to comply with the facility's Conditional Use Permit, and unprofessional conduct from AMPS' leadership.

After careful review of Mr. Clinton's Complaint and the school's operation, the District determined that the concerns merited a Letter of Concern (LOC) to AMPS. That document laid out the concerns raised by Mr. Clinton, and asked for a response and information that would help determine next steps. AMPS provided a series of responses to the Letter of Concern. (AMPS responses are dated December 20, 2017, January 10, 2018, and, January 24, 2018, and are all Exhibits to the NOV.) A review by the District's staff and legal team determined that the issues and irregularities in AMPS' operation of the Charter School amounted to multiple grounds for potential revocation in accordance with Education Code section 47607, subdivision (c)(1).

**B. February 28, 2018 Notice of Violation**

On February 28, 2018, the Board issued an NOV by unanimous vote to the Charter School and the governing board of AMPS. The NOV described the prior mentioned violations of law and the conditions, standards, or procedures set forth in its Charter. The District provided AMPS a reasonable opportunity to remedy or refute these violations.

**C. May 2, 2018 Tolling and Monitoring Agreement**

On March 30, 2018, AMPS submitted its formal response to the NOV. After reviewing the response, District staff recognized that, while AMPS took steps to try to remedy the violations in the NOV, a majority of the violations remained uncured. However, in the spirit of cooperation between the parties, on May 2, 2018, the District Board approved a "Tolling and Monitoring Agreement," providing AMPS additional time to address District staff's remaining concerns regarding the operation of the Charter School.

Throughout the tolling period, AMPS provided numerous required updates according to schedule. Submissions were timely received, every two weeks, per the Tolling Agreement.

**D. May 8, 2018 Notice of "Newer" Concerns**

On May 8, 2018, Nia Rashidchi, then Associate Superintendent for WCCUSD, sent a letter to AMPS about further concerns that District staff observed regarding JHHS' operation during an April 19, 2018 site visit, as well as written concerns raised by Charter School students and employees. These issues included, but were not limited to (1) a lack of sufficient textbooks, (2) a lack of adequate curriculum, (3) a lack of laboratory supplies, (4) the lack of a block schedule, and (5) issues related to the Charter School's English language development instruction.

**E. August 29, 2018 District Staff Visit to Charter School**

Associate Superintendent Gracie Guerrero and Dr. Linda Delgado conducted an announced visit of nine classrooms at JHHS on August 29, 2018. The tour confirmed that, with the exception of Science and Spanish classes, appropriately credentialed teachers were in each classroom. Other observations were made by staff in regard to the "newer" concerns.

### III. CURRENT STATUS OF ISSUES

#### A. Current Status of Issues Raised in the NOV

AMPS' responses, per the Tolling Agreement, have been timely submitted from May into September. District staff and legal counsel continued to review the responses. While some significant outstanding issues continued to exist, the responses and information provided by AMPS did satisfy several substantial questions and concerns. The status of the responses are summarized, below.

##### 1. Properly Credentialed Teachers

**NOV Finding:** Failure to employ and assign properly credentialed teachers. The Charter School violated Education Code section 47605, subdivision (l) and the terms of its Charter by failing to ensure that all of its classes were taught by properly credentialed teachers.

**Current Status:** At the close of the 2017-2018 school year, Forty percent (40%) of JHHS class periods were being taught by teachers with short term "band aids" - classes taught by teachers on short term staffing permits, 30 day substitute teacher permits, or other short term staffing measures.

There has been significant efforts by AMPS to hire appropriately credentialed teachers for JHHS classes, particularly for core, college preparatory classes. There is a current absence of credentialed teachers in the school's Spanish and certain Science (particularly Biology) classes. A review of the most recently submitted bell schedule (Sept. 12, 2018) at JHHS shows that, of a total of 72 total classes (not including ELA and advisory):

- o 9 Spanish classes (these comprise ALL of the Spanish classes) are taught on a short term staffing permit (Carroll) or by a 30 day substitute teacher (Field).
- o 3 Human Anatomy and Physiology classes are taught by a 30 day substitute teacher (Subramanian).
- o 1 Honors Chemistry class is taught by a 30 day substitute teacher.

Therefore, as of September 12, 2018, approximately 18% of total classes at JHHS are being taught by teachers not fully credentialed and as short term solutions. While there was a significant amount of turn over at JHHS between the past and current school year, AMPS has maintained a recruitment and hiring campaign to attempt to resolve a significant credentialing and assignment problem at JHHS.

##### 2. Special Education Supports and Services

**NOV Finding:** The NOV alleged that Charter School violated California and federal law, as well as the terms of its Charter, by failing to ensure that all eligible students are provided appropriate special education supports and services. In addition, the NOV

alleged that despite the District's request, the Charter School failed to provide evidence that they have employed properly credentialed special education staff.

**Current Status:** To address concerns, AMPS has employed qualified special education support and site supervision staff. It has promoted Marci McCourtie to serve as its Director of Special Education, as AMPS prior Special Education Director was promoted to its Chief Academic Officer. Ms. McCourtie previously served as a Special Education Coordinator at AMPS.

AMPS states that Jocelynn Evans will now provide SAI to JHHS students, replacing the prior non-credentialed aide. Ms. Evans has an Educational Specialist Credential, Level 1 Mild/Moderate.

Based upon the District's recent on site walk through, AMPS has also designated a room for service provision, and continue to use push in services when appropriate.

### 3. Admissions Policies and Lottery Procedures

**NOV Finding:** The Charter School violated the terms of its Charter by failing to properly implement a compliant public random drawing and failing to implement appropriate enrollment procedures for students accepted from the waitlist.

**Status:** AMPS appears to follow appropriate lottery procedures for the 2018-2019 lottery and implementation of its waitlist: Concerns continue to exist here because AMPS has failed to address certain allegations of fraudulent conduct by AMPS administration in implementation of the 2017-2018 lottery and waitlist. These are further discussed, below.

### 4. Conditional Use Permit PLN16-071

**NOV Finding:** The Charter School violated significant terms of the Conditional Use Permit PLN16-071, therefore, the conditions that the City of Richmond placed on occupancy of the facility. For example, AMPS failed to implement a staggered schedule for the arrival and departure of students which raised safety concerns. Further, despite no clear authority to do so, AMPS was housing RCA, its charter middle school, at the site.

**Status:** AMPS is complying with many elements of the CUP, such as a staggered arrival and departure time for students. JHHS' 2018-2019 proposed bell schedules indicates that they will staff 11/12 and 9/10 grades. Substantive instruction for all grades occurs between 8:30 -3:30, with 11/12 grades attending their "advisory" class (from 8:00-8:30) before substantive instruction. 9/10 grades attend their "advisory" class after substantive instruction (from 3:30-4:00).

However, as observed during the District's August 29th walk-through, compliance with provision of a crossing guard does not appear to be in place. Further, AMPS will continue to operate three 8th grade classes (85 students) from RCA at the JHHS site. It is

not clear that operation of these middle school classes at the high school site is allowed pursuant to the terms of the CUP.

**5. A Review and Update on Academic Achievement**

When contemplating revocation of a charter, the legislature has determined that increases in academic achievement across all student subgroups is the most important factor. **(Ed. Code, § 47607, subd. (c)(2).)** Therefore, a discussion regarding JHHS’ academic performance is relevant here.

The District has been given an “overview” of the 2017-18 Smarter Balanced test scores for students at JHHS, which shows an increase in ELA performance (+ 10%) from the 2016-17 scores, and a decrease in math performance (-3%). The California Department of Education releases disaggregated performance data on an annual basis for the California Assessment of Student and Progress system of assessments (CAASPP), which includes the Smarter Balanced Assessments. This data is disaggregated by well-established factors that impact student performance. Influential factors include special education needs, homelessness, foster care, level of English language proficiency, and socioeconomic challenges. The CDE has not yet released the full disaggregated data for the 2017-18 school year, and therefore the District is unable to perform a full review of academic achievement at this time. To provide a valid review of performance data, percentages of each of these influential factors must be accounted for. Better yet is a comparison between other schools in a community that includes comparable factors to the charter school. District staff will be able to perform a full review, once the data becomes available. (Said review will use all District high schools, due to the fact that no school in the District has completely similar demographics to JHHS.)

The District has also received JHHS’ Advanced Placement (AP) data for the 2017-18 school year. A score of three or higher on the AP exam is described as a “Success” by the CollegeBoard, as it is “...the score point that research finds predictive of college success and college graduation”. In 2016 the report indicates that 15 students took 27 exams. Eleven students earned a three or higher. In 2017, 29 students took 29 exams, and no student scored a three or better. In 2018, 24 students took 32 exams. Of those, three exams earned a three or higher. As shown below, JHHS’ passage rate over the last two years are significantly lower than the statewide average.

% JHHS Student received a passing score on at least one of their AP tests		
Year	JHHS	CA Average
2016	73.3% (11/15)	62.5%
2017	0% (0/29)	62.3%
2018	12.5% (3/24)	63.7%

## **B. Current Status of “Newer” Concerns**

The District’s May 8, 2018 letter to AMPS outlined a set of concerns around deficient items observed at JHHS during an April 19, 2018 walk through inspection at the school site. (Exhibit A.) Some of the “newer” concerns raised in that letter are reviewed below.

In correspondence dated August 9, 2018, AMPS provided responses to certain concerns raised in the May 8th letter. (Exhibit B.) As noted prior, District staff also conducted a follow up walk through inspection on August 29, 2018. Based upon AMPS’ written responses, and the August 29th walk through, the “current status” of these “newer” concerns are also reported.

### **1. Textbooks**

**Concern:** During its April 19, 2018 site visit, District observed eight classrooms. Staff observed that in at least three of the classrooms (psychology, Algebra 1, and Physics), students did not have text books assigned to them or available for use. In a Biology class, 24 out of 25 students were provided text books for class use only, and did not have books available to take home. (Exhibit A.)

**Current Status:** On the August 29th inspection, textbooks appeared to be available for every student. In its August 9th response, AMPS, claimed that all students had textbooks “available” to them, and that the students “will be able to take the books with them as needed.” AMPS reported that biology was the class in 2017-2018 with insufficient textbooks, however, that it has been remedied. (Exhibit B.)

### **2. Curriculum**

**Concern:** In March of 2018, several teachers at JHHS reported to the District that they had been teaching classes without an adequate curriculum, specifically in science and math classes. In its August 9th correspondence, AMPS stated that, in the 2017-2018 school year, “chemistry, biology and calculus were taught in a fashion that was not aligned with the guidance provided at the beginning of the school year. As the year wore on, teachers teaching those courses developed their own curriculum and distributed materials to students that they themselves compiled.” (Exhibit B.)

**Current Status:** A method reports that all classes are taught with a developed curriculum.

### **3. Laboratory Supplies**

**Concern:** During its April 19, 2018 site visit, District staff observed insufficient laboratory supplies and lab facilities. For example, District staff noticed that there was no science equipment available for physics class, and only a very limited amount of laboratory equipment available for biology and chemistry (no sinks in the classroom, no eye wash facilities, no lab tools, etc.). (Exhibit A.)

**Current Status:** It appears that AMPS has purchased more laboratory supplies. Based on the April 19th walk-through, certain lab safety equipment, such as an eye-wash station, were not yet in place.

**4. English Language Development Instruction**

**Concern:** On April 9, 2018, students at JHHS led a protest, presenting AMPS and JHHS Leadership with a letter memorializing their demands. One demand was for “ESL classes.” (Exhibit A.) AMPS, itself, describes the English Language Development program at JHHS as “an immersion model,” using “the Springboard English Language Arts curriculum which has English Language Learner specific teacher guides and activities embedded throughout each lesson.” (Exhibit B.) District staff is concerned that there is no rigorous and bona fide ELD program in place at JHHS.

**Current Status:** No information has been provided concerning the amount of time Springboard’s supports are used, or how students are scheduled across four grade levels to benefit from these supports. No clear alignment is yet evident between this program and the three weekly ELD blocks within the new bell schedule.

It is further noted, that JHHS fails to recruit and program for “Newcomer” and “At-Risk” English Learners.

Level	English Learners				RFEP	Total (Ever-EL)
	EL	At-Risk	LTEL	EL 4+ Years Not At-Risk or LTEL		
	0-3 Years	4-5 Years	6+ Years			
<a href="#">John Henry High</a>	3.40%	0.40%	21.40%	5.60%	69.20%	234
<a href="#">West Contra Costa Unified</a>	34.30%	8.20%	10.40%	11.30%	35.80%	16,674

**Source:** Data Quest accessed 9-12-18.

**Definitions accessed at:** <https://dq.cde.ca.gov/dataquest/longtermel/Glossary.aspx>

The CDE defines the EL column as a: “...student in Kindergarten through grade 12...enrolled in a U.S. school for 0-3 years. At Risk are students who have been enrolled in a U.S. school for 4-5 years, and LTEL is defined as An English learner who has been: 1) enrolled on Census Day in grades 6-12<sup>th</sup> grades inclusive; 2) enrolled in a US school for six or more years; 3) have remained at the same (EL) proficiency level, and have scored at the “Standard Not Met” level on the prior year CAASPP in ELA.

From this data, it is clear that JHHS does not recruit and enroll “newcomer” students compared to the District (3.40% v. 34.30%). JHHS has fewer students considered “At-Risk” (.40% v. 8.20%) and has far larger numbers of LTEL students (21.40% v. 10.40%). High percentages in the LTEL indicate that students are not adequately progressing in English Language development. JHHS has 69.20% RFEP students, as opposed to the District with 35.80%.

#### **5. Handling of Distribution of a “Doctored” Email**

**Concern:** In early March of 2018, District staff were notified of a “doctored” email circulating the JHHS campus. This “doctored email” modified an “original” email that was sent from a JHHS parent of 2 JHHS students to Dr. Linda Delgado, discussing concerns with AMPS administration. The “doctored” email was infused with inflammatory, racial remarks. In response to concerns raised by a JHHS parent regarding the safety of the students, District staff visited JHHS, and asked the Charter School’s administration to provide a detailed written timeline describing all actions taken, and that will be taken, to ensure the safety of all students in response to the “doctored” email. AMPS subsequently provided District Staff with a “Safety Plan Timeline.” District staff were also assured that AMPS would open an investigation into the source of the “doctored” email pursuant to their Internal Resolution Service investigation process. However, in a written statement of a JHHS teacher, obtained by the District, it was subsequently informed that the Interim Site Administrator went to multiple classes and told students that “there was not [*sic*] point in mounting an investigation into which letter was fake.” This precluded the school from confirming that the JHHS parent did not write the racially inflammatory email.

**Status:** The two students in that family ultimately withdraw from JHHS citing a lack of support from AMPS’ administration. The use of the Ombudsman, as provided in the AMPS internal complaint process, and an objective and credible outside investigator, would have been of good use in this instance.

#### **IV. OTHER OUTSTANDING ISSUES/DISTRICT STAFF CONCERNS**

The District appreciates the steadfast reporting as mandated in the Tolling and Monitoring Agreement. However, based upon AMPS conduct during the course of these proceedings, issues of concern remain at JHHS:

##### **A. Teacher turnover:**

It is noticeable that JHHS appears to have retained only three credentialed teachers from the 2017-2018 school year. (Along with Mr. Clinton, the school’s Dean of Students is no longer at JHHS, as well.) Granted, a significant amount of this turnover is the result of having to bring in appropriately credentialed teachers. But even a significant number of appropriately credentialed teachers did not stay. In recent correspondence, AMPS has cited its Career Path System, Professional Growth Plans, Tuition Reimbursement Program as specific steps in place to increase staff retention. It is recommended that AMPS take concrete steps to lower turnover of teacher staff at the JHHS, which will foster continuity and better experienced teachers at the site.

## **B. There continues to be a lack of transparency at AMPS**

AMPS is credited with meeting all Tolling and Monitoring Agreement submission timelines throughout the summer and into September. Concerns regarding transparency, however, remain. The lack of transparency was most evident during the course of the 2017-2018 school year, as the District investigated the issues ultimately raised in the NOV. There appears to be a default position for AMPS to not provide thorough responses until its back is up against the wall (as with the NOV) or until it contractually obligates itself to (as with the Tolling and Monitoring Agreement).

1. Lack of transparency regarding teacher credentialing information. Through the 2017-2018 school year, AMPS' responses were, at times, inconsistent, incorrect, and/or unresponsive in regard to teacher credentialing information. By not taking action until well into the school year, at least 40 percent of the Charter School's classes finished out the 2017-2018 school year taught by teachers without a full credential.

On January 10, 2018, AMPS indicated that two teachers (Mr. Barcelon and Ms. Garcia) were the only "two teachers during the first three months of the 2017/2018 school year that did not have a preliminary or cleared credential." However, on April 12, 2018 District staff received a first semester (2017-2018) bell schedule from AMPS, which clearly indicated that AMPS was not forthright in their January response because there were actually six teachers who taught during that time without a preliminary or cleared credential (Barcelon, Garcia, Ramirez, McGuire, Lee, Robinette).

Further, as noted in the NOV, in reviewing the attendance records of Mr. Barcelon and Ms. Garcia, the District noticed irregularities/oddities in the reporting for these classes. AMPS provided three different "explanations" for the improper teacher assignment and fraudulent attendance accounting in Christopher Barcelon's and Maria Garcia's classes.

2. Lack of transparency regarding compliance with the CUP. Throughout the 2017-2018 school year, AMPS also had several opportunities to provide an honest account of whether or not it was complying with the terms of the CUP, specifically, whether it had implemented a staggered schedule. AMPS failed to do so.

On December 20, the Charter School informed the District that, in compliance with the CUP, it maintained a staggered schedule for grades 9-10 and grades 11-12. However on March 30, 2018, after the NOV had been issued, AMPS changed their response and conceded that no staggered schedule had ever been implemented.

## **C. There continues to be a lack of accountability**

AMPS has made it a practice to blame Mr. Clinton, JHHS' former Site Administrator, for the concerns raised in the NOV. Even in recent responses to the "newer" concerns, received in August, AMPS sought to blame Mr. Clinton for JHHS' troubles. (Exhibit B.) This was the case although he left the employment of AMPS in November of 2017, only about one quarter of the way through the school year. Several significant concerns, that could have been resolved, were

not. However, AMPS showed a pattern by failing to sufficiently and timely investigate and address these significant concerns. To this day, no one seems to have been held accountable.

Further, this would not be the first time that AMPS is alleged to have retaliated against and parted ways with employees who raised issues regarding AMPS program.

<https://www.scoop.international.com/charter-choice-closer-look/p/4058324788/2016/01/16/two-teachers-fired-for-blowing-whistle-on-lack-of-special-education-english-learner-instruction-post-news-group>

1. AMPS' independent investigation raises concerns regarding accountability. Nothing reflects the lack of accountability more than the investigation AMPS conducted into some of the issues raised by Mr. Clinton when he resigned from AMPS. (Exhibit C.) Quite simply, the investigation was not a serious one. This is significant in light of AMPS' attempt to blame Mr. Clinton for the issues that were raised regarding JHHS.

AMPS represented that they hired a third party to conduct a "thorough independent investigation" of the Complaint. The investigator concluded that all of Mr. Clinton's allegations were "not sustained." (Exhibit C.) Some of the allegations that were investigated included Evelia Villa's mistreatment of Mr. Clinton and other employees, AMPS administration's response regarding violation of the CUP, and issues related to special education. A review of the investigation reports reveals that it was blatantly flawed and incomplete. Some major flaws include:

- The investigator failed to interview the employees who would have had the most valuable information regarding many of Mr. Clinton's allegations. For example, many of the substantive allegations investigated revolved around events/violations that occurred specifically on site at the Charter School. Therefore, it would be reasonable and necessary to interview employees who were present at the Charter School on a daily basis. However, the investigator only interviewed AMPS administration, despite the fact that AMPS had expressly stated that its administration did not have proper oversight or communication with the site level employees at the Charter School. The investigator failed to interview any teacher or employee who worked at the Charter School on a daily basis, and therefore failed to interview the most critical potential witnesses.
- Even more egregious, the investigator failed to interview any site-level Charter School employees, even though the specific allegations "investigated" included the mistreatment of site-level employees by AMPS administrators. The investigator did not attempt/failed to identify any of the employees that Mr. Lopez indicated had departed AMPS as a result of their interactions with Ms. Villa, and failed to review any of these departed employees' personnel files.
- Contrary to AMPS' assertion, the investigation did not address all of Mr. Clinton's complaints against AMPS administrators.

It should be noted that, regarding credibility, several concerns raised in Mr. Clinton's Complaint proved to be true. Therefore, his credibility probably outweighs "after the fact" attempts to explain away his concerns as his own fault. Mr. Clinton is the one who shed light on the significant issues raised in the NOV.

2. Lack of accountability regarding lottery and waitlist irregularities. AMPS has failed to adequately address the most serious irregularities in regard to the lottery and waitlist concerns raised in the NOV. In their February 28, 2018 Response to the Draft Notice of Violations, AMPS expressly represented to the District that “no preferences were given to any waitlisted applicants” and “at no time were preferences given as the students were called off the waitlist.” For example, JHHS’ waitlist for the 2017-2018 school year reveals that the first 10 students “selected” from the waitlist were students from RCA. There were 57 students on the waitlist, only 18 of whom were RCA students. The District has significant concerns regarding this process considering that the probability that the first 10 names selected off of the waitlist were RCA students is low, about one in one million. The Charter School’s failed to identify the root or potential cause of these violations.

Amethod never adequately addressed how and why four former AMPS middle school students were moved up the waitlist in 2017-2018. In their February 28, 2018 Response to the Draft Notice of Violations, Amethod expressly represented to the District that “no preferences were given to any waitlisted applicants” and “at no time were preferences given as the students were called off the waitlist.” However, in their March 30, 2018 Response to the NOV, Amethod changed their position and acknowledged that four students were impermissibly moved up the waitlist, but stated that they could not find any “recognizable pattern.” However, the waitlist reveals a clear recognizable pattern – all four of the students moved up the waitlist were RCA students, as alleged by Mr. Clinton in his declaration supporting the NOV.

3. A failure to hold other employees accountable. Further, several concerns should have been resolved and addressed by Mr. Clinton’s direct supervisor, Evilia Villa. However, they were not. Ms. Villa is married to Jorge Lopez, CEO of AMPS. It be noted that the Notice of Violation raised several issues regarding Ms. Villas’ conduct while Mr. Clinton was at JHHS. Now, in a home office restructure, AMPS has moved Ms. Villa into the new role of Regional Superintendent for AMPS’ Richmond Schools. Therefore, despite the fact that AMPS is aware of Ms. Villa’s failure to perform her oversight responsibilities resulted in many of the violations at the Charter School, their proposed remedy is to, again, put Ms. Villa in charge of oversight at JHHS.

## V. STAFF RECOMMENDATIONS TO AMPS REGARDING JHHS

Based on the issues within the Notice of Violation, and reflected in its responses per the Tolling and Monitoring Agreement, staff concludes that there are enough deficiencies resolved by AMPS not to pursue revocation proceedings against JHHS at this time. Therefore, staff recommends that the Board take no further action on the Notice of Violation. Of course, if these issues raised in the NOV (or any other issues of concern) recur, the District will revisit and may need to re-explore the revocation process.

In the interim, District staff will continue its oversight of JHHS (and the other AMPS operated charter schools within the District) to ensure that the schools are fiscally sound, compliant with the law, and compliant with the school’s respective charter. **This will include a focus on the**

**issues addressed in the NOV and the “newer” concerns, to ensure that AMPS continues to take remedial efforts in these areas.**

Compliance with these recommendations will be reviewed by District staff on an ongoing basis, and at the time that JHHS’ petition is up for renewal in the 2020-2021 school year:

1. It is recommended that AMPS continue to notify the District of hiring and departures of teachers. This should occur on a quarterly basis, allowing AMPS to pro-actively communicate with the District when credentialing and assignment issues, or special education staffing issues, have recurred. Quarterly reports would also allow AMPS and the District to review whether AMPS employee retention efforts and programs are effective.

Per the Tolling & Monitoring Agreement, documentation should include:

- a) Each newly hired or departed teacher’s name, educational background, credential, relevant dates of credential, position (classes taught), and start / termination date.
  - b) For departures, AMPS should also provide its plan to staff the departing teacher’s current class(es).
  - c) An updated bell schedule for JHHS, identifying each individual class taught, the instructor for each individual class, the credential held, and a statement as to whether the credential is appropriate.
2. It is recommended that AMPS audit its Advanced Placement program, and the test scores of its students on the AP test, and examine best practices to increase JHHS students’ scores.
  3. It is recommended that AMPS provide the District with copies of all communications and updates between the AMPS / JHHS and the City of Richmond in regard to the Conditional Use Permit at 1402 Marina Way South.
  4. It is recommended that AMPS continue to provide the District with its internal audits, including a description of, and documentation regarding, all actions taken in regard to the internal audit.
  5. It is recommended that AMPS provide the District with all internal complaints received through its Internal Resolution Service (“IRS”) process regarding JHHS and/or AMPS home office. This would include a summary of the final disposition of the matter, as well as any remedial steps taken, if any. An ongoing review of AMPS’ performance in regard to its IRS process offers insight to ensure the District that the transparency and accountability concerns cited in this staff report are being addressed.
  6. It is recommended that AMPS be more pro-active in the use of its Ombudsman in the IRS process. For example, families should be notified of the specific identification of the

Ombudsman. Based upon the notice of the IRS process that AMPS provided to the District, the specific identification of the Ombudsman is not provided.

7. It is recommended that JHHS develop and implement a written plan to take specific efforts to recruit students with disabilities, including students that require moderate to severe interventions. This would include staffing instructors credentialed to serve these students, as well as programs to serve these students.
8. It is recommended that JHHS develop and implement a written plan to recruit students English Learners who are “newcomer” or “At-Risk”. This would include staffing instructors credentialed to serve these students, as well as programs to serve these students.
9. It is recommended that AMPS build an administrative leadership team with persons qualified and dedicated to ensuring transparency, accountability, and support of people and operations.

Amethod Public Schools (AMPS)  
Investigation Report

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**INVESTIGATION REPORT**

**To:** Nicolás C. Vaca, Esq.  
President, Board of Directors

**From:** Brian Heider, President  
Simone Mueller, Investigator  
Oracle Investigations Group, Inc.

**Date:** March 19, 2018

**Subject:** Investigation Report – Employee Complaint (Clinton)

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**INTRODUCTION**

Investigators Brian Heider (CA License # 26661) and Simone Mueller (CA License # 27441) with Oracle Investigations Group, Inc. worked with representatives from Amethod Public Schools (AMPS) in January and February 2018 in order to complete this comprehensive investigation involving an employee complaint.

The following individuals were contacted and interviewed regarding this investigation. Each individual listed provided voluntary statements relating to information sought:

- Keivan Abidi – Director of Real Estate at Amethod Public Schools
- Pete Cordero – Chief Operations Officer at Amethod Public Schools
- Jasmine Vance – Director of Special Education at Amethod Public Schools
- Jorge Lopez – Chief Executive Officer at Amethod Public Schools
- Evelia Villa – Senior Director of Leadership and Talent at Amethod Public Schools
- Anika McCoy – Talent Manager at Amethod Public Schools

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**SCOPE OF INVESTIGATION**

Oracle Investigations Group, Inc. was requested to investigate and report findings regarding an employee complaint. Specifically, Oracle Investigations Group was tasked with investigating and reporting findings regarding the following specific issues:

1. Villa is Clinton's supervisor.
2. Villa and Clinton disagreed re: *"the clothing donation box, the broken door, etc."*
3. Villa does not *"support"* Clinton and *"actively seeks to undermine"* him.
4. On November 3 or 4, 2017, Villa told a parent that she *"is trying to fire"* Clinton.
5. Villa has a history of treating employees poorly and forcing them to resign.
6. Clinton refused to convert student IEPs to Section 504 plans at the request of the Special Education Director, and he was thereafter constructively discharged.
7. Villa exhibited a *"pattern of [hostile] behavior"* forcing twelve (12) employees to resign over two-and-a-half (2 ½) years.
8. Clinton complained to Villa and others about law/code violations and was ignored, and he was thereafter constructively discharged.
9. Clinton complained that AMPS does not have enough staff to service Special Education students, and he was thereafter constructively discharged.
10. Clinton complained to Villa and Abidi that AMPS is violating the Conditional Use Permit (CUP) by operating JHHS and RCA on the same campus, and he was thereafter constructively discharged.
11. The Chief Operating Officer of AMPS told Clinton to lie about the Conditional Use Permit, and he was thereafter constructively discharged.

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**INVESTIGATION PROCESS**

The investigators conducted a detailed review of all documents submitted and information obtained. Interviews with individuals relevant to this investigation were digitally audio recorded with the consent of each involved party except where otherwise noted. Oracle Investigations Group, Inc. retained exclusive possession of these recordings.

The interviewees were asked to contact the investigator by phone or email if they desired to add additional information at a later date.

**SUMMARY OF INTERVIEWS**

On Wednesday, January 10, 2018, Investigator Simone Mueller began interviewing individuals who were associated with and/or had knowledge of the information sought regarding this investigation.

The following pages contain summaries of the interviews with these individuals:

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**Keivan Abidi – Director of Real Estate (AMPS)**

Keivan Abidi (Abidi) was interviewed in person by Investigator Mueller on January 10, 2018. Abidi was asked to discuss the issues within the complaint made by Jeffery Clinton (Clinton) to AMPS upon his resignation. Abidi provided the following information.

Abidi is the Director of Real Estate at AMPS and has held this position since October 31, 2016. Abidi said he began working with Clinton as the construction for the new school site for John Henry High School was getting close to completion and the move was being planned for approximately June 2017.

After the 2017-2018 school year began, the Conditional Use Permit (CUP) for the John Henry High School location required reporting specific information to the City of Richmond. On or around September 22, 2017, Abidi requested information from Clinton for the report, which Clinton provided. Clinton questioned whether the request was for the total number of students on site or total number of students at John Henry High School.

The week following the September 22, 2017 request, Abidi, Clinton, and Evelia Villa (Villa) met to discuss the proper response to the City of Richmond. At the end of the meeting, all were in agreement with the report information. According to Abidi, Clinton never said he thought they were in violation of the CUP. Abidi thought they were legitimately sending the City of Richmond the information requested and all three persons at the meeting seemed to be in agreement.

Abidi said the few interactions he witnessed between Villa and Clinton were cordial and professional and was not aware of any issues between Clinton & Villa.

According to Abidi, Clinton seemed to have a short temper. He described Clinton as “*very difficult to deal with*” and said Clinton called him names. When asked to explain, Abidi said approximately three (3) weeks before Clinton left AMPS, he said to Abidi, “*you want the door closed*” referring to Abidi reminding Clinton that a door at the school was to remain closed and not propped open. Around that same time, Clinton called Abidi a “*lying*” in front of other AMPS staff members and a contractor during a playground meeting. Abidi said Clinton “*went off*” on him when he learned there was not going to be summer school available during the summer of 2017. Abidi was later able to make some changes with the construction so that summer school could be offered after all.

Abidi said he has never witnessed Villa treat employees poorly to the point they wanted to leave AMPS. He said the staff/faculty seem to love Villa and it is difficult to have a conversation with her at a school site because staff and students always come up to her to hug, talk and ask Villa questions. From Abidi’s perspective, Villa is well liked and is very approachable. Abidi said their respective offices are within the same room and people are constantly coming in to talk with Villa.

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**Pete Cordero – Chief Operations Officer (AMPS)**

Pete Cordero (Cordero) was interviewed in person by Investigator Mueller on January 10, 2018. Cordero was asked to discuss the issues within the complaint made by Jeffery Clinton to AMPS upon his resignation. Cordero provided the following information.

Cordero has been the Chief Operations Officer (COO) at AMPS for four and a half (4.5) years. Cordero said sometime in October 2017, Clinton asked him about the Conditional Use Permit (CUP) for the John Henry High School location. Specifically, Clinton asked about the Richmond Charter Academy (RCA) students at that location. Cordero told Clinton that it was his understanding that the CUP allowed for up to 450 students at the site, however the school had fewer students. Cordero said the area was zoned for grades K-12 so it was his understanding they could have all grades of students at the location.

When Clinton discussed this with Cordero, Clinton seemed to want clarification. Clinton was not complaining or debating anything related to the CUP. After Cordero explained to Clinton his understanding, Clinton seemed satisfied with the information. Clinton never expressed concern to Cordero about RCA not specifically being listed on the CUP. Cordero said they moved on to discussing other issues with the school site/building.

Cordero was asked about the interactions between Villa and Clinton. Cordero said Clinton has “vented” to him about Villa in the past. Specifically, Clinton was not happy with Villa wanting him to use a specific software system at his school. Cordero offered training for Clinton. Clinton expressed that he was upset with Villa because of an issue with a donation box. Cordero said he would offer suggestions to Clinton on how to work through these issues. He suggested to Clinton that he go to Villa and brainstorm with her for a solution.

Cordero said AMPS began implementing PBIS this school year (2017-2018) and Clinton was resistant to the change. The process involves positive reinforcement for good behavior and escalation for good and bad behavior. Clinton complained about this process and said it was what he had always done. Cordero suggested Clinton brainstorm with Villa and the other administrators at his school on how to best implement PBIS. Cordero said many of the issues Clinton would bring to him did not fall under his scope of responsibility but he would listen then try to offer help.

The week before Clinton resigned, Cordero said he offered Clinton a template on how to structure a conversation with Villa after Clinton said he was having difficulty talking with her. Cordero said he has not had any other conversations with Clinton about Villa. He said Clinton was a complainer and was always complaining about staff, facilities, or programs. During this last conversation with Clinton, Clinton said he did not get to talk with Villa as much as he had prior. Clinton also said Villa did not respond to him in a timely enough manner.

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Cordero said Villa has been Clinton's supervisor since he started at AMPS. He said Villa was the Chief Academic Officer (CAO) until May 2017. From May 2017 to August 2017 there was a different employee in the CAO position. In August 2017, Villa resumed the CAO position again.

Cordero said past school site leaders have left AMPS because of issues with Villa. He said they (unknown who specifically) have said they did not get enough time with her and did not feel supported by Villa. Cordero feels the AMPS organization was unable to support the staff, not Villa specifically. He believes Villa had been "*spread too thin*" with responsibilities and was unable to give some employees all the time they wanted. Cordero also said he thinks there was a difference in philosophy with some of the site leaders who left AMPS previously. Cordero said Villa's position was to enforce the changes/policies of AMPS and not everyone has been on board with this direction.

Cordero said he saw a change in Clinton this school year. Specifically, the issues Clinton brought up to Cordero were new. Clinton seemed less "*into it*" than previous school years. He pushed back on issues more than before and he seemed to "*loosen the reins*" at the school site. Clinton allowed for more student free dress days, going from once in a while to every Friday.

Cordero said he was surprised by Clinton's resignation and the issues stated within his complaint. He said Clinton did not express the significant issues with him during their meeting the week prior to his departure. Clinton did not indicate to Cordero that the issues rose to the level of what he wrote in the complaint or Cordero would have referred Clinton to AMPS' Human Resources Department for assistance.

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**Jasmine Vance – Director of Special Education (AMPS)**

Jasmine Vance (Vance) was interviewed in person by Investigator Mueller on January 10, 2018. Vance was asked to discuss the issues within the complaint made by Clinton to AMPS upon his resignation. Vance provided the following information.

Vance said she has been the Director of Special Education for just over two (2) years and worked with Clinton during that time. She said Clinton has never complained to her about not having enough Special Education staff members but instead would complain about the current Special Education staff.

Vance said Clinton complained about the Special Education (SPED) staff members and counselors who worked at Clinton's school. She said last school year he liked the staff, but this year began complaining about the same employees. Vance suggested Clinton talk with the staff members he had concerns with. Vance indicated some employees were new and she was working with them to develop their skillset. Vance did not specify what Clinton's issues were with the staff but said there was an odd dynamic between the counselors and Clinton.

During the 2017-2018 school year, Vance stated that AMPS added a counselor to Clinton's school. Clinton has complained about the counselor to Vance. She said there was an "odd dynamic" between Clinton, the counselor, and Greg Beaudoin (Beaudoin). Vance said Clinton's complaints about the counselor were often at the beginning of the school year but diminished as time passed.

Vance said IEP evaluations occur every three (3) years to determine if services are still required for the student. She said there has been one student in the past two (2) school years that has been moved from an IEP to a 504 Plan and it was because the services were no longer necessary. This decision was made during an IEP meeting with all involved personnel and Vance did not make that decision herself.

Vance said overall at AMPS the number of SPED students increased from 5% to 8% and at Clinton's school the increase was from 14-16 students last year to 22-24 this year. Vance said AMPS is continuing to increase the number of SPED students they serve.

Vance indicated she is properly credentialed for SPED and attends the IEP meetings. She has SPED staff members who are still working on obtaining the SPED credential also attend the meetings. With Vance present at these meetings, the requirement for a credentialed staff member at the meeting is covered.

Vance said Clinton has never expressed concern to her about converting a student's IEP to a 504 Plan. Vance and Clinton have never had a conversation about this issue and Clinton has never refused changing an IEP to a 504 Plan with Vance.

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Vance said Clinton has never complained to her in the past about not having enough SPED staff but they have had conversations regarding the need for additional staff after getting new students this school year requiring additional help. Vance and Clinton discussed how to best serve the students and modifying the students' schedules so that the needed services could be provided.

Vance said a new student with behavior issues came to John Henry High School approximately one (1) month after the 2017-2018 school year began. Clinton said John Henry High School was not the correct program for the student and that the student needed a higher level of care and/or an independent study program. After the student was evaluated, it was decided to place a one-on-one para-educator with the student. Vance said the student's file was not "robust" when entering John Henry High School so they needed to gather enough information to make that decision.

Vance said there has never been an issue with not having enough SPED staff. They needed to determine what was needed for the students then provide that support.

Vance said Clinton could be difficult to work with but overall she enjoyed working with him. She said Clinton would complain and used swear words about non-SPED issues with her. Vance described Clinton as having a loud, booming voice. Once Vance got to know Clinton, she was okay with him.

Vance said she saw Clinton on the Friday before he resigned from AMPS. She said he did not look good and he told her he was not doing well. Vance said Clinton seemed to change after the death of his brother last year and physically looked tired. She suggested to Clinton that he get rest and take care of himself over the weekend.

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**Jorge Lopez – Chief Executive Officer (AMPS)**

Jorge Lopez (Lopez) was interviewed in person by Investigator Mueller on January 10, 2018. Lopez was asked to discuss the issues within the complaint made by Jeffery Clinton to AMPS upon his resignation. Lopez provided the following information.

Lopez has been with AMPS since 2004. He was a Principal from 2004-2010 and was then promoted to the level of Chief Executive Officer (CEO) of AMPS in 2010 where he remains employed to the present day. Lopez said Villa was Clinton's supervisor until May 2017 when a new Chief Academic Officer (CAO) was hired and her position became Director of Instruction. The new CAO became Clinton's supervisor. That CAO left AMPS in September 2017 and Villa's position again changed to Senior Director of Instruction and she became Clinton's supervisor again.

Lopez said that, prior to the 2017-2018 school year, there had not been any issues between Clinton and Villa to his knowledge. Lopez said Clinton and Villa were running partners and would often run in the area near John Henry High School. Lopez was not aware of anything between Villa and Clinton changing that would have created an issue between them. Clinton gave Villa the nicest office at his school and said he wanted Villa at his school site more often.

Lopez said Clinton's brother died in June 2017. After taking a week off of work, Clinton returned to school but did not seem okay, according to Lopez. Lopez said Clinton seemed overwhelmed with the new school building and seemed as though something was bothering him. Lopez has heard Clinton refer to Abidi as a [REDACTED] when discussing issues with the facility.

Lopez said there have been site leaders who have left AMPS because of Villa in the past. He said the discontent seemed to arise from a disagreement with policies that Villa was tasked to enforce. These former staff members were unhappy with some of the new policies and they did not like how Villa held them accountable to the implementation of new policies. Lopez was not specific in referencing or describing any particular former employee.

Lopez explained that AMPS was in the process of creating consistency between the AMPS schools instead of each running in a drastically different manner. Friction was generated when school site leaders were asked to change the processes at their school to be in line with other AMPS schools. Lopez was not aware of any other issues between Villa and site leaders that was not due to policy enforcement resistance.

Lopez said Clinton and other employees attended training during the summer 2017. After a presentation on bias, Lopez noticed that Clinton came away from the training feeling the presenter was blaming "Whites" for what was wrong with the education system. Clinton also said the PBIS was "b [REDACTED]" and not what he got in to education for. Clinton did not believe in the "touchy-feely" stuff and thought PBIS was "touchy-feely."

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Lopez was asked about the issues relating to SPED. He said Vance oversaw the school counselors/PBIS as well as SPED. Clinton never said anything to Lopez specifically about SPED but he would complain about the counselors being too *"touchy-feely."* He said Clinton never complained about SPED specifically but about PBIS and the school counselors.

Vance has told Lopez that Clinton has made *"errant"* comments about students during IEP meetings. He explained that Clinton reportedly suggested that a newly enrolled student needed a different program or different school. Vance told Clinton not to make those comments because it sounded as if he were trying to get rid of SPED students. Lopez did not provide any more information about this issue. Lopez said Clinton never discussed SPED issues with him.

Lopez said he was not involved in the Conditional Use Permit (CUP) issue at John Henry High School and Clinton never expressed a concern to him about the CUP. Lopez said Clinton was not involved in the original design of the facility. Clinton wanted the flow of vehicle traffic different but learned the City of Richmond wanted the traffic flow the way it was. Lopez said Clinton stood up to the harbormaster on multiple occasions with issues relating to the CUP and area traffic.

Lopez said Clinton never complained about the CUP to him and never said he believed the CUP was not being followed properly. According to Lopez, Clinton complained about the functioning of the facility, but not the CUP.

Lopez described that, since Villa was Clinton's supervisor, they would meet approximately three (3) times per year to establish and assess Clinton's Personal Growth Plan. The Personal Growth Plan is utilized in place of an annual performance evaluation. Lopez did not have any specific information on Clinton's Personal Growth Plan or the meetings he and Villa had each year.

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**Evelia Villa – Senior Director of Leadership and Talent (AMPS)**

Evelia Villa (Villa) was interviewed in person by Investigator Mueller on January 10, 2018. Villa was asked to discuss the issues within the complaint made by Jeffery Clinton to AMPS upon his resignation. Villa provided the following information.

Villa is currently the Senior Director of Leadership and Talent at AMPS. She has been with AMPS for the past eleven (11) years. Before her current position, Villa was the Chief Academic Officer (CAO) for the previous three (3) years with the exception of June thru August 2017 when another employee held that position. As the CAO and now as the Senior Director of Leadership and Talent, Villa said she has been Clinton's supervisor. She believed she and Clinton had a good relationship prior to the 2017-2018 school year. Villa said they would run together at times as well.

Clinton's resignation came as a surprise to Villa. She said she saw Clinton on the Wednesday before his resignation at the leadership team meeting and was unaware he was preparing to resign.

Villa was asked about the issues within Clinton's complaint. Regarding the donation box issue, Villa explained that Lopez had published a letter to the administration to refrain from accepting donations for the schools until a protocol was developed for all schools. After the letter from Lopez was distributed, Villa arrived at John Henry High School on a Friday evening and saw a clothing donation bin in front of the school. The donation protocols had not yet been established, and Clinton did not have any authorization for placement of the bin at the school. Villa said she called Clinton and left him a voicemail. She said she was admittedly upset because of the circumstances, but told him they needed to discuss the issue on Monday when school resumed.

Villa said she believes the issue in the complaint regarding the broken door was about how Clinton broke in a door to a bathroom after a teacher was inside for one (1) hour. She explained that the door had been malfunctioning and had a sign indicating not to use the restroom, however a teacher did. The door malfunctioned after the teacher was inside and was unable to exit. Villa said instead of calling for a maintenance worker or facilities personnel with a key, Clinton broke the door to allow the teacher to exit. She said there was no emergency and the employee was not in distress. Villa disagreed with Clinton's decision to break the door.

Villa said she had no idea what Clinton meant in his complaint where he indicated Villa did not support him or undermined him. Villa said Clinton asked for more of her time this school year. He wanted her physically at his school site more often to discuss issues. Villa told Clinton he could call her but Clinton insisted he wanted her at the school. He told her, "*I want you here that's why I gave you the best office.*" Villa said she never asked Clinton specifically why he wanted her at the school site.

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Villa said Clinton seemed to have difficulties implementing PBIS and said he was “*not doing that*” at his school.

Villa said she was helping Clinton at his school around the time of his brother’s death in June 2017. She said she was supportive of him at that time.

Villa denied telling a parent that she wanted to or was trying to fire Clinton on November 4, 2017. She said she was having dinner with Lopez and Will Mendoza, not with a parent, and denies ever telling anyone that she wanted to fire Clinton. Villa stated she was not thinking of having him leave AMPS at that time or any other time.

Villa said various parents often come to her because she is familiar with them and she speaks Spanish. She said she also lives in the community and her own children go to the school at AMPS.

Villa said that, to her knowledge, there have not been any complaints about how she treats AMPS employees. She said employees have left AMPS for various reasons and one employee was let go because of parent complaints and low academic performance.

Villa explained that the growth of AMPS created issues with new administrators. She said she can be direct but is not hostile with employees. Villa said she has had to be the bearer of bad news and enforce unpopular policy because of her position and some have not liked the new policies.

Villa was asked about the issue in Clinton’s complaint alleging specific codes and/or laws were not followed. Villa said Clinton was not accurate in his understanding on how Education Codes are applied to charter schools. Villa gave Clinton a “*reference book*” (unknown title) that explains various laws and codes relating to charter schools to help him further understand the similarities and differences between charter schools and traditional public schools. She said Clinton would at times still think a code or law was not properly being followed but did not give any specific examples. Villa also said Clinton would reference how things were done in Chicago where he is from. She would have to remind Clinton that he was in California now and at a charter school.

Regarding the issues with SPED, Villa said Clinton would complain that the SPED staff did not know what they were doing, but had never complained to her that there was not enough SPED staff.

Villa was asked about the issue with the Conditional Use Permit (CUP). Villa attended a meeting with Clinton and Abidi where the CUP reporting information was discussed. According to Villa, Clinton did not participate in obtaining the CUP and did not have a clear understanding of its contents. She said there were eighteen (18) different bulletin points for information to the City of Richmond, including the bell schedule and number of enrolled students.

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Clinton said he did not want to break the rules and Abidi told him they were not breaking any rules. Clinton said he thought he was and did not want to sign the letter to the City of Richmond. Villa signed the letter because it was her understanding the school was not breaking any laws.

Villa said she did not treat Clinton differently after the CUP meeting or for any other reason. Villa allowed Clinton to "get away" with things such as cursing and referring to people inappropriately. She said she has heard him refer to women as "[REDACTED]" although she did not state when this occurred.

Villa also said that Clinton referred to the cultural awareness training that AMPS employees attended during the summer of 2017 as a "Black Lives Matter" seminar. He told Villa that it "didn't feel good to be in that room." Villa did not ask what Clinton meant and did not address this comment with him.

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**Anika McCoy – Talent Manager (AMPS)**

Anika McCoy (McCoy) was interviewed by telephone by Investigator Mueller on January 30, 2018. McCoy was asked to discuss the issues within the complaint made by Jeffery Clinton to AMPS upon his resignation. McCoy provided the following information. This interview was not recorded.

McCoy has been the Talent Manager at AMPS since May 2017. Her employment with AMPS started in March 2017. McCoy said she has read Clinton's resignation letter and his complaint.

McCoy was asked about the process when an individual leaves employment with AMPS. McCoy indicated that she meets with the individual to complete various forms. The individual is given an exit interview questionnaire and a stamped envelope so they can complete the information and send it to AMPS. McCoy said she sometimes ask the individual for the reason they are leaving in the event there are issues that need to be addressed. She said she does not always ask employees their reason for leaving AMPS but hopes the exit interview questionnaire is completed and returned.

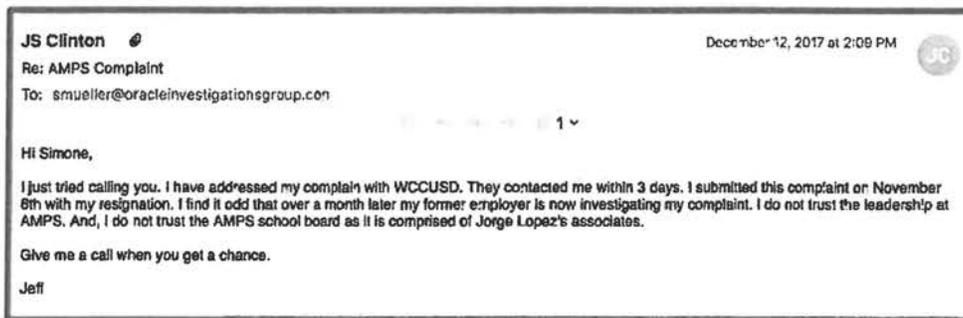
To McCoy's knowledge (and since McCoy has worked at AMPS), no one has resigned their employment because of issues with Villa. No one has mentioned to McCoy that they were leaving because of Villa. No one has returned an exit interview questionnaire indicating issues with Villa.

McCoy said she has not received any complaints about Villa, except for Clinton's. McCoy indicated Clinton had been a Principal with AMPS since June 2015.

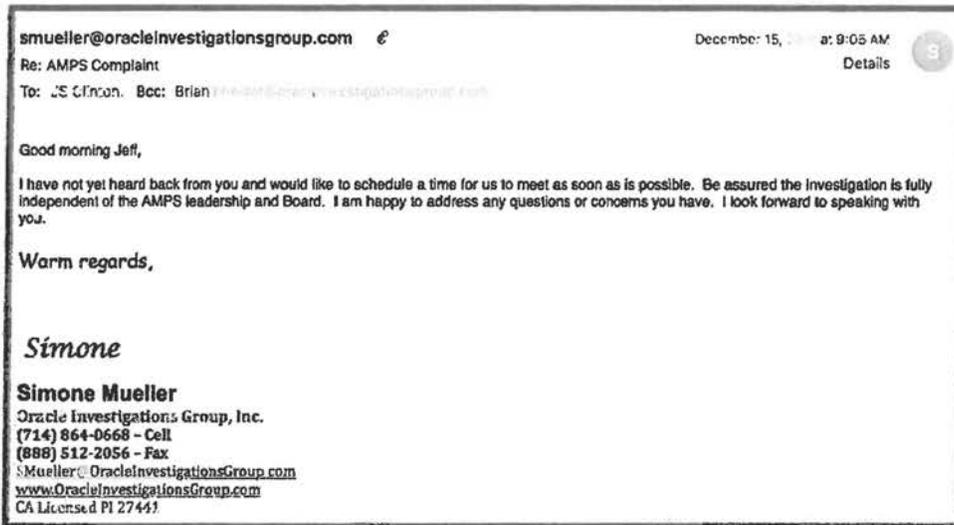
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**ADDITIONAL INVESTIGATION**

The investigator sent the following email messages to Clinton between December 11-20, 2017. Clinton's only email response was on December 12, 2017 as is noted below.



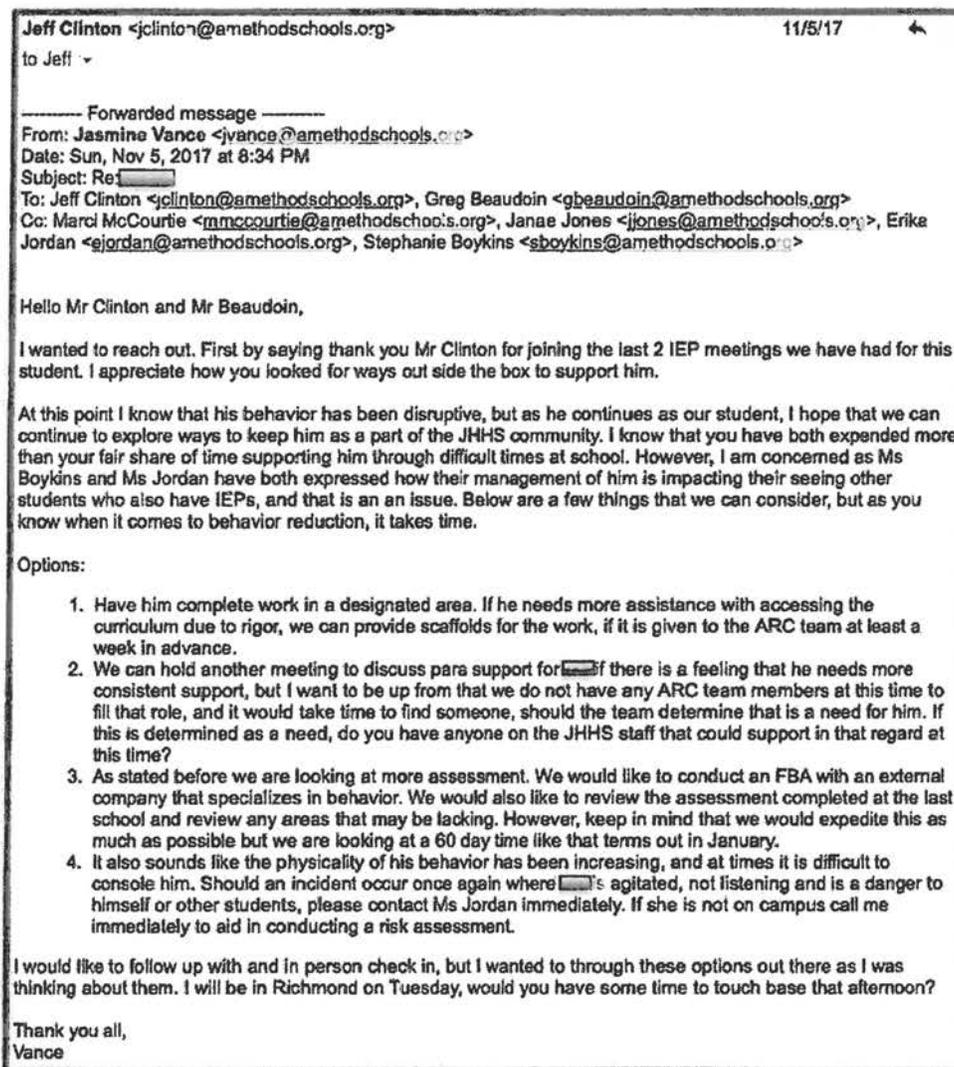
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Contact with Clinton was unsuccessful and he would not consent to an interview to discuss the allegations made within his complaint.

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The investigator was granted access to Clinton's AMPS employee email account. A cursory search of the email account was conducted for information relating to this investigation. The following email was located between Clinton and Vance. This email was also forwarded to Clinton's personal email account (Jeff Clinton [REDACTED]) on October 5, 2017. See **ATTACHMENT A** for the entire email chain.



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An email from Clinton to Abidi and Villa dated September 22, 2017 regarding the Conditional Use Permit (CUP) was located and contained the following. This email was also forwarded to Clinton's personal email account on October 5, 2017. See **ATTACHMENT B** for the entire email correspondence.

From: Jeff Clinton <jclinton@amethodschools.org>  
Date: Fri, Sep 22, 2017 at 12:14 PM  
Subject: Re: Re: Amethod Charter School Blocking Marina Access  
To: Keivan Abidi <kabidi@amethodschools.org>  
Cc: Evelia Villa <evilla@amethodschools.org>

Good Morning,

We have the information. Should be include RCA numbers also, or just John Henry?

**Additional Items I need clarification about:**

Item 18 - We need to collect data on mode of transportation of students and staff monthly and create an annual report. In which format should this be collected? Does this need to include RCA as well. Can we get guidance from the Home Office.

Item 19C - Provide monitoring results of drop off/pick up to the City's Planning and Building Services Division one month after the start of school (September 30). Is JHHS doing this or JHHS & RCA or the Home Office?

Item 19D and 19E - Provide a copy of the parent handbook to the City's Planning and Building Services Division one month after the start of school (September 30). We have this but need someone to review the document. Also, are we giving this to the Home Office to submit or submitting it on our own?

Item 20 - JHHS must have a staggered start time of at least 30 minutes for 9th-10th and 11th-12th graders. We have this and have provided this information to the Home Office (Bell Schedule). Again, the bell schedule needs to be submitted by September 30th.

We just need to know if Home Office is submitting the information or if we should bring it or send it to the city.

**Concerns:**

Item 22 - We also need a minimum of 29 Class 2 bicycle parking spaces in a publicly visible location on the site (I think we just have one bike rack - not sure if this matters).

Item 25 - This item talks about significant traffic and on-site operational impacts. It says the City will notify the applicant of concerns. We have not been notified so I think this is ok.

Item 26 - "three-bin" recycling program. We do composting and garbage. I do not believe we have a recycling bin (garbage and compost only - again not sure if this is an issue).

Item 28 - Would RCA be an issue based on this item?

Can we meet and discuss the CUP and reporting on Monday or Tuesday?

Thanks,

Mr. Clinton

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The following email was also located relating to the CUP reporting issue. The email is between Clinton and Abidi regarding information gathered for the response to the City of Richmond. There is no indication that Clinton has any issue with the information being reported. See **ATTACHMENT C** for the complete email correspondence.

**Re: CUP Compliance 2017 - Invitation to collaborate**

Jeff Clinton <jclinton@amethodschools.org> Thu, Sep 28, 2017 at 4:16 PM  
To: Keivan Abidi <kabidi@amethodschools.org>

Keivan,

Thanks for submitting the info.

Hope your week is going well.

Jeff

On Thu, Sep 28, 2017 at 2:36 PM, Keivan Abidi <kabidi@amethodschools.org> wrote:  
Jeff,

Thank you for gathering and uploading all of this information. I know you are extremely busy with the start of school and just the over all managing of the school, so thank you again.

We will submit these to the city.

Keivan

**AMPS** | Keivan Abidi  
Director of Real Estate  
Amethod Public Schools

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**INVESTIGATIVE FINDINGS**

For purposes of this investigation, the investigators utilized the *"preponderance of the evidence"* standard to determine the factual accuracy of the complaint(s) alleged. Preponderance of the evidence is a legal term that means a party has shown that its version of facts, causes, damages and/or fault is *more likely than not* the correct version of events that have transpired. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence presented.

The concept of *"preponderance of the evidence"* can be visualized as a scale representing the burden of proof, with the totality of evidence presented by each side resting on the respective trays on either side of the scale. If the scale tips ever so slightly to one side or the other, the weightier side will prevail. If the scale does not tip toward the side of the party bearing the burden of proof, that party cannot prevail.

For reference regarding the investigative findings outlined herein:

If the testimony, evidence and facts obtained during the course of this investigation lead the investigators to believe that the allegation is more likely than not true, the allegation is **SUSTAINED**.

If the testimony, evidence and facts obtained during the course of this investigation lead the investigators to believe that the allegation is more likely than not false, the allegation is **NOT SUSTAINED**.

**1. Villa is Clinton's supervisor.**

- a. Villa stated she has been Clinton's supervisor since his employment began at AMPS in June 2015 with the exception of a short period of time between June and August 2017.
- b. Lopez stated that, as Chief Academic Officer, Villa was Clinton's supervisor during his employment at AMPS with the exception of May-September 2017.
- c. Cordero stated that, as the Chief Academic Officer, Villa was Clinton's supervisor during his employment at AMPS with the exception of May-September 2017.
- d. Although the above date ranges differ, Villa was Clinton's supervisor during his employment at AMPS except for a short period of time in 2017.

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**2. Villa and Clinton disagreed re: "the clothing donation box, the broken door, etc."**

This allegation is **NOT SUSTAINED** based on the following information:

- a. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- b. Villa stated she did not like the manner in which Clinton handled the situation with a teacher locked in a bathroom and in placing a clothing donation box outside of the school. However, without an explanation from Clinton regarding this allegation, a fully-informed investigative finding cannot be made.
- c. There was no additional information about this allegation discovered or obtained during the investigation.

**3. Villa does not "support" Clinton and "actively seeks to undermine" him.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa stated she believed she supported Clinton but was unable to physically be at his school site as much as he wanted.

**4. On November 3 or 4, 2017, Villa told a parent that she "is trying to fire" Clinton.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa stated she has never told a parent she was trying to fire Clinton and did not want to fire him on or around November 3 or 4, 2017.

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**5. Villa has a history of treating employees poorly, and forcing them to resign.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa denied treating AMPS employees poorly and forcing anyone to resign.
- d. Lopez stated he is unaware of any employee leaving AMPS because of how Villa treated them.
- e. Cordero stated he is unaware of any employee leaving AMPS because of how Villa treated them.
- f. McCoy stated she is unaware of any employee leaving AMPS because of how Villa treated them
  - i. McCoy also said she has not received any complaints about Villa's treatment of AMPS employees, other than from Clinton.

**6. Clinton refused to convert student IEPs to Section 504 Plans at the request of the Special Education Director, and he was thereafter constructively discharged.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Vance stated Clinton has never refused to convert a student IEP to a Section 504 Plan.
  - i. Vance stated it is not Clinton's position to make that decision.
  - ii. Vance stated the decision is made after student testing is completed and services are no longer needed.
  - iii. Vance stated only one student at Clinton's school qualified to have the IEP converted to a Section 504 Plan.

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**7. Villa exhibited a “pattern of [hostile] behavior” forcing 12 employees to resign over 2 ½ years.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa denied treating employees poorly and forcing anyone to resign.
- d. Lopez stated he is unaware of any employee leaving AMPS because of how Villa treated them.
- e. Cordero stated he is unaware of any employee leaving AMPS because of how Villa treated them.
- f. McCoy stated she is unaware of any employees leaving AMPS because of how Villa treated them.
  - i. McCoy said she has not received any complaints about Villa’s treatment of AMPS employees, other than from Clinton.

**8. Clinton complained to Villa and others about law/code violations and was ignored, and he was thereafter constructively discharged.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa stated Clinton did not always understand the California Education Code and how it applied to charter schools and sometimes misinterpreted a lawful act as a violation of law.

**9. Clinton complained that AMPS does not have enough staff to service Special Education students, and he was thereafter constructively discharged.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.

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- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Vance stated Clinton never complained to her that there were not enough SPED staff, but complained about the SPED employees at the school.
  - i. Vance stated she and Clinton have discussed the needs of students and then obtained the resources to fulfill those needs.
- d. Villa stated Clinton never complained to her that there were not enough SPED employees at his school, but complained about the SPED employees at the school.
- e. Lopez stated Clinton never complained to him that there were not enough SPED employees at his school, but complained about the SPED employees at the school.

**10. Clinton complained to Villa and Abidi that AMPS is violating the Conditional Use Permit (CUP) by operating JHHS and RCA on the same campus, and he was thereafter constructively discharged.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
  - i. The emails located within Clinton's AMPS email account relating to this allegation show no evidence of him indicating or complaining of a violation of the Conditional Use Permit.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Villa stated Clinton did not complain or indicate to her at any time that he thought AMPS was violating the Conditional Use Permit.
  - i. Villa stated that Clinton questioned what information was needed to report to the City of Richmond but never indicated a concern that AMPS was in violation of the Conditional Use Permit.
- d. Abidi stated Clinton did not complain or indicate to her at any time that he thought AMPS was violating the Conditional Use Permit.
  - i. Abidi stated that Clinton asked for clarification about the information needed for the reporting on the Conditional Use Permit but never alleged that AMPS was in violation of the Conditional Use Permit.
- e. Cordero stated Clinton asked him about the Conditional Use Permit for clarification but did not complain or indicate he thought AMPS was in violation of the Conditional Use Permit.

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**11. The Chief Operating Officer of AMPS told Clinton to lie about the Conditional Use Permit, and he was thereafter constructively discharged.**

This allegation is **NOT SUSTAINED** based on the following information:

- a. There was no information discovered or obtained during the investigation to support this allegation.
- b. Clinton chose not to participate in the investigation so a thorough understanding of this allegation was not obtained and further investigated.
- c. Cordero stated he did not tell Clinton to lie about the Conditional Use Permit and that, when it was discussed, Clinton seemed to want further clarification to understand the document.

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**ATTACHMENTS**

- Attachment A**      **SPED Email between Clinton and Vance**
- Attachment B**      **Clinton Email Correspondence Regarding CUP Clarification**
- Attachment C**      **Clinton Email Correspondence Regarding CUP Response**

Amethod File, Table of Contents

File: **Clinton**

This file contains two documents from the former JHHS site Director, who served as a whistleblower. Here you will find Mr. Clinton's letter describing problems throughout the organization, and his letter of resignation, that contains further complaints and background.  
November 6, 2017

File: **Lottery Issues**

This file contains a scan of the pertinent parts of the JHHS charter petition that speak to the lottery process. Also included are: a spreadsheet initially submitted by Amethod organization in support of their lottery process, and a document prepared by WCCUSD staff to communicate the issue. The Lottery process is referenced in later documents as an element of concern.  
September 25, 2017

File: **████████ Complaint**

First, see ██████████ complaints one and two. Next, see the doctored email that includes the actual, and the changed version. In the files that follow (Notice of Revocation), you will find multiple teacher statements that point at Villa as the perpetrator of this, and that explains the results from the teachers' perspectives. Finally, see the AMPS timeline from Salita Mitchell, former principal of BJE-- the AMPS elementary. The Young ltr attachment proves that Amethod had the original email, stemming from the evidence offered in another lawsuit from Mr. Bedoin. In a meeting with Jorge Lopez, two attorneys from Minney and Associates, Nia Rashidchi and two of our hired attorneys Mr. Lopez and Cordero denied that they had the original email.

Document: **Notice of Revocation**

This includes a number of attachments, a clear list of issues including training that insisted that teachers not notify CPS for students who tell of abuse at home, early evidence of problems in ELD and SPED, and multiple teacher complaints that detail serious issues. Also, failure to provide textbooks, science lab materials, and concerns with the ██████████ Complaint listed above.  
October 3, 2018

Document: **Letter of Concern**

A detailed notice that includes an extensive list of the requested information.  
December 1, 2017

Document: **Follow Up Letter** from Nia Rashidchi, Associate Superintendent of WCCUSD. Letter listing concerns and attachments, including notification from students of the school demanding appropriate materials, and an ELD program.  
May 8, 2018

File: **LOI**

This file contains new concerns, such as improper management of Free and Reduced Price lunch process and funds, a major change of school leadership structure whereby two distinct

school leader positions for two different charters are combined under one person, staffing concerns, and failure to provide Special Education Services. Also included are a number of responses from the organization, stating that the issues called out are “disputes”, rather than violations. They are, of course, violations so the Dispute resolution does not apply.  
September 13, 2019

Complaint Against Amethod Public Charter Schools

1. Negligent in providing Special Education services and is likely violating state and federal laws and rules.

- A school is required to provide those students who need them with special education services throughout the school year. Yet, at the beginning of the 2017-2018 school year administrators were told that special education services would not be provided for the first two weeks of school. Students with special needs were deprived of services.
- If students require placement outside of the school, including private placement, the school must provide that placement. AMPS, as a rule, does not privately place students who need the services AMPS cannot provide. I am aware of cases at Oakland Charter High School (OCHS) and John Henry High School (JHHS).
- An Individualized Education Program (IEP) is a document that is developed for each student who needs special education services. The IEP describes the number of minutes a child is supposed to receive special education services from a properly credentialed or certified specialist. At AMPS, mandated Special Education minutes for students with special needs are provided at some sites without a properly credentialed staff member or sometimes with a staff member who has no credential whatsoever. Nine of the 24 Special Education providers for AMPS do not have a valid California credential at all.
- The AMPS Director of Special Education started in August of 2015 with a Preliminary California Certificate Education Specialist Instruction Credential, and now has a Clear California Certificate Education Specialist Instruction Credential. To attain a "Clear Certificate" this individual had to go through the Beginning Teacher Support and Assessment Program (BTSA), a year-long program, which I believe she enrolled in last year and completed. BTSA, however, requires that enrollees teach in a classroom and be observed. I question how the AMPS Director of Special Education was able to complete this program, where she taught, and who observed her teaching since she was not, to my knowledge, ever in a classroom at AMPS and instead, served solely as the Director of Special Education during the year.
- The Director of Special Education has tried to deprive students of special education services by closing their IEPs and converting them to 504 plans, which are administered by the individual schools and not by the Director of Special Education. For example, at JHHS during the 2016-2017 school year the Director of Special Education determined that a student was no longer eligible for special education services, and directed me to put the student on a 504 plan. The Director of Special Education wanted me to include the same accommodations from the IEP on the 504 plan. I asked what was the basis of the 504 plan. Did the student have a medical diagnosis (e.g. ADHD, physical impairment)? She had no answer. These tactics suggest that the Director of Special Education is either trying to artificially reduce her workload or does

not know what she is doing. In either case, these actions harm students who need special education services. I am aware this practice continues as OCHS.

- IEP meetings must be conducted with a properly credentialed individual present. We have six sites at AMPS. In many cases, IEPs are conducted without a properly credentialed individual facilitating the IEP meeting.
- AMPS does not have enough staff members to cover the minutes required in student IEPs. For example, I received the following email from the JHHS Wellness Counselor dated Friday, November 3, 2017: "Hello All, I am having a large influx of students with externalizing behaviors (crying, panic attacks, fits of anger, and self harm) that I need to see and at this point in time I have a waiting list of about 20 John Henry and RCA students that I need to check in with and do mental health status exams for with the absence of Dr. Topher. I will not be able to field (student's name) visits for the next two weeks outside of the 30 minutes everyday that I am to see him in order to complete the universal screeners and check in with my wait list students. Does anyone have any suggestions for what (Student Name) can do once he walks out of class (excuse me this if it is inappropriate: even if they are not on par with the school rules such as sitting somewhere and listening to music or doodling in the open space with a staff member present)? I would have him sit in my office while I do research and work but if I am not giving him attention and talking with him he usually walks out and I will have confidential files out that he is not allowed to see. Suggestions???" I have raised my concern that AMPS does not employ an appropriate number of staff to service the students at their sites, but my complaints have fallen on deaf ears.

2. Lax adherence to the Administrator Recommendation of Expulsion Matrix - California Education Code Section 32261, subdivisions (f) and (g), Education Code Section 48915 (a)(2), Education Code Section 48915 (b).

- On October 23, 2017 a JHHS student (student X) brought in his phone and showed text messages he received from another JHHS student (student Y) to the JHHS Dean of Students. Student X was belittled and demeaned by Ms. Villa for not having a belt and having sagging pants while walking to school in front of myself and the Outreach Worker (10/17/2017). Ms. Villa was informed at that time (10/17/2017) that Student X was having emotional issues at home. The text messages contained a threat of physical violence towards student X. Student Y threatened to come "strapped" (or armed) and texted, "lets [sic] see if he [student X] makes it home." Student X was terrified enough to bring the issue to the Dean. I immediately called Ms. Villa and had a conference with her and the outreach worker. The outreach worker was directed by Ms. Villa to handle the matter internally as the student making the threat (student Y) was from an AMPS founding family. Student Y received no suspension and there was no police intervention despite my strong objection.
- On November 1, 2017 at a leader meeting held at the home office, the site leaders were shown slides of successful AMPS graduates. On the final slide

Ms. Villa, referring to one of the former students, indicated that “that student once brought a big knife to school. Did I suspend him? No. I talked to him and his mother. He didn’t feel safe walking home.” Based on Ms. Villa’s handling of these situations, I seriously question whether student safety or any school code regarding student safety is a priority here.

3. AMPS leadership is violating the agreement with the City of Richmond--Project No. PLN16-071, John Henry High School Conditional Use Permit, 1402 Marina Way South, APN: 560-181-060, Approved with Conditions

- JHHS is located in an area of Richmond, CA that is not currently zoned for a school. Therefore, the City approved a conditional use permit (CUP) on January 30, 2017. This CUP applies only to the High School (JHHS).
- On September 22, 2017, Mr. Abidi, the Director of Real Estate, sent me an email requesting information about Item 6 of the CUP – enrollment. I responded to this email the same day, and indicated I had concerns about 9 other items that needed to be addressed. A meeting was held the following morning with Mr. Abidi and Ms. Villa to discuss all the items (18, 19C, 19D, 19E, 20, 22, 25, 26, and 28).
- I was concerned because RCA, the middle school, was co-located in the JHHS building, but the CUP applied only to JHHS. I asked how we were supposed to consider RCA—did we include RCA and JHHS information or just JHHS. Mr. Abidi determined that since the CUP was only for JHHS, only JHHS information should be included.
- I asked for clarification on Item 28 which states:  
“This conditional Use Permit may be revoked pursuant to Richmond Municipal Code Section 15.04.803.130 (Revocation) under any of the following Circumstances:
  - a. ***The approval of this Conditional Use Permit was obtained by means of fraud or misrepresentation of a material fact;***
  - b. ***The use has been substantially expanded beyond what is set forth in the original permit, thereby causing substantial adverse impacts to the surrounding neighborhood;***
  - c. The proposed use has ceased to exist or has been suspended for one year or more; or
  - d. There is or has been a violation of or failure to observe the terms or conditions of the permit, or the use has been conducted in violation of Article XV of the Richmond Municipal Code or any other law or regulation. " (emphasis added)
- After the meeting, Ms. Villa asked me why I had to bring up Item 28. I told her that the first time I saw the CUP was on August 31, 2017 and had assumed both JHHS and RCA were covered by the agreement. I was dealing with a dispute about traffic raised by the Richmond Marina and it occurred to me that the Richmond Marina may not be aware that RCA was also on the premises. I asked the Chief Operations Officer sometime after September 22

and before September 28 if I should be concerned about RCA's presence at 1402 Marina Way South. He told me to say it was a temporary situation.

- RCA's co-location with JHHS is not a temporary situation as RCA's address on all documents read: 1450 Marina Way South (90 students – 6<sup>th</sup> grade). 150 students (7<sup>th</sup> and 8<sup>th</sup> grade) are located at 1402 Marina Way South. There has been talk of moving RCA to the upstairs of 1450 Marina Way South, however, to my knowledge, this will not occur during the 2017-2018 school year.
- I believe RCA's co-location with JHHS violates the agreement with the City of Richmond, specifically CUP items 28A, 28B, and 28D. This is yet another example of the lack of integrity and violation of rules perpetrated by the leadership of AMPS.

4. Violations of Education Code Section 47605(d)(2) and 47605 (d) (2) (B).

- The home office routinely bypasses proper lottery procedures for school admission. For example, after the lottery at JHHS this year, JHHS administrative assistants were directed by the home office to enroll a student who was not on the waitlist.
- After the lottery at JHHS this year, JHHS administrative assistants were directed by Ms. Villa, the Director of Leadership, to get in as many Richmond Charter Academy (RCA) students as possible.
- On September 25, 2017, Dr. Linda Delgado, who is responsible for Charter School Oversight for the West Contra Costa Unified School District (WCCUSD), sent me an email inquiring about JHHS lottery procedures. On September, 26, 2017, a reporter, Todd Chan, from Richmond Confidential called JHHS and RCA about the lottery process. JHHS site leadership was directed to forward inquiries to the home office. Ms. Villa, the Senior Director of Leadership and Instruction, visited JHHS and directed us to call everyone remaining on the waitlist to see if they wanted to enroll.
- On October 16, following the Richmond Confidential article which was unfavorable to AMPS, Ms. Villa called me at 6:41 pm and told me to be on the lookout for reporters or others sneaking around. She told me to be wary of individuals posing as parents and attempting to enroll a student asking if we accepted Special Education students.
- During the 2015-2016 school year, while I was the site director at Downtown Charter Academy (DCA), I was directed by the home office to enroll a student who was not on the waitlist after the lottery had close. Additionally, in the middle of the 2015-2016 school year, I believe Mr. Lopez and Ms. Villa moved their own son from JHHS to OCHS bypassing all those on the waitlist.

5. Inappropriate and Unprofessional messages from the CEO, Jorge Lopez that exemplify his contempt for and unwillingness to work with the community and families our schools serve.

- November 24, 2016 (Thanksgiving). The email was sent to 15 AMPS leaders in Richmond. Email excerpt in response to a letter received from the Marina Bay Neighborhood Council. “Attached you will find a letter from the Marina Bay Housing Association that has [sic] written in strong opposition to the JHHS move to the marina. We have been meeting with this group continuously over the past couple of years and know there [sic] concerns, this level of opposition is far greater than anything they have expressed in past. However, I have not trusted them or any other group in this city, so it is not to surprising, but nevertheless alarming....We should have more information by Wednesday of next week, but for now work on your staff, students, families to spread the level of hate against them, and please let me know of any ideas that you might think of as we wait for the planning commission date.” Mr. Lopez made clear that we were not to trust anyone from the city in which we worked because Mr. Lopez did not trust anyone. And his call to spread “hate” in the very community we serve was disgusting.
- November 24, 2016 (Thanksgiving). Excerpt from an email sent to a former AMPS employee regarding community outreach. “Those that run elections, [sic] move communities do not give up because calls are not returned.....that is lazy and does not scare the community groups like the housing association who while we leave the neighborhood, they stay back and work the scenes.” I find Mr. Lopez’s message to scare the community offensive and counterproductive.
- July 3, 2017. Excerpt from an email sent regarding traffic and parents speeding on Marina Way South. “We need to reign [sic] in new families. As with kids, peer pressure and shaming work best.” This sentence from the CEO of an educational organization is beyond reprehensible.

6. Violation of The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

- At AMPS, the cumulative student file and Special Education files are appropriately stored in locked file cabinets. However, AMPS requires its schools to keep certain student information in binders that are stored unsecure out in the open. I questioned this on my first day at AMPS in June of 2015 and was told it is the “AMPS way” and that is what they have always done. I tried to push back on this practice in 2015-2016 and was not successful. Binders must be kept by the Administrative Assistants.
- This practice violates FERPA which requires that student records must be secure and locked. These binders are not and contain information categorized as, for example: TDAP (vaccination information) binder, Title 1 (free and reduced lunch program and financial information) binder, Suspension binder, Student Release binder, a binder with the home language survey, a CELDT (English language learner test) binder, etc... These binders

are always somewhere in the administrative assistants area at each of the AMPS schools and unsecured.

- The necessary binders that administrative assistants are required to keep are all detailed in the AMPS Office & SIS Data Management Manual. And, as recently as the 2017-2018 school year this “binder” protocol is still in the updated manual.

#### 7. Noncompliance with the National School Lunch Program (NSLP)

- RCA and JHHS leaders were given guidance by the home office regarding purchasing food from Bubaloo Café (a restaurant located adjacent to the school building at 1402 Marina Way South – JHHS & RCA). We were directed that students were not allowed to purchase food from Bubaloo Café between the hours of 12 midnight until 30 minutes after school closes each day.
- I reinforced this guidance and spoke with the owner of Bubaloo and with JHHS students that students were not allowed to eat at the restaurant. RCA did not follow the Home Office guidance and has been in violation of the NSLP since the start of the school year.

#### 8. The AMPS Methods Manual A Site Guide for Culture & Practice violates Best Practice in Education

- Page 4 – “AMPS has developed very elaborate behavioral expectations for both students and staff that insist all must follow. These expectations will teach and expect kids to submit to the expectations.”
- Some of the practices outlined in the manual do not take place at AMPS anymore as far as I know, but, the Methods Manual is still used as a resource and referred to as best practices in the AMPS system. After reading the Methods Manual, you are left with a feeling that one size fits all, and the manual is void of any social-emotional component to instruction.
- To my knowledge, former AMPS employees have never been interviewed by an outside impartial entity regarding their experiences. The organization creates a pervasive atmosphere of fear and compliance. Your continued employment is at stake daily.

Mr. Lopez,

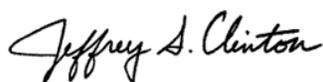
I am tendering my resignation effective today, November 6, 2017. For the past 2.5 years, I have worked for Amethod Public Schools (AMPS). I have been a successful site director at three AMPS schools. I am proud of many of my achievements including:

- Increased test scores at DCA during the 2015-2016 school year,
- Applying for and receiving the Gold Ribbon award for RCA last year,
- A successful CAASPP test for the Juniors at JHHS last year,
- Positive interactions with all visitors (WCCUSD board members, AMPS board members, OUSD Charter Office staff, WASC team members, visitors from Sacramento, etc.),
- Overwhelmingly positive staff reviews during my 2.5 years here, and
- Successfully overseeing the move of JHHS to the Richmond Marina.

Notwithstanding an overall positive experience at AMPS, I can no longer work in a position that subjects me to continuous harassment by my direct supervisor, Ms. Villa. Ms. Villa focuses on petty issues (e.g. clothing donation box, broken door, etc.) instead of student academic success. She cannot answer questions regarding substantive instructional or administrative topics such as Achieve 3000, the California Dashboard, high school curriculum, WASC accreditation, or procedures in AMPS handbooks. I am left to research and master these topics on my own. Ms. Villa speaks in a demeaning/degrading manner toward students, and when I have informed her about serious threats of violence at JHHS her guidance is questionable. From my perspective, Ms. Villa is not supporting me. She actively seeks to undermine me. Most recently, Friday, November 4, 2017, I was informed Ms. Villa was at a JHHS parent's house and told the parent she was trying to fire me. As a supervisor, this is highly inappropriate conduct. Her unprofessional punitive behavior has created a hostile work environment for me. This kind of harassing behavior that she is now directing at me is the same pattern of behavior that I have seen her exhibit toward others. It is my perception that this pattern of behavior has resulted in the departure of at least 12 staff members I have worked with over the past 2.5 years.

In 17 years of education, I have never been subjected to this level of harassment and unprofessional behavior. I have integrity and take ownership of my actions. I have never been disciplined with the exception of this year when I felt accountable for my staff's mishandling of money and insisted that Ms. Villa put a written warning letter in my file that I had written and emailed to her myself. That is the level to which I feel accountable for my school and my staff.

Finally, I have raised numerous compliance concerns with the home office and my direct supervisor (Ms. Villa) regarding many state and federal codes, an inadequately staffed program for students with special needs, and the conditional use permit for JHHS. Personally, I can no longer be a part of this organization. I hope you consider these concerns in the future as they directly impact students, staff, and administrators.



Jeffrey S. Clinton

AMPS: John Henry High School

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## **ELEMENT VIII: STUDENT ADMISSION REQUIREMENTS**

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

The Charter School will be nonsectarian in its programs, admission policies, and all other operations, and will not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

JHHS will serve up to 500 students at full capacity, but will implement a slow growth model with a targeted growth of 190 in first year. The Charter School shall admit all pupils who wish to attend the Charter School. No test or assessment shall be administered to students prior to acceptance and enrollment into the Charter School. The Charter School will comply with all laws establishing minimum and maximum age for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or his or her parent or legal guardian within the state.

JHHS will comply with the McKinney Vento Homeless Assistance Act for homeless children and ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education as provided to other children and youths.

### ***Admission and Enrollment Process***

JHHS will greatly benefit from its feeder pattern of established AMP school sites in Richmond. Formal recruitment of incoming students begins in the fall or winter each year for the following school year. The proposed campus will have an open enrollment period extending from December through February. During this time, the Charter School will advertise, attend outreach events, and host open houses to inform families in the community about the opportunities and expectations for prospective students and parents.

The Charter School shall require students who wish to attend the Charter School to complete an application form. After admission, students will be required to submit an enrollment packet, which shall include the following:

#### ***Enrollment/ Registration to the Charter School require:***

- 1.
2. School data card (family or guardian contact information).
3. Copy of student immunization records.
4. Signed copy of JHHS student contract and agreement to participate and abide by school guidelines.
5. Attendance to Family Orientation Meeting.
6. Completed Enrollment/Registration forms and documents.

### ***Public Random Drawing***

Applications will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period each year, applications shall be counted to determine whether any grade level has received more applications than availability. In the event that this happens, the Charter School will hold a public random

*AMPS: John Henry High School*

drawing to determine admission for the impacted grade level, with the exception of existing students, who are guaranteed admission in the following school year.

In accordance with Education Code Section 47605(d) (2) (B), admission preferences, and as stipulated in the other two AMPS charter school admission policies approved by WCCUSD; in the case of a lottery shall be given to the following students in the following order:

1. Siblings of existing students of the Charter School<sup>6</sup>
2. Children of Charter School teachers and staff (not to exceed 10% of the Charter School's enrollment)<sup>7</sup>
3. Residents of the District
4. All other students

The Charter School will assure that the public random drawing as listed above are consistent with Education Code Section 47605(d)(2) and applicable federal law and non-regulatory guidance; however, should the preferences require modification in order to meet requirements of the Public Charter Schools Grant Program (PCSGP), such modifications may be made at the Charter School's discretion without any need to materially revise the charter as long as such modifications are consistent with the law and written notice is provided by the Charter School to the District.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a wait list according to their draw in the lottery. This wait list will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a wait list carry over to the following school year.

Public random drawing rules, deadlines, dates and times will be communicated in the application form and on the Charter School's website. Public notice for the date and time of the public random drawing will also be posted once the application deadline has passed. The Charter School will also inform parents of all applicants and all interested parties of the rules to be followed during the public random drawing process via mail or email at least two weeks prior to the lottery date.

The Charter School will conduct the lottery in the spring for enrollment in fall of that year.

### ***Lottery Procedures***

- Each applicant's name will be assigned a number.
- Each number will be put on a card.
- Each card will be equal in size and shape.
- The card will then be put into a container or lottery device that will randomly mix all cards.
- A random drawing will occur, and the individuals chosen are accepted to the school.
- Once the student list has been set, a waiting list will be developed for those students still wishing to enroll should space become available.

<sup>6</sup> During the PCSGP grant period, siblings of existing students may be exempted from the lottery.

<sup>7</sup> During the PCSGP grant period, children of teachers and staff may be exempted from the lottery.

*AMPS: John Henry High School*

***Waitlist ranking***

The student waitlist will be assigned in the order selected. Two separate observers will collect lottery cards and enter into an electronic database the results. The database will be double checked to the physical cards to ensure accuracy. The database will be made public as soon as practically possible, both online at Amethod Public Schools website and posted in public locations at the school site. Letters and follow up phone calls to families on the waiting list will also be made.

All lottery cards and databases will be kept on file by the school or at Amethod Public Schools headquarters.

During the school year if vacancies should arise, the school will notify families on the wait list to see if they would like to enroll. Typically three (3) separate calls on three (3) different days are made, with accompanying documentation; if families do not respond within seven days, they are removed from the wait list and the next family is contacted.

JHHS anticipates the lottery will be held at the school or a large community center, church, auditorium, or any public venue capable of seating all applicants comfortably. The lottery will take place on a weekday evening or weekend morning to ensure all interested parties will be able to attend. Once admitted, registration forms for students who are admitted will also gather the following: proof of immunization; home language survey; completion of emergency medical information form; proof of maximum age requirements, e.g. birth certificate; and release of records from previous school.

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WCCUSD 14-15	WCCUSD 15-16	WCCUSD 16-17 or new to CHARTER	Grade	School Name	Enrollment Date	Exit Date	8/24 - 9/09/16 M1	9/12 - 10/07/16 M2	10/10 - 11/04/16 M3	11/7 - 12/2/16 M4	12/05 - 12/16/16 M5	1/2 - 1/27/17 M6	2/0 - 3/0/17 M7	2/27 - 3/24/17 M8	P-2 Appor Days	WCCUSD Active Site	Comments or last enrollment entry as	3/27 - 4/21/17 M9	4/24 - 5/19/17 M10	5/22 - 6/9/17 M11
no	no	ret	9	JHHS			12	20	18	14	10	19	17	19	129			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	17	19	130			15	20	14
no	no	new	9	JHHS			11	20	19	14	10	17	17	19	127			14	19	13
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	9	10	19	18	19	126			15	20	14
yes	no	new	9	JHHS			12	20	17	14	10	17	10	15	115			6	12	8
no	no	ret	9	JHHS			12	18	19	14	9	15	17	19	123			14	19	14
no	no	ret	9	JHHS			12	19	19	14	10	18	17	18	127			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	16	18	128			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	17	18	129			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	18	18	14	10	19	18	19	128			15	19	14
no	no	new	9	JHHS			12	20	19	13	10	19	16	16	125			15	20	14
yes	yes	new	9	JHHS			12	18	18	14	9	18	15	19	123			14	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	15	15	18	123			14	20	12
no	no	ret	9	JHHS			12	19	16	13	9	12	14	18	113			12	20	14
yes	no	ret	9	JHHS			11	20	19	14	10	19	18	19	130			15	18	10
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	new	9	new			0	7	0	0	0	0	0	0	7		Did not return as of 11/28/16	0	0	0
no	no	ret	9	JHHS			12	20	19	14	10	19	17	19	130			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	18	18	19	130			15	19	14
yes	yes	new	9	JHHS			12	20	19	14	10	15	15	17	122			15	18	14
no	no	ret	9	JHHS			12	20	18	14	10	19	18	19	130			15	20	14
no	no	yes	9	JHHS			4	20	19	14	10	19	18	19	123		11days 2016-2017	15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
yes	yes	new	9	new			0	0	6	11	3	17	14	3	54		Did not return as of 11/28/16	0	0	0
no	no	ret	9	JHHS			12	20	19	14	10	19	17	19	130			12	19	14
no	no	ret	9	JHHS			12	17	16	14	10	18	18	18	123			15	19	14
yes	yes	new	9	JHHS			12	20	19	14	10	19	16	17	127			15	20	14
yes	yes	new	9	JHHS			12	20	19	14	10	17	18	19	129			15	19	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	18	13	10	17	16	19	125			14	20	13
no	yes	new	9	JHHS			12	20	19	14	10	14	15	19	123			15	20	14
yes	yes	yes	9	new			0	5	17	13	9	17	18	18	97		Active At Kennedy	11	17	12
yes	yes	ret	9	JHHS			12	19	17	13	9	18	13	19	120			14	17	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	18	19	131			15	20	14
no	no	ret	9	JHHS			12	20	19	14	10	19	17	19	130			15	20	14
yes	yes	ret	9	JHHS			12	19	19	14	10	18	17	19	128			15	19	13
no	no	ret	9	JHHS			12	20	19	14	10	18	17	18	128			15	19	13

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no	no	ret	9 JHHS	12	20	19	14	9	19	18	18	129	15	20	14	
no	yes	ret	9 JHHS	12	20	18	14	10	19	18	19	130	15	20	14	
yes	yes	ret	9 JHHS	12	20	17	14	9	18	17	18	125	13	19	13	
no	no	ret	9 JHHS	12	19	19	14	10	19	18	19	130	15	20	14	
no	no	ret	9 JHHS	12	20	18	14	10	18	17	18	127	14	20	14	
yes	yes	ret	9 JHHS	12	18	18	14	10	18	17	19	126	15	19	13	
no	no	ret	9 JHHS	7	20	19	14	10	19	17	19	125	15	19	13	
no	no	ret	9 JHHS	12	20	19	14	10	18	17	19	129	15	20	14	
no	no	ret	9 JHHS	12	20	18	14	10	19	18	19	130	15	20	14	
no	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	9 JHHS	12	20	19	14	10	17	17	19	128	15	20	12	
no	no	ret	9 JHHS	12	20	19	13	10	18	15	19	126	13	19	14	
no	no	ret	9 JHHS	12	20	19	14	10	18	13	19	125	15	20	14	
no	no	ret	9 JHHS	12	20	19	14	10	15	18	17	125	14	17	14	
no	no	ret	9 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
yes	yes	yes	9 JHHS	4	19	19	14	10	17	17	19	119	14	18	14	
yes	no	ret	9 JHHS	12	20	18	14	10	19	18	19	130	15	20	14	
yes	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	18	14	
yes	yes	ret	9 JHHS	12	20	17	13	10	18	18	17	125	15	20	14	
yes	yes	ret	9 JHHS	12	20	18	14	10	18	17	19	128	15	19	14	
no	yes	yes	9 new	0	11	1	0	0	0	0	0	12	8/22-9/21/16 JFK	0	0	0
yes	yes	ret	9 JHHS	12	19	19	14	8	18	16	19	125	15	19	14	
no	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	9 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
no	no	ret	9 JHHS	4	20	18	13	10	19	15	19	118	15	18	13	
no	no	ret	9 JHHS	12	20	19	14	10	19	18	18	130	15	20	14	
no	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	9 JHHS	0	0	0	0	0	0	0	0	0	Did not return as of 11/28/16	0	0	0
no	no	ret	9 JHHS	12	17	15	5	9	16	14	16	104	11	15	11	
no	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
yes	yes	ret	9 JHHS	11	20	19	14	10	17	17	15	123	15	18	12	
yes	no	ret	9 JHHS	12	20	19	14	10	18	17	19	129	15	20	14	
no	no	ret	9 JHHS	12	19	19	14	10	19	17	19	129	13	20	14	
yes	no	ret	9 JHHS	12	20	19	14	10	19	18	19	131	15	19	14	
no	no	ret	9 JHHS	12	20	16	10	8	13	16	17	112	15	20	14	
yes	yes	yes	9 new	0	0	3	14	10	19	14	18	78	JFKHS fixed CS code exit date11/1/16	13	20	13
no	no	ret	9 JHHS	12	20	19	14	9	18	17	19	128	15	20	14	
no	no	ret	9 JHHS	12	19	16	13	9	18	16	18	121	15	19	13	
no	no	ret	9 JHHS	12	20	19	13	10	19	18	19	130	15	20	14	
no	yes	yes	9 new	0	0	19	14	10	19	17	19	98	JFKHS exit date 10/11/16	15	17	13
		68	9	892	1540	1473	1103	789	1465	1366	1485	10113		1160	1545	1088
no	no	ret	10 JHHS	12	19	19	14	10	19	17	19	129	15	20	14	
no	no	ret	10 JHHS	12	19	19	13	9	12	17	19	120	15	19	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
no	no	ret	10 JHHS	11	20	18	11	10	15	16	18	119	13	17	12	
no	no	ret	10 JHHS	12	19	19	14	10	19	17	19	129	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	9	15	17	17	123	15	19	14	

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no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
yes	yes	ret	10 JHHS		11	19	17	13	10	17	15	18	120		15	18	11
no	no	ret	10 JHHS		12	17	18	13	9	18	17	18	122		14	19	14
no	no	ret	10 JHHS		12	20	18	14	9	18	17	17	125		15	19	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
no	no	ret	10 JHHS		12	20	19	14	10	11	18	19	123		15	18	14
no	no	ret	10 JHHS		11	19	19	14	10	19	18	19	129		15	20	13
no	no	ret	10 JHHS		10	20	19	14	10	19	18	19	129		15	19	14
no	no	ret	10 JHHS		12	20	19	14	10	19	17	19	130		15	19	14
yes	no	ret	10 JHHS		12	20	19	14	10	19	17	18	129		15	20	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
yes	no	ret	10 JHHS		12	19	19	14	10	18	16	18	126		13	16	12
no	no	ret	10 JHHS		12	20	18	14	10	19	18	19	130		15	20	14
no	no	ret	10 JHHS		12	20	19	13	10	19	17	19	129		14	20	14
yes	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		14	20	14
no	no	ret	10 JHHS		12	20	19	14	10	18	17	19	129		15	19	13
yes	yes	yes	10 JHHS	#####	10	10	0	0	0	0	0	0	20	SGAHS 10/14/16 Active	0	0	0
no	no	yes	10 JHHS	#####	11	14	0	0	0	0	0	0	25	RHS 10/14/16 Active	0	0	0
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	18	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
					0	0	0	0	0	17	17	17	51		13	19	13
no	no	ret	10 JHHS		12	20	19	13	9	19	16	19	127		14	20	13
no	no	ret	10 JHHS		12	20	18	14	10	19	17	18	128		15	20	14
no	no	ret	10 JHHS		12	20	19	14	10	18	17	19	129		15	19	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	18	130		14	20	14
no	no	ret	10 JHHS		12	20	19	14	10	19	17	19	130		15	19	14
no	no	ret	10 new	9/26/2016	0	10	17	10	10	14	16	17	94		14	17	14
no	no	ret	10 JHHS		12	20	19	14	9	18	17	18	127		15	19	13
no	no	ret	10 JHHS		12	20	19	14	10	19	17	19	130		15	19	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
no	no	ret	10 JHHS		12	20	19	14	10	19	17	18	129	Transferred 8/20/2012	15	20	14
yes	yes	ret	10 JHHS		12	20	19	14	10	19	17	19	130		15	19	14
no	no	ret	10 JHHS		12	20	18	13	10	18	17	17	125		13	18	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		13	19	14
yes	NS	ret	10 JHHS		12	20	19	14	9	19	17	17	127		15	20	13
yes	NS	ret	10 JHHS		12	20	18	14	10	17	16	19	126		15	18	14
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	14
yes	yes	ret	10 JHHS		11	20	18	14	10	18	18	18	127		15	16	13
no	no	ret	10 JHHS		12	20	18	12	9	18	18	19	126		14	20	10
no	no	ret	10 JHHS		12	20	19	13	10	19	18	19	130		15	19	14
yes	yes	ret	10 JHHS		12	20	19	14	9	19	18	18	129		14	19	14
yes	NS	ret	10 JHHS		12	20	18	13	8	13	0	0	84	Vista 1/23/17 Active	0	0	0
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	20	13
yes	NS	ret	10 JHHS		11	19	18	12	10	17	18	18	123		13	20	14
yes	NS	ret	10 JHHS		12	19	19	13	10	19	17	17	126		14	18	14
no	no	ret	10 JHHS		12	20	19	14	10	18	15	18	126		15	20	13
no	no	ret	10 JHHS		12	20	19	14	10	19	18	19	131		15	19	14

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no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
yes	NS	ret	10 JHHS	12	20	17	14	9	13	14	16	115	15	16	12	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	19	14	
no	no	ret	10 JHHS	12	20	18	13	9	19	11	19	121	15	18	12	
yes	NS	ret	10 JHHS	11	19	19	13	10	15	17	16	120	15	17	11	
no	no	ret	10 JHHS	12	20	19	14	10	18	18	19	130	15	20	14	
no	no	ret	10 JHHS	12	19	17	13	9	17	18	19	124	14	20	13	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
yes	NS	ret	10 JHHS	12	20	19	14	10	19	16	19	129	15	19	13	
no	no	ret	10 JHHS	12	20	18	14	10	19	18	12	123	15	19	14	
no	no	ret	10 JHHS	10	20	18	13	7	18	16	19	121	14	18	14	
yes	yes	ret	10 JHHS	12	20	19	14	10	19	18	18	130	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
yes	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	13	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
yes	NS	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	18	18	19	130	15	15	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	18	18	19	130	15	19	14	
yes	NS	ret	10 JHHS	11	19	19	14	10	19	17	19	128	14	19	10	
no	no	ret	10 JHHS	12	19	17	14	10	18	18	17	125	14	19	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	18	129	14	19	13	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
no	no	ret	10 JHHS	12	20	18	14	10	18	18	19	129	15	20	14	
yes	NS	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
no	no	ret	10 JHHS	12	19	19	14	10	18	18	19	129	15	20	14	
no	no	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	20	14	
yes	no	yes	10 JHHS	0	0	0	0	0	0	0	0	0	RHS 8/25/16 Active	0	0	0
no	NS	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
yes	NS	ret	10 JHHS	12	20	17	13	10	16	6	0	94	PVHS 2/28/17 Active	0	0	0
yes	NS	ret	10 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
			10	1018	1698	1587	1165	833	1560	1452	1552	10865		1231	1605	1142
yes	NS	ret	11 JHHS	12	20	19	14	10	18	16	19	128		13	19	14
yes	yes	yes	11 JHHS	12	20	18	14	10	18	16	19	127	DHS 2 days attendance	13	18	11
no	no	no	11 new	0	15	17	13	10	18	18	18	109		15	19	13
no	no	no	11 JHHS	12	18	15	11	8	12	0	0	76	PVHS 1/23/17 Active	0	0	0
yes	NS	no	11 JHHS	12	20	18	13	10	18	17	19	127		13	19	14
no	no	no	11 JHHS	12	19	19	14	10	18	17	19	128		15	19	14
yes	yes	no	11 JHHS	12	20	18	14	10	18	18	18	128	Richmond High	14	19	14
no	no	no	11 JHHS	12	17	18	14	10	19	16	18	124		14	20	14
no	no	no	11 JHHS	12	20	19	14	10	19	18	19	131		15	18	14
no	no	no	11 JHHS	12	20	19	14	10	19	18	19	131		15	20	14

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yes	NS	no	11 JHHS	12	20	19	14	10	19	17	19	130	15	19	14	
no	no	no	11 JHHS	11	20	19	14	10	17	18	19	128	15	19	12	
no	no	no	11 JHHS	12	18	18	14	10	19	17	19	127	15	19	14	
yes	NS	no	11 JHHS	12	18	17	12	10	17	15	18	119	13	20	13	
no	no	no	11 JHHS	11	20	18	13	10	17	18	17	124	14	19	14	
yes	NS	no	11 JHHS	12	19	19	14	5	15	17	18	119	15	20	14	
yes	yes	yes	11 JHHS	0	0	0	0	0	0	0	0	0	JFKHS 9/1/16 Active	0	0	0
no	no	no	11 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
yes	yes	no	11 JHHS	12	19	18	14	10	16	15	18	122	15	19	14	
no	no	no	11 JHHS	12	20	19	14	10	18	17	19	129	15	19	13	
no	no	no	11 JHHS	12	20	18	12	9	19	18	18	126	15	19	14	
no	no	no	11 JHHS	12	20	17	13	10	16	17	14	119	12	16	13	
yes	yes	no	11 JHHS	11	19	18	13	9	16	16	16	118	11	14	11	
no	no	no	11 JHHS	9	19	18	13	9	17	17	19	121	13	20	13	
no	no	no	11 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
no	no	no	11 JHHS	12	18	18	14	10	17	15	18	122	15	19	13	
no	no	no	11 JHHS	12	20	18	14	10	19	17	18	128	15	20	14	
no	no	no	11 JHHS	12	18	17	14	9	19	14	18	121	14	19	14	
no	no	no	11 JHHS	12	20	19	14	10	18	15	18	126	15	18	14	
no	no	no	11 JHHS	12	20	19	14	10	19	16	19	129	15	20	14	
no	no	no	11 JHHS	12	20	19	14	10	19	18	19	131	15	20	14	
			11	342	577	546	407	289	532	487	530	3710	414	550	392	

## Rationale

Charter Authorizing requires the District to insure that Charter schools follow the agreed upon elements of their charter document, granted by the authority of the District's governing board.

In reviewing attendance information provided by Amethod, it appeared that students from the Amethod Middle School (RCA) were designated at "Ret", presumably abbreviated from "Returning", a possibility supported by the quantity of students who were so classified who would have been enrolled from the prior year at RCA (see attendance reported, attached).

A review of the charter agreement for JHHS showed that no preference was offered to students from a different Amethod School (see Element VIII from the JHHS petition). The Amethod Middle School (RCA) does have specific language in the petition allowing lottery preference to an Amethod school from the prior grade, demonstrating that the Amethod leadership are aware of what language needs to be in place to allow a preference.

When it appeared that JHHS had not followed the lottery outlined in the charter document, the District requested clarification from Mr. Jorge Lopez, Mr. Pete Cordero, and Mr. Jeff Clinton (September 25, 2017). No response was received. Education code 47604.3 says:

A charter school shall promptly respond to all reasonable inquiries, including, by not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries.

To correctly fulfill the requirement for the District to insure that Charter Petition legal agreements are kept, we must issue this Letter of Concern.



**West Contra Costa Unified School District  
Uniform Complaint Form**

Date: 10-15-18  
Last Name: [redacted] First Name: [redacted]  
Street Address/Apt. # [redacted]  
City: San Pablo Zip: 94806  
Home Phone: [redacted] Message/Work Phone: ( )

School/Office of Alleged Violation: \_\_\_\_\_

Please check the category(ies) referred to in your complaint: CHARTER School

- Adult Education
- Pre-school
- Child Nutrition Programs
- Special Education
- Migrant Education
- Foster and Homeless Youth
- Career and Technical Education
- Consolidated Categorical Aid Programs
- Student Fees
- Physical Educational Instructional Minutes
- Implementation of Local Control Funding Formula and Accountability Plan
- Regional Occupation Centers and Programs

Unlawful Discrimination (based on actual or perceived race, ancestry, national origin, ethnic group identification, religion, age, gender, gender identity, gender expression, color, sex, sexual orientation, physical or mental disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics)

**Office Use Only**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

- Informal Complaint
- Formal Complaint
- Not Resolved
- Date of Informal Resolution
- Date of Formal Resolution

**Explanation of complaint:** (please print or type. Give detailed information such as date, times, places, types of complaints, witness names. Use additional sheets of paper if necessary).

On Dec 10<sup>th</sup> 2017, I wrote An email critical of the people who run JHHS. On FEB 28<sup>th</sup> 2018, An Altered ~~real~~ rendition of my email WAS generated and circulated by a staff member of JHHS to other children in order to target my children. The Altered email framed me and a former site director AS racists. It was a deliberate Act to target my children for harassment, bullying and discrimination, which it all did. On a subsequent meeting of the student council in April of that year, Mr Lopez accused me of writing both emails and calling me a racist in front of my children and other children and their parents. Calling me a racist deeply disturbed my daughters, causing one to sob uncontrollably (sp) and asking what she did for Mr Lopez to do that to her. After the incident on the 28<sup>th</sup> of Feb, I received an Anonymous email from a teacher stating that the fake email put my daughters in physical danger and that I need to keep them home from school because racial tensions were whipped up against my girls by the writing and circulation of the fake email. JHHS was already aware that my youngest daughter was experiencing mental health issues, and to target them is reprehensible. There is a cover-up and white washing of this that continues to this day. My youngest had to be taken out for her own physical and mental health. If you need more info - I will provide it.

**ORIGINAL LETTER**

From: [REDACTED] >  
Date: Sun, Dec 10, 2017 at 9:51 PM  
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. I also am very much aware of the investigation that is going on surrounding the charges. My concern is that there is no accountability at all. The board of directors are picked by Mr. Lopez and Ms. Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area. If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where to go to get a fair hearing. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms. Villa, that avenue is fruitless. The only recourse is to be fired or just to quit. Either way, that caused a "brain drain" at the school, and the ones hurt are the students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The site director is only temporary and Ms. Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is accountable. To have a board that is elected and accountable to the parents. I am sure that Mr. Lopez and Ms. Villa are nice people and like rainbows, but they are lousy managers and poor administrators. The school will fail because we will not be able to attract and retain good teachers. Unfortunately, it is the students that will bear the brunt of this disfunction. This school's failure will reinforce the opposition to charter schools as a whole. We had a fantastic site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, these issues will only get worse, and many kids' lives and dreams will fall victim to people like you in high places, doing nothing. You can make a difference. Have the school district take over until a new director can be found, and have the board appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED]. Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

**HIGHLIGHTED AREAS (YELLOW TEXT IS PUT IN - RED TEXT WAS TAKEN OUT)**

Hello Ms. Delgado, thank you for talking with me. Again, my name [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. He brought a sense of order and agreed we need more non Latino students in the school. I met with him several times and we had plans for a broader recruitment of kids (not Latino) from El Sobrante to add more diversity. I also am very much aware of the investigation that is going on surrounding the charges of racism and discrimination against Mr. Clinton and Bedouin. It is false and only cause they are white! My concern is that there is no accountability at all. The board of directors are Latinos, picked by Mr. Lopez and Ms. Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area. If a teacher or parent has an issue with Mr. Lopez or his wife, there is nowhere (nowhere) to go to get a fair hearing. Look I have no issue with Latinos, I live among them and they are guests in this country, but Mr. Clinton and Mr. Bedouin brought the right sense of order. They were like father figures to my children. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms. Villa, that avenue is fruitless. The only recourse is to be fired or just to quit. Either way, their removal that caused a "brain drain" at the school since the JHHS teachers, who are the best in the amps system want to leave and the ones hurt are the parents and students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. The problem is that the entire school are Latinos and Blacks and so they do not understand the importance of education let alone college so No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The sight director who is great is only temporary and Ms. Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, but here we go again with another Latino, and her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is smart, accountable and understands the American education system. To have a board that is elected and accountable to the parents. I am sure that Mr. Lopez and Ms. Villa are nice people and like rainbows, but they are lousy managers and poor administrators, but what should we expect from these types of people. The school will fail because we will not be able to attract and retain smart good teachers with strong American values. Unfortunately, it is the teachers students that will bear the brunt of this disfunction. This schools' failure will reinforce the opposition to charter schools as a whole. We had a fantastic traditional site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing about making America great again. You can make a difference. Have the school district take over until new a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED]. Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

**BOLD AREA PUT IN / BOLD STRIKETHROUGH ARE AREAS TAKEN OUT**

Hello Ms. Delgado, **thank you for talking with me. Again,** my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. **He brought a sense of order and agreed we need more non Latino students in the school. I met with him several times and we had plans for a broader recruitment of kids (not Latino) from El Sobrante to add more diversity.** I also am very much aware of the investigation that is going on surrounding the charges **of racism and discrimination against Mr. Clinton and Bedouin. It is false and only cause they are white!** My concern is that there is no accountability at all. The board of directors are **Latinos**, picked by Mr. Lopez and Ms. Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. ~~We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area.~~ If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where **[nowhere]** to go to get a fair hearing. **Look I have no issue with Latinos, I live among them and they are guests in this country, but Mr. Clinton and Mr. Bedouin brought the right sense of order. They were like father figures to my children. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms. Villa, that avenue is fruitless. The only recourse is to be fired or just to quit.** Either way, their removal ~~that~~ caused a "brain drain" at the school **since the JHHS teachers, who are the best in the amps system want to leave** and the ones hurt are the **parents and** students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. **The problem is that the entire school are Latinos and Blacks and so they do not understand the importance of education let alone college so** No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The site director **who is great** is only temporary and Ms. Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, **but here we go again with another Latino**, and her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is **smart, accountable and understands the American education system. To have a board that is elected and accountable to the parents.** I am sure that Mr. Lopez and Ms. Villa are nice people and like rainbows, but they are lousy managers and poor administrators, **but what should we expect from these types of people.** The school will fail because we will not be able to attract and retain **smart good teachers with strong American values.** Unfortunately, it is the ~~teachers~~

**students** that will bear the brunt of this disfunction. **This schools' failure will reinforce the opposition to charter schools as a whole.** We had a fantastic **traditional** site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing **about making America great again.** You can make a difference. Have the school district take over until new a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED]. Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

### COMMENTARY on this doctored document

A board meeting at WCCUSD was taking place on the evening of February 28th to decide if JHHS had violated their charter.

Memos were sent to students and announcements made during previous days to get as many parents and students to attend the WCCUSD board meeting (February 28th, 6:30pm) to protest recent legislation regarding expansion of schools in Richmond, California. NOTHING was mentioned to parents, students or staff regarding the possible violation of the JHHS charter. The individuals that attended had no idea about the violation of the JHHS charter.

The doctored email above was disseminated on February 28th at Lunchtime at JHHS, a school of approximately 285 students. Allegedly, over 50-100 copies of this document were passed out and the document was posted in the bathrooms.

[REDACTED]

I would contend the purpose of the doctored email was to stir up student outrage in an effort to turn the WCCUSD board meeting into a racially charged event. At the Board meeting, Ms. Villa, Richmond Regional Director, referred to two former JHHS administrators as white men (for unknown reasons).

If this was not the intent of the doctored email, then the email was a deliberate attempt to put two students physical safety in jeopardy by some unknown party. That is a dangerous situation within the school and at the very least a thorough investigation at JHHS was warranted, immediately contacting the home office of AMPS, calling the Richmond Police, and contacting Child Protective Services.

Who would do this? The two students in question had no enemies at the school and were striving at JHHS. Are there unknown bullies at school? If so, why was this not

investigated as one of the students has special needs and is in weekly/daily need of therapeutic assistance.

If fact, nothing was done! A current teacher at JHHS said Mr. Becker the principal stated, "I don't not know anything about digital forensics so I don't know who did it." Really? If someone pushes another student, takes a cell phone, or steals lunch money... someone identifies the culprit. A student's backpack is taken, someone is smoking weed in the bathroom, someone is not in class, lunch trays are left on the tables.... School officials can always identify the student or students that do these things. So I am to believe that 100 copies of a document, or for that matter even one copy, was handed out and no one knows who did it... No one can ask the students... No one can check the cameras... No one can call the IT department to figure out why the footage was deleted or misplaced. Several JHHS teachers asked about the incident and told the parent to keep her daughters home from school - that sounds pretty serious!

My conclusion is that this was malicious and several administrators at the school are involved in a cover-up of epic proportions. Allowing your own students to be targeted in a small school setting is reprehensible.

### **INSERTED / DELETED ITEMS IN THE EMAIL**

Note: It is my perception/contention/opinion that a high ranking administrator at AMPS doctored this email.

1. Hello Ms. Delgado, **thank you for talking with me.**

There is no need for putting this line in the document. Most administrators will add this as a courtesy. The parent left this out because she is a parent and not a fellow administrator that appreciates it when other school officials take the time to have a meaningful conversation.

**2. He brought a sense of order and agreed we need more non Latino students in the school. I met with him several times and we had plans for a broader recruitment of kids (not Latino) from El Sobrante to add more diversity.**

Mr. Clinton never planned anything with any parents regarding enrollment at all. JHHS never even recruited students, as there was no need. Additionally, Mr. Clinton is from Chicago and doesn't know all that much about the Bay area. Someone with Bay area

knowledge and a knowledge of the El Sobrante's demographics and proximity to Richmond had to have written this email.

This inserted text implies that the parent and Mr. Clinton were scheming together to get a more diversified student body. This is nonsense and written specifically to make the parent and her daughters targets for other students.

3. I also am very much aware of the investigation that is going on surrounding the charges **of racism and discrimination against Mr. Clinton and Bedouin. It is false and only cause they are white!**

This inserted text insinuates that Mr. Clinton and Mr. Beaudion are racists and friends with the parent. Thus calling these men racists... by default the parent is a racist... and thus the daughters of the parent are racists. The parent is then portrayed as a racist by saying that she does not believe these charges because the men are white - again - the parent is a racist by default.

Mr. Clinton filed a whistleblower complaint against AMPS, and is partially responsible for the information being used to file a violation of the JHHS charter. There are no charges of racism or discrimination against either Mr. Clinton or Mr. Beaudoin. Mr. Clinton's charges against AMPS are outlined in his complaint, some of which, could be argued that AMPS is discriminating against students with special needs.

4. My concern is that there is no accountability at all. The board of directors are **latinos**, picked by Mr. Lopez and Ms Villa, and in return, they are voted or appointed as director(s).

The word "latino" is inserted here. It is written in all lowercase font. The implication is that of racism. Furthermore, the board of directors are called "latinos." Interesting because everyone associated with AMPS knows that all the board members are not Latino. The previous board president was white. He is still on the board. Is he racist?

The initial point here is that Mr. Lopez chooses the board members and vets them. They are his contacts, associates, friends, or former co-workers.

**5. ~~We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area.~~**

This is left out because this is a fact. The Bay Area has a problem reaching epidemic proportions with the teacher shortage and the high cost of living here. An administrator

would know this to be true. An administrator at AMPS would take this out because it might take away from the racial tone of the doctored email.

6. If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where **[nowhere]** to go to get a fair hearing.

This was left in to give the email some legitimacy coming from a parent. This is a fact. Interestingly though, the word nowhere was changed from "no where" in the original document to "nowhere." I guess someone that routinely edits documents, or possibly makes the same mistake themselves could not help but to correct this error.

**7. Look I have no issue with Latinos, I live among them and they are guests in this country, but Mr. Clinton and Mr. Bedouin brought the right sense of order. They were like father figures to my children.**

Arguably, the most egregious insertion of the document. The parent has not issues with Latinos. The person writing this knows the parent lives in a predominantly Latino community. How do they know this? Checked school records? No idea but this is a clear FERPA violation. Calling them "guests in this country?" This line is meant to incense the reader with rage. Then to say the former administrators were like father figures (founding father figures) - what? This implies that the former administration liked white students to such a degree that the students saw them as father figures.

**~~8. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms Villa, that avenue is fruitless. The only recourse is to be fired or just to quit.~~**

This is another truth in the email that an upper management AMPS administrator would not want students to know. In actuality, a ridiculously large percentage of teachers and administrators have quit or been forced out over the years.

9. Either way, their removal ~~that~~ caused a "brain drain" at the school **since the JHHS teachers, who are the best in the amps system want to leave** and the ones hurt are the **parents and** students.

Another reason to contend that an administrator wrote this email. What if a teacher finds one of these documents or a student shows it to them? Well, don't worry about that because we are going to insert a line that says JHHS teachers are the best in the AMPS system. A student would not have the foresight to write this. Only someone that has

worked in schools as a leader could think about the inevitability of a staff member reading the flyer.

**10. The problem is that the entire school are Latinos and Blacks and so they do not understand the importance of education let alone college so** No one ever holds them accountable.

Another egregious line. What do you think will happen if someone reads this and they are Latino or African American. Instant Hate! A student might think, "Where are the parents children... I am going to take my anger out on them. Then I am going to go to the WCCUSD board meeting very upset."

11. The site director **who is great** is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position,**but here we go again with another Latino**, and her husband is her boss.

These doctored lines do two things. The first line pumps up the current site director, Mr. Becker, in case he finds the document. He knows someone falsified the document, or will eventually. But, he knows it must be someone above his pay grade. He might inquire as to what should be done. He might say, "How are we going to investigate this. This is serious." When he is told to do very little... he knows the person(s) responsible for the fabrication thing he is "great." The second line creates anger toward the white parent and her children again.

12. If it were up to me, they would be replaced by someone who is **smart**, accountable **and understands the American education system. To have a board that is elected and accountable to the parents.**

Speaking about Mr. Lopez and Ms. Villa, and the fact that they don't understand the American education system. Why can't it just be the word "education"? American implies that there is something unAmerican about Mr. Lopez and Ms. Villa who are Latino. Again, racially charged words.

13. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators, **but what should we expect from these types of people.**

The implication is "What should be expect from Latinos"? Racially charged words by the author of this document... again.

14. The school will fail because we will not be able to attract and retain ~~smart~~ **good** teachers **with strong American values**. Unfortunately, it is the ~~teachers~~ **students** that will bear the brunt of this disfunction.

In this doctored segment. The word "smart" is taken out and replaced with "good", and the word "students" is inserted for "teachers." This subtle word-smithing is not the work of a student. The false email is aimed at the JHHS student body so the word "students" is inserted to make this attack feel personal. The word smart versus good is interesting - that is a dig at the current teachers... even though they are the best at AMPS, apparently they are not smart, just good. The American Values line is the foreshadowing of the blatant reference to Trump which comes a few sentences later. .

15. **This schools' failure will reinforce the opposition to charter schools as a whole.**

Okay! We are pretty confident at this point that the email is not written by a student, but just to make sure everyone knows it is an administrator or very dialed-in charter school professional let's add this line. I think I have heard this somewhere before...

"...opposition to charter schools as a whole." I did not watch the entire WCCUSD board meeting, but I am going to rewatch it. This line has no business being in here. I would contend this was written by someone that thinks of the big picture of charter schools, and is actively engaged in following what is going on with them.

16. We had a fantastic **traditional** site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin

What does traditional mean? Is that racial? Not sure, but if it isn't, why use it. This is the first time Beaudoin's name is spelled correctly. The other times when it was taken out and rewritten it is spelled Bedouin. Maybe that is to make it look like a student wrote it, but all the students know how to spell his name. Maybe it is spell check. I just found it odd.

17. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing **about making America great again**.

If this is not implying racism in a school with a 98% Latino student body... I don't know what is. This was the big reveal. Using words such as Latinos, Students, Traditional, American values, American education, etc... in such a manner throughout the document to finally put it together with the Trump campaign slogan is an overt attempt

to manipulate students and incite violence. The election caused walkouts and anger in the Latino community across the country. It caused anger and walkouts at JHHS. Whoever wrote this knew this and did not care about the safety of the students at JHHS.

1. While attending an impromptu ALL Richmond AMPS leader check-in regarding the upcoming JHHS revocation hearing I received a text from my front admin assistant Kathy Castillo. She texted me a picture of a letter and asked if the lunch staff had permission to distribute a memo during afternoon dismissal. She is normally in charge of making copies & delivering to classrooms and this memo did not look familiar. Leading up to the JHHS revocation hearing AMPS leaders were forced to send home multiple misleading memos, which I often opted out. Kathy and I had an agreement that she must get all memos approved by me, so this triggered her to text me.

2. The distributed memo was a falsified email apparently from a parent from JHHS in the community to Linda Delgado. I passed around my phone to my team, Deans Mrs. Roque-Nido, DeLeon, and my supervisor Ms. Villa. They all said they had never seen it and appeared to be shocked.

3. After the meeting I left the RCA office and headed the Cafeteria. I found Ms. Villa talking to both lunch assistants. She quickly offered to translate. Upon questioning, the lunch/ Traffic manager Ms. Armendariz, said she'd been directed by the Family School Council to distribute it-- speaking through the interpreter-- Ms. Villa. She refused to share where or exactly who she got the emails from. She said that it was her "right as an FST member" a she felt offended by the information. She wanted parents to know "how they really feel about Mexican families".

4. On thinking it over, I brought the lunch person Ms. A in and asked her how she came by email, and why she was handing it out. Ms. Rocio Gonzalez (former BJE principal at the time Sacramento Regional Sup) agreed to translate. Ms. A was very afraid, she cried, covered her face, and had trouble breathing. She then confessed that she was directed to distribute the papers by Ms. Villa in the cafeteria. She apologised profusely and repeated that she was afraid and doesn't want to lose her job

5. In order to confirm Ms. A's confession of where the (falsified) email came from and how it made its way around the campus, myself and Ms. Gonzalez checked the cafeteria and hallway door to JHHS camera which was located in my office. We seen Mrs. Villia hand a manila envelope to Ms. A. We later see Ms. A's son a JHHS student come to pick up the folder and walked out the RCA doors back to JHHS.

6. I next called Anika McCoy, Director of HR about the video. She came to BJE and we watched the video and she took my statement. A few hours later, the COO Pete Cordero arrived. I explained to him my finding as well and he said he would follow up.

7. The next day we had a leadership retreat in Oakland, and was told to stop investigating the situation immediately.

After this chain of events my admin team ( both deans and admin assistant) believe we became victims of discrimination and harassment from Mr.Lopez and Ms.Villa for coming forward. We made several complaints to HR and was told nothing could be done and were recommended to leave the org because nothing will change.

- Negative comments and emails saying leader are not supporting families and the charter school fight for not sending home meos or requiring parents to attend/ rally at WCCUSD board meetings.
- Ms.Villa would use School reach to call BJE parents without my permission and hold meetings and no invite me.
- I was instructed by my supervisor Ms.Villa to seperate myself from Mr. Randy Taylor the other African American principal. For example leader meeting don't sit next to him. She has a dark light and negative energy.
  
- **I was written up for insubordination**
  - Carlyn Myricj and Mr.Lopez asked for all documents used for coaching at all 6 sites in order to norm.
  - I emailed Myrick asking how the documents would be used, as some things were borrowed from KIPP my former organization and I was worried because in the past AMPS has used item I created and put AMPS logos without my permission. I also asked that if my items were used, could I receive compensation and recognition for creating network wide resources.
  - My Myrick replied in a very dismissive manner, and explained that he would always ask and that maybe was was harboring old feelings from the past. He disagreed that leader should be compensated and said he would be open to meet to discuss.
  - I emailed all the documents over.
  - A week later, Anika Mccoy scheduled a random meeting with me. When she arrived we sat down and she immediately started crying. She handed me a document and before I begin to read it, she stated that she received a direct order from Mr.Lopez to deliver this write up. She felt terrible about it and she hoped it didn't ruin the relationship that we have built.
  - After reading the email I was upset. Mainly because I didn't understand how Mr.lopez found out about the email communication as he wasn't on the email.
  - Anika explained that Ms.Villa told him, and that this write up is to protect wife and intimidate me.
  - I let her know that I wanted to respond and to request a follow up meeting with everyone involved. She cried and begged me not to and said she felt like her job would be on the line.
  - She asked me to take a week and think about it. She also said that AMPS senior admin generally attack all leaders, and to push past it and it would eventually stop because they will move on to someone else to harass.

- Ms.Villa was placed on administrative leave the next day by the AMPS board. ( Check board agenda)
- I was told Carlyn Myrick would act as my support until further notice.
- Ms.Villa emailed all staff saying she was out of town
- A few weeks later she come back but avoided me. She cancel our check ins or only came around when I was in the middle of meeting with teachers or parents so that we didn't have to interact 1:1.
- PGP-----> beginning of the year evaluation goal setting was due. Ms.Villa had not selected goals and said i cold chose my own which was a pattern as I had neber recieved an evaluation while at AMPS.
- At the end of this meeting I decided to address the write up. I didnt mention what Anika told me. But i shard my concern of reciving feedback and why it wasnt from her.

Mar 15 Mar 15

[REDACTED]  
[REDACTED]  
to me

It all started on or about November 5th, 2017. I got the information that Mr. Clinton had resigned, and I was concerned for the future for the school. I found out on a Monday, and I was informed by Robert Macado. He told me and to say the least, I was shocked. Mr. Macado said that he would find out what was the reason. He got back to me the next day, and I suggested that I would try to talk to Mr. Clinton to see why he left, and if he would come back. He sent me a copy of his resignation letter and a copy of the complaint that he submitted to everyone. I picked up my daughters from after school, and Mr. Beaudoin came out and told me that he had some trouble with Ms. Villa, who was harassing him at school, and that he went to HR department to get some relief, but he said they told him that it was he, that would have to avoid her, not the other way around. I started to get concerned that things were not good. After a week, there was no notice to parents about the resignation of Mr. Clinton and I was perturbed, because that is a major event, and parents were not being told, and a few parents came up to me and asked me what was going on. I conveyed that to Mr. Macado, and told him that the school needs to inform the parents. We have a right to know what is going on. I called Mr. Macado and asked to speak with Mr. Lopez and tell him my concerns. He got back to me and arranged a meeting with him. I asked Mr. Macado to be in on the meeting, because I didn't want it to be "he said, she said" situation. I told Mr. Lopez that there were a lot of parents who are upset that we are not being kept in the loop as to who is supposed to be running the school, and how this is all supposed to work. He assured me that everything was going to stay the same, and no changes were going to be made. He told me that he had already planned to bring in a new site director in February before Mr. Clinton resigned. I asked him about Mr. Beaudoin, and he said that he was staying. He said everyone else is staying.

[REDACTED]  
[REDACTED]  
to me

I am sorry, I think I was writing it and accidentally sent only the beginning of it. Let me continue. During the conversation with Mr Lopez, I mentioned a certain phrase about Mr. Clinton and my daughters. Only me, Mr. Macado, and Mr. Lopez were in that meeting. A few days later I think, Mr Beaudoin ran out of the school building, holding a box in his hands. It was 3pmish because RCA was just letting out. He said loudly, that he was just fired. He came to my car window, and I lowered it, and he just said that "I was just fired." I couldn't believe it. As he was walking out of the door, Mr. Macado was entering the building and I know he heard him because, he turned and looked at him. He was loud. I was shocked and dismayed. The next day, the school kids threaten to walk out in protest, and my daughters told me that the admin told them that Mr. Beaudoin had a mutual agreement to part ways.. It took a lot of energy to calm the students down. I called Ms. Sanchez and she said that yes, Mr. Beaudoin quit. I told her that no, he didn't, because I was in my car when he came out and told me he was fired. She said that is what she was told. After hearing that, I knew that things happen independently. The school admins are just tools. Another week or two passes and then Mr. Lopez has a parent meeting. At that meeting, he said that it was a mutual agreement that the school and I spoke up and said that, that was not true, but that he was fired. He also said that he couldn't talk about why Mr. Clinton left because of advice from his lawyers, and Mr. Clinton had made certain accusations, which were being investigated. I had brought the resignation letter with me, just to make sure that nothing was said that conflicted with the letter. When some of the other parents found out about the letter, they wanted copies to read it for themselves. Mr. Lopez said that he didn't have a copy right now, but he would provide a copy with a rebuttal. I said I have a copy and then Mr. Macado made copies for each parent there. After the meeting, or shortly after, I emailed Ms Delgado on December 10, 2017. I followed up with one or two more emails with my concerns on how the school was being run.

On Wed, Feb 28, 2018, I picked up my daughters and two other girls from school. My youngest daughter came into the car greatly distressed. I asked her what was wrong and she started to cry. I repeatedly asked her what was wrong. She then handed me a folded piece of paper. She said that kids were mean to her, calling me a racist, and calling her a racist. They confronted her repeatedly on why does she go to school there if her

mother hates it so much, and said she must be a racist because I was one. They physically intimidated her, and scared her. She was extremely upset and crying. I asked her what was the circular that she gave me. She said it was a copy of the email that I sent to Ms. Delgado on 12-10-17, I had to leave with the girls because I carpool, and I needed to get everyone home. She told me that the paper was a copy of my email, and that some kids were passing it out at school. My daughter saw it first at 6th period when she went to the bathroom to change for P.E. It was taped up on the wall. She was reading the paper to me on the way home, and I said that I didn't write that. The paper had my email on it, had my name at the bottom, with my phone number blacked out. The date on it was Dec 10, 2017. I was and still am, livid. I was supposed to attend my weekly bible study on Wed nights, but I couldn't let this just float out there. I went to the school board meeting waiting to see Mr. Becker and Ms. Sanchez to see what the heck is going on. I didn't see them, so I went inside and spoke briefly with one of the board members who was eating, what looked like a salad. She was a blond woman, and was nice to come over to me and I was able to briefly tell her what was done to me. She pointed me to Ms. Delgado, who was in the back of the hall, or gym. I was told by this woman that Ms. Delgado was the eyes and ears of the school board. If I informed Ms. Delgado, I was essentially informing the school board. I went to the rear of the meeting room and spoke with Ms. Delgado and asked her if she had heard what was going on. She said that she did hear and was sorry. I asked her if she was the one who sent Mr. and Mrs Lopez my email, and she said she hadn't. I told Ms. Delgado of my concerns about serious repercussions to my children. I can leave there, but my kids are there all day. They were put in danger. My youngest has already been harassed and bullied because of her race, and this made it 1,000% worse. She gave me her business card and told me to keep in touch. I told her that only one person could be responsible for the fake email because of a line that was in the fake, was spoken at the private meeting I had with Mr. Lopez and Mr. Macado. I went outside to the parking lot and see if I can speak with Mr. Becker or Ms Sanchez. I waited in the lot for a few minutes, because I had to leave for my study. I looked over and saw Ms Villa there and she said not one word to me, even though she was at the school that day. Ms. Sanchez showed up and I asked her where Mr. Becker was. She didn't know if he was going to be there or when. I asked her if she saw the fake email. She said that she was aware of something like that was going around, but it was near the end of the day, and she didn't have time to look into it. I gave to her the real email, and the fake one and told her that she needed to fix it. I then had to leave. The next day, I called Mr. Becker and asked him what he was doing to fix this. He said that he went to the classrooms and showed them both email. He told me that he said that he said one appeared to be fake, and the other appeared to be real. I was livid, He was so milk toast about it. He left wriggle room for the real email to be suspect. I went to speak with them both in person and asked them if they collected all the fakes. They said that they only collected one, and a teacher had made several copies of both and handed them out to compare them side by side. I told them that I want a robocall to all the parents that I was victimized by this fake email. They said that I would not get a robocall. They did all they were going to do. I said that I have to deal with these parents, and I don't want it out there that I might have said those things. I said that they can tell the kids all day, and it still would not get to their parents. They said that they would check, but they could not do that on their own. I asked to speak to the board members, and she gave me the name and email of Pete Cordero. I assumed that he was a board member, so I emailed him all the relevant papers. The next day, Friday March 2nd. I received two calls labeled private for the number. I ignored them because they were private. The 3rd call came in and I answered it. It was a woman who said that they were a teacher at JHHS, and said that my kids were not safe at the school. She said that a staff meeting the prior day inadequately addressed the safety of my girls, and that it barely mentioned the email issue at all. I was angry. In between the 2nd and 3rd call, I got an email from an anonymous teacher saying that my girls were in danger, and that I should keep them home for a few days. I immediately forwarded the email to Ms. Delgado. She emailed me her cell number and told me to call her right away. She told me that she was going to the school and she was going to bring with her, a couple of district people. I asked my girls what they wanted, and both said that they wanted to go to school, because they are defiant young women. I told them that I was going to take them and upon arriving there, I had a meeting with Mr. Becker and Ms. Sanchez and showed them the email that I got. I told them that I have already informed Ms, Delgado of the anonymous email. I told them that not one hair on my daughter's head better be touched. I told Ms, Sanchez that if she had to, she better follow them into the bathroom and make sure that they are safe in there. I told them that I was holding them personally responsible for their safety. I told them I wanted that robocall, and still to this day, nothing. I got an email for Pete Cordero, and he said that he was going to be on campus Monday, so I emailed him back requesting a meeting. I told them that they better keep Mr and Mrs. Lopez away from my children, no question. They were absolutely not to talk to them or be around them. I thought he was a board member, but Ms. Delgado informed me that he was just another employee. I called the school and asked to be informed the minute he came in, because I didn't want to be told that I just missed him. I waited all morning, and at noon, I called the school to check to see if he showed up yet. They told me that he was already there. I jumped in the car, and was able to meet with him. He said that he went again to all the classrooms and stated that there was a fake email with my name on it. He asked me what he

can do more, and I said that I wanted a robocall from the school to the parents, and he said "no" He asked me what else, and I said to fire Mr. and Mrs. Lopez. He said that he couldn't. He wasn't a board member. I told him who I thought made up the fake email, showing him where the phrase from the private conversation, and he told me that Ms. Villa was taking two weeks off and she wouldn't be at the school for that time. I told him also not to let either of the Lopezs near my children. He said the investigation would take 20 days. He said that he would be there all week to make sure everything was going to be alright. That was it.

My oldest daughter hates it there now and doesn't trust the teachers now. She sees Mr. Becker as feckless, and Ms. Sanchez as ineffective. They said that they are not investigating, I had to fill out a form to the ombudsman to get an investigation. There has been incidences with my youngest daughter, and this is ongoing issue. That is basically it. This is where we are now. Thanks [REDACTED]



Richard T. Bowles	Cathleen S. Huang
Michael P. Verna	Ethan K. Friedman
Robert I. Westerfield	William T. Nagle
Richard A. Ergo	Cheryl A. Noll
K. P. Dean Harper	Michael T. Krueger
Bradley R. Bowles	Mallory L. Homewood
Kenneth B. McKenzie	Shelley A. Molineaux
Jason J. Granskog	Jonathan W. Lee
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*Of Counsel*  
Bruce C. Paltenghi

December 15, 2017

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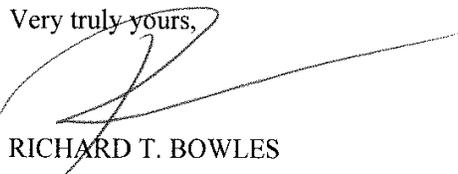
**Re: Gregory Beaudoin/Amethod Public Schools**

Dear Mr. Young:

Thank you for yours of December 14, 2017. I thought it might be well for you to have this email from a parent at the school. I can also assure you that there is considerable additional support for Mr. Beaudoin that will be elicited, if necessary. Indeed, his immediate supervisor, the former principal, is totally supportive and has, as I am sure you are aware, provided a variety of folks with a whole list of wrongdoing by the school and its owners/administrators.

I will look forward to hearing from you. Thank you.

Very truly yours,



RICHARD T. BOWLES

RTB:dja  
Enclosure

----- Forwarded message -----

From: [REDACTED] >  
Date: Sun, Dec 10, 2017 at 9:51 PM  
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. I also am very much aware of the investigation that is going on surrounding the charges. My concern is that there is no accountability at all. The board of directors are picked by Mr. Lopez and Ms Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area. If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where to go to get a fair hearing. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms Villa, that avenue is fruitless. The only recourse is to be fired or just to quit. Either way, that caused a "brain drain" at the school, and the ones hurt are the students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The sight director is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is accountable. To have a board that is elected and accountable to the parents. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators. The school will fail because we will not be able to attract and retain good teachers. Unfortunately, it is the students that will bear the brunt of this disfunction. This schools' failure will reinforce the opposition to charter schools as a whole. We had a fantastic site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing. You can make a difference. Have the school district take over until new a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED]. Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

## **Steps Taken to Ensure Safety after 2.28.2018 Incident**

### **Wednesday - 2.28.2018**

#### **Approximately 2:00 PM**

After being informed of the letter that was found first in the girl's bathroom and reading the letter I asked the lunch manager, the traffic assistants and the administrative assistants to be vigilant for afterschool dismissal. I also stayed in the front office area/ outside front (pick-up area) until both girls were picked up and afterwards until approximately 4:00 PM.

The Amethod Public School's (AMPS's) Community Outreach Coordinator alerted the security guard on duty in the Richmond Marina that there was a situation that might compromise student safety and to be present and vigilant at the front of the school from 3:15-3:45 PM, (dismissal time is 3:30 PM), in order to help ensure student safety. The Community Outreach Coordinator also communicated this to the guard's supervisor (the guard service AMPS uses in the Richmond Marina is VIP Security Services).

### **Thursday – 3.1.2018**

#### **8:00 AM**

John Henry High School Wellness Counselor met with both students and continued to meet with one of the students several times into the next week. The counselor maintains an open-door policy with the students and administration has communicated that the students should come to us at any point in time if they feel unsafe.

#### **Approximately 8:05 AM – 9:00 AM**

The Community Outreach Coordinator and I went to all John Henry High School (JHHS) classrooms in the morning to explain what had happened the previous day, to assess the level to which students were affected and to explain that an additional letter had surfaced since yesterday and we did not know the origin or validity of the either letter. We encouraged students to treat both as unsubstantiated and false. We also urged students to be safe and that violence or bullying was not expected, but that it would not be tolerated. We ended by urging students to come see us personally to talk out issues as necessary.

AMPS Community Outreach Coordinator began doing visual check-ins with each girl every period (this continues to the present time and will continue until at least this Friday, 3/9/2018).

#### **Approximately 7:45 AM**

I asked the Food Manager and Traffic Coordinator as well as a paraprofessional to be in the halls, to discretely escort or shadow the two students in between their classes for the remainder of the week. These staff will continue to be present during transitions for the coming weeks.

Throughout the Day on Thursday I made myself available to help out with transitions.

#### **Staff Meeting, Thursday, 3.2.2018**

During the 4:15 PM – 5:00 PM staff meeting I reiterated the importance of all teachers waiting outside their classrooms or close to the threshold during JHHS's three minute transitions and being vigilant of student safety in the halls and in their classrooms. I invited suggestions from staff after the meeting and stayed late to hear ideas and concerns.

#### **Friday 3.2.2018**

I sent an email out to staff reminding them of vigilance during the day and explaining additional steps that were being taken to help ensure the two students safety. I asked the Dean of Instruction to verbally tell all staff members the essential points of the plan and to alert them to the email.

The Food Manager and the Traffic Coordinator as well as a paraprofessional continued to circulate during

Male teachers at the beginning of their preparation were asked to stand outside the boy's bathroom – a high traffic area.

Staff were also reminded/told of the following rules for students being let out of class:

Only allow one student out of the classroom at a time.

Do not let students out of the class the first ten minutes and the last five minutes of the period.

Emphasize that everyone must be vigilant in the classroom and use proximity and scanning consistently.

**Monday 3.5.2018**

I reminded all staff (especially the Food Manager and Traffic Coordinator) of their roles in ensuring the two students' safety and continued presence during transitions.

Along with the Dean of Instruction, I began discussions in advisories around any bullying going on in the school.

Provided bright and highly visible hall passes as well as sign-out sheets for all classrooms for students to use if they must be excused from class for the bathroom or any other reason.

**On-going**

In collaboration with the school counselor, the Dean, and a group of seniors, a presentation against bullying in all advisories (planned for the end of this week and next).

**PUBLIC HEARING TO CONSIDER ADOPTING NOTICE OF REVOCATION OF THE  
CHARTER OF JOHN HENRY HIGH SCHOOL, OPERATED BY AMETHOD PUBLIC  
SCHOOLS, BY DETERMINATION OF A SEVERE AND IMMINENT THREAT TO  
PUPIL HEALTH OR SAFETY**

The Board will hold a public hearing, in the normal course of business, to determine whether a severe and imminent threat to pupil health or safety exists at John Henry High School (“Charter School”). After the public hearing, the Board will consider revoking the Charter School’s Charter by adopting a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. Should the District Board revoke the Charter, the Charter School will no longer qualify as a charter school for funding and for all other purposes during the pendency of an appeal. (Ed. Code, § 47607, subd. (i).)

The date and time specified for a public hearing for revocation is as follows:

**DATE:** Wednesday, October 3, 2018  
**TIME:** 6:30 p.m.  
**LOCATION:** Lovonya DeJean Middle School  
Multipurpose Room  
3400 Macdonald Ave., Richmond, CA

**NOTICE OF REVOCATION OF THE CHARTER OF JOHN HENRY HIGH SCHOOL,  
OPERATED BY AMETHOD PUBLIC SCHOOLS, BY DETERMINATION OF A  
SEVERE AND IMMINENT THREAT TO PUPIL HEALTH OR SAFETY**

**(Ed. Code, § 47607, subd. (d).)**

Pursuant to its oversight obligations, revocation provisions in the Charter Schools Act, and corresponding regulations, the West Contra Costa Unified School District's ("District") Board of Education ("Board") issues this Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety ("Revocation Notice"), to John Henry High School ("JHHS" or "Charter School") and the Governing Board of Amethod Public Schools, Inc. ("Amethod" or "AMPS") for failure to foster and maintain a safe environment for its students, pursuant to the standards required by law and its charter ("Charter").

**EXECUTIVE SUMMARY**

Prior to the commencement of the 2017-2018 school year, Amethod held a professional development meeting known as the AMPS Annual Summit, to provide professional development for its teachers. During this professional development meeting, the Chief Academic Officer of Amethod inappropriately and incorrectly advised JHHS teachers to delay reporting suspected child abuse. Specifically, teachers were directed that when a student complains of abuse, the teachers should investigate the matter themselves before determining whether to fulfill their mandated reporting obligations.

The California legislature has determined that ensuring that school teachers, administrators, and other staff members are properly trained as mandated reporters is absolutely necessary and crucial to a student's health and safety. Compliance with mandatory reporter laws are so essential that the potential sanction for failure to comply with them are criminal in nature. A school-wide practice of not immediately reporting suspected child abuse *-as required by law-* places all the students at JHHS in the face of severe and imminent threat of danger. This threat is not theoretical. At the September 26, 2018 Board meeting, Amethod's Outreach Coordinator expressly corroborated allegations raised by former teachers at JHHS, confirming at least one instance where Amethod administration failed to properly report a claim of suspected child abuse, in violation of California Law, JHHS' Charter, and JHHS' Employee Handbook.

On October 3, 2018, after a public hearing on the matter, the District's Board determined that JHHS' school-wide practice relating to mandated reporting constitutes a clear, severe, and imminent threat to the health/safety of students who attend JHHS. As a result, the District's Board adopted this Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, effectively revoking JHHS' Charter.

**LEGAL AUTHORITY**

Pursuant to Education Code section 47607, subdivision (d), if a chartering authority determines that the charter school has committed a violation that constitutes a severe and imminent threat to the health or safety of the students who attend that school, the chartering authority need not go

through the traditional revocation process detailed in Education Code section 47607. Education Code, section 47607, subdivision (d) provides, in relevant part:

*Before revocation, the authority that granted the charter shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, **unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.***

(Emphasis added.)

Instead, the chartering authority is provided with a legal mechanism to immediately revoke a charter school's charter when such a severe and imminent threat to student safety is discovered. The chartering authority need only approve and deliver a "Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety" to the charter school. Title Five of the California Code of Regulations, section 11968.5.3 provides in pertinent part:

*This section sets forth procedures the chartering authority shall complete for the revocation of a school's charter when the chartering authority has determined that any violation under Education Code section 47607(c) constitutes a severe and imminent threat to the health or safety of pupils and the procedures that a charter school and county office of education and SBE must follow if the charter school elects to appeal a chartering authority's Final Decision to revoke the school's charter.*

*(a) If there is a severe and imminent threat to pupil health or safety, the chartering authority is exempt from the requirements of section 11968.5.2 and may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body as described in the school's charter, the county board of education (unless the county board of education is also the chartering authority), and the CDE.*

The Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety must include certain information:

*(e) "Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety" means the written notice of a chartering authority's decision to revoke a school's charter due to a severe and imminent threat to the health or safety of the pupils. This notice shall identify all of the following:*

*(1) The location of the facility;*

*(2) The provisions of Education Code section 47607(c) that the charter school has violated and a description of the emergency or urgent conditions that have resulted from this violation;*

(3) *A description of how the condition(s) identified in subdivision (2) severely and imminently threatens the health or safety of pupils.*

(4) *For purposes of this article, “a severe and imminent threat to pupil health or safety” occurs when a charter school's structures, systems or practices are in a condition that poses a severe and imminent threat to the health or safety of pupils while at school, and where the charter school has made no reasonable attempt to remedy the condition or no remedy exists to cure the condition.*

(5) *For purposes of this article, “a severe and imminent threat to pupil health or safety” does not include any cosmetic or nonessential repairs or severe threats for which the school has initiated corrective action and has removed the pupils from any immediate danger.*

(Cal. Code Regs., tit. 5, § 11965, subd. (e).)

**I. THE CHILD ABUSE AND NEGLECT REPORTING ACT- A CHARTER SCHOOL'S OBLIGATION**

a. The Child Abuse and Neglect Reporting Act

The Child Abuse and Neglect Reporting Act (“CANRA”) requires certain professionals, designated as “mandated reporters,” to report known or suspected cases of child abuse or neglect to law enforcement. (Pen. Code, § 11164 et seq.) For K-12 schools and post-secondary institutions, the list of mandated reporters includes, but is not limited to essentially any and all public school employees. (Pen. Code, § 11165.7.) These obligations include the employees of California’s charter schools. (Pen. Code, § 11165.7, subd. (d); Charter, pg. 93.)

“Child abuse or neglect” has a broad definition, which includes: (1) non-accidental physical injury inflicted on a child; (2) sexual abuse; (3) neglect; (4) willful cruelty or unjustifiable punishment; and (5) unlawful corporal punishment or injury. (Pen. Code, § 11165.6.)

Mandated reporters must report when they have “knowledge of or observe a child whom the mandated reporter knows or *reasonably suspects* has been the victim of child abuse or neglect.” (Pen. Code, § 11166, subd. (a)(1).) In other words, mandated reporters must report any *reasonable suspicion* of child abuse or neglect. And under CANRA, “reasonable suspicion” means “it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.” (*Id.*) But, “[r]easonable suspicion’ does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any ‘reasonable suspicion’ is sufficient.” (*Id.*)

In 2016, the Contra Costa County District Attorney’s Office published a “Best Practices” manual on mandated reporting of child abuse. This “Best Practices” manual was “born from a collaborative effort between Contra Costa County District Attorney Mark Peterson, Contra Costa County's Children and Family Services (CFS), Contra Costa County Office of Education, Carol

Carrillo of the Child Abuse Prevention Council (CAPC), and Superintendents from the school districts within Contra Costa County.” (<http://www.co.contra-costa.ca.us/DocumentCenter/View/42180/Mandated-Reporting-of-Child-Abuse-and-Neglect-for-CCC-School-District-Employees---July-2016?bidId>.) Relevant here, the Best Practices manual emphasizes that a mandated reporter may not delay reporting reasonable suspicion of abuse in order to investigate the matter him/herself:

*It is immaterial for reporting requirements whether suspicion is directed at a SCHOOL EMPLOYEE/TEACHER/STAFF/ADMINISTRATOR/COACH, etc., versus a student, parent, guardian, or other non-school related individual. The law clearly states that if there is a suspicion of, or actual knowledge of, abuse or neglect, the mandated reporter must report, and cannot delay a report based on misguided efforts to investigate for himself/herself. As attorney Manuel F. Martinez of Lozano Smith has analogized, reporting suspicion of abuse is similar to acting as a fire alarm: you are not verifying that there is an actual fire, but you are clearly giving notice to the appropriate investigators that there may be a fire that warrants investigation and detection by the experts. A mandated reporter is simply the fire alarm that signals the possibility of abuse. Supervisors or administrators should not delay or impede the reporting of possible abuse; any secondary or corollary personnel investigation follows the initial reporting to law enforcement, not supersedes it.*

(*Id.*, p. 4-5.)

CANRA requires a mandated reporter to make an initial phone call immediately or as soon as practicably possible to the police department, sheriff’s department, county probation department, or county welfare department. (Pen. Code, § 11166, subd. (a).) If the child is living in a home or institution that the reporter knows or reasonably suspects is unsuitable for the child because of abuse or neglect, the reporter must bring that condition to the attention of the agency when making the report. (Pen. Code, § 11167, subd. (a).) The mandated reporter must then complete the required mandated reporter form (Form SS 8572: Suspected Child Abuse Report) and submit it electronically or by fax —within 36 hours of receiving the information concerning the incident— to law enforcement or other designated local agencies (e.g., Child Protective Services). (Pen. Code, § 11166, subd. (a).)

b. Mandated Reporting Training Requirements

Charter Schools must provide training within the first six weeks of each school year or of new employment, to their employees who are mandated reporters. (Ed. Code, § 44691, Pen. Code, § 11165.7, subd. (d).) The annual training must include information explaining that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six months in county jail, or by fine of one thousand dollars, or by both imprisonment and a fine.

c. JHHS' Charter Recognizes that Mandated Reporter Laws Apply to JHHS Employees

The mandated reporter laws, as described above, apply to employees of charter schools. Amethod has acknowledged its employees' obligation to abide by CANRA as mandated reporters, time and time again. For example, the JHHS' Charter provides:

*All staff will be required to produce documents for U.S. employment authorization, and to follow all mandated child abuse reported laws.*

*All non-certificated and certificated staff are mandated reporters, as defined by law are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reports shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.*

(JHHS' Charter, p. 93.)

Amethod has also acknowledged this requirement in their Employee Handbook:

*B. Child Abuse & Neglect Reporting*

*All AMPS staff are mandated child abuse reporters and will follow all applicable reporting laws, as well as the same policies and procedures used by the Organization. Mandatory reporting of suspected child abuse or neglect is required under the California Child Abuse and Neglect Reporting Act by any mandated reporter. "Child" is defined as a person under the age of 18 years. A mandated reporter is any individual who is an employee of a youth organization or public school. The term "child abuse or neglect" includes sexual abuse; neglect defined as the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare including both acts and omissions on the part of the responsible person; willful cruelty or unjustifiable punishment; unlawful corporal punishment or injury; and abuse or neglect in out of home care. Child abuse or neglect does not include a mutual affray between minors or an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.*

*All employees of Amethod Public Schools must also comply with the reporting responsibilities outlined in the California Child Abuse and Neglect Reporting Act in reporting the concern immediately or as soon as is practicably possible (within 36 hours) by telephone, to child protective services, any police department, sheriff's department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. The individual making the report must also prepare and send a written report to the reporting agency within 36 hours of receiving the information concerning the incident.*

*Employees shall not contact the child's family or any other persons to determine or investigate the cause of the suspected abuse or neglect. Any personal interview of the child should be conducted in a professional manner, after consulting with the Executive Director or designee. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child.*

*Anyone reporting an act of child abuse or suspected child abuse or neglect must act in good faith, without malice to the Organization or any individual at the Organization and have reasonable grounds for believing that the information provided in the report indicates that a violation has occurred. Any report that is made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense and be dealt with in such a manner. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action.*

(AMPS 2016-17 Employee Handbook, p. 13-14, attached hereto as Exhibit A.)

**II. SUBSTANTIAL EVIDENCE SHOWS THAT JHHS, AND ITS ADMINISTRATORS, HAVE VIOLATED BOTH THE TERMS OF ITS CHARTER, AND CANRA, BY FAILING TO COMPLY WITH CALIFORNIA'S MANDATED REPORTING REQUIREMENTS**

a. 2017-2018 AMPS Annual Summit Event

Prior to the commencement of the 2017-2018 school year, Amethod held a professional development meeting known as the AMPS Annual Summit, to provide professional development for its teachers. During this professional development meeting, Chief Academic Officer of Amethod, Evilia Villa, advised teachers that when a student complains of abuse, the teachers should investigate the matter themselves, rather than immediately calling Child Protected Services, as required by law.

A number of teachers who were present at that meeting have submitted written statements describing the event, and expressing their concern with Ms. Villa's directives. Former JHHS teacher Robert Menze described the event as follows:

*During our summer training called "Summit", Mrs. Villa told a story explaining how a student (whom Mrs. Villa mentioned by name) had come to her saying he was being abused at home. Mrs. Villa did not believe this student and, instead of taking the legally mandated action of calling Child Protective Services (CPS), she decided to investigate the allegation herself by instructing the student in question to remove their shirt so she (Mrs. Villa) could verify if the student's story was viable. Based on this communication, Mrs. Villa then recommended that teachers investigate a student's story themselves, prior to reporting, because students could*

*be lying. With new teachers attending this training, I felt it was highly unprofessional and illegal to promote this type of action.*

(Robert Menze Statement, attached hereto as Exhibit B.)

Tatum McGuire, another former teacher at JHHS, described the same meeting as follows:

- *The professional development (PD) meeting took place before the school year began at AMPS annual Summit, for the 2017-2018 school year. The information regarding this PD was listed in the Amps 2017 Summit Program as:*

***"Required Participants: Returning Instructional Staff***

***Title: Honor Hard Work Begins NOW!***

***Presenters: Evelia Villa and Robert Moncada***

*Description: "Culture is tangible the minute you walk into the school doorway," reads the AMPS Culture Handbook - the Methods Manual. This training looks at the intersection between holding our students to high standards while also acknowledging (sic) the circumstances (sic) in which they live. Staff will review key elements behind AMPS' methods and the Core Values, and participate in scenarios related to each."*

- *This specific PD was presented by Villa and Robert Moncada.*
- *Villa shared a story about a student that she mentioned by name, where the student came to her and said he was being beaten by an extension cord. Villa said that she wanted to investigate the student's claim before she reported it to CPS. Villa said that she called the student's mother and had her come to the school. Then in front of the mom she had the student take his shirt off so they could see his back. There were no marks on the student's back. Villa said that this showed that what the student was claiming was false and she let the parents take care of the situation.*
- *She instructed us to investigate situations ourselves before we call CPS to report abuse because the child could be lying.*

(Tatum McGuire Statement, attached hereto as Exhibit C.)

Michael Bortz, former teacher at JHHS, also described the directive:

*During a professional development meeting Evelia Villa addressed a group of teachers openly admitting to not having called child services after receiving information that a student was being abused. In her narrative she described hearing a teacher report that the student said his parent had beat him. During this narrative she used explained how she dealt with the situation by referring*

*specifically to the boy using his first and last name. Rather than calling the proper authorities she had a conference with both the boy and his parents, in which she had the boy remove his shirt to show that his parents were not beating him, as evidenced by the lack of bruises on his torso. She advised the educators present in the room to follow similar practices and follow our instincts when we faced similar situations, rather than rely on government authorities.*

(Michael Bortz Statement, attached hereto as Exhibit D.)

b. District Correspondence with Amethod Regarding the Mandated Reporting Concern

On May 8, 2018, the District forwarded Mr. Bortz's letter to Amethod, asking that Amethod respond to the concerns raised therein. (May 8, 2018 District Letter to Amethod, attached hereto as Exhibit E.) Amethod's subsequent responses failed to address the concerns related to mandated reporting, so on June 19, 2018, District staff sent a follow-up letter, again reiterating this concern. (June 19, 2018 District Letter to Amethod, attached hereto as Exhibit F.)

c. September 26, 2018 District Board Meeting

On September 26, 2018, during public comment of a regularly scheduled Board meeting, Robert Moncada, Outreach Coordinator at Amethod, gave comment on behalf of Amethod, explaining how the events at the AMPS Annual Summit unfolded. Specifically, Mr. Moncada said:

*Good afternoon, my name is Robert Moncada and I'm the outreach coordinator for AMPS. I just want to...with all of the stuff going on I just want to clarify a couple of things. There's been a couple times when they have used the example about child abuse, there was no CPS report mentioned, or we did not file a CPS reports, or we were negligent. Because of our outreach efforts we had a very good relationship with the family, we had a very good relationship with the student. So we asked the student, had he or had he not been hit. The answer was no. That same student was having difficulties in other aspects of his life. Just a small update, there was no CPS report needed because we checked, we double checked. We checked with the parent, both parents. That student has graduated on time and is now currently attending Contra Costa College, just to clarify. Thank you*

(September 26, 2018 WCCUSD Board meeting; a copy of the video recording of this meeting is available at the District office upon request.)

d. Violations of Law (Education Code section 47607, subdivision (c)(1)(D))

As evidenced by the teacher letters, and as confirmed and admitted by Robert Moncada, Outreach Coordinator at Amethod, Ms. Evilia Villa, and possibly other Amethod administrators, violated their mandated reporting obligation by failing to report a student's claim that he was being abused. Instead of reporting the matter, Ms. Villa investigated the matter herself, and determined that she need not report the incident. As Mr. Moncada stated, instead of reporting the matter Amethod went to check in with the parents:

*. . .there was no CPS report needed because we checked, we double checked. We checked with the parent, both parents.*

(September 26, 2018 WCCUSD Board meeting.) The AMPS employee handbook has cited *this exact situation*, as a violation of California’s mandated reporting law:

*Employees shall not contact the child's family or any other persons to determine or investigate the cause of the suspected abuse or neglect.*

(AMPS 2016-17 Employee Handbook, attached hereto as Exhibit A.) In short, Ms. Villa’s failure to immediately report this incident to the proper authorities constitutes, at minimum, a violation of (1) the CANRA reporting requirements provide in Penal Code, section 11166, subdivision (a), (2) JHHS’ Charter, and (3) the AMPS Employee Handbook.

As corroborated by the evidence presented here, Ms. Villa and Mr. Moncada have a deficient understanding of the mandatory reporter laws in California. Ms. Villa and Mr. Moncada are not simply random employees of Amethod. Rather, they hold important leadership roles within Amethod’s administration, and in part, are responsible for training and overseeing other Amethod and JHHS employees. Most concerning, during a yearly professional development training, Ms. Villa specifically directed JHHS teachers *not* to follow their mandated reporting obligations under state law, and instead, directed Amethod mandated reporters to investigate complaints of child abuse themselves, prior to determine whether a call to Child Protected Services is warranted. Ms. Villa’s “rationale” for her recommended practice, that the student could simply be “lying,” is not an appropriate reason not to follow a mandated reporting obligation. This directive was given during the AMPS Annual Summit, where teachers are gathered to receive professional development training and direction from AMPS administration on the preferred practices in AMPS operation. The fact that this directive was given by the Chief Academic Officer, further adds weight and gravity to the directive, and is evidence of AMPS school-wide practice, especially in light of the fact that many of the teachers receiving the training were new to Amethod schools.

**III. AMETHOD’S PRACTICES RELATED TO MANDATED REPORTING PLACE ALL STUDENTS IN CLEAR, SEVERE, AND IMMINENT DANGER OF UNREPORTED CHILD ABUSE**

The California legislature has determined that ensuring that school teachers, administrators, and other staff members are properly trained as mandated reporters is absolutely necessary and crucial to a student’s health and safety. Compliance with mandatory reporter laws are so essential that the potential sanction for failure to comply with them are criminal in nature. A school-wide practice of not immediately reporting suspected child abuse *-as required by law-* places all the students at JHHS in the face of severe and imminent threat of danger. The fact that Amethod’s Chief Academic Officer specifically directed her teachers *not* to comply with these mandatory reporting obligations, clearly and demonstrably places students at JHHS, currently operating at 1402 Marina Way South, Richmond, California, in clear and imminent danger of unreported child abuse. This threat is not theoretical. At the September 26, 2018 Board meeting Mr. Moncada expressly corroborated the teachers’ allegations, confirming that Ms. Villa failed to properly report a claim of child abuse.

The record is clear that Amethod administration's outright disregard for their mandated reporting obligations, as well as their school wide practice of directing teachers not to report all claims of child abuse because student's may be "lying," not only violates California law, the JHHS' Charter, and the 2016-17 Employee Handbook, but more importantly places students at JHHS in clear and imminent danger of unreported child abuse.

Allegations of these concerns were made to Amethod in May of 2018. There is no evidence that, in that time, the training or implementation regarding mandatory reporting at JHHS has changed. In fact, confirmation of this practice was made at the September 26, 2018 District Board meeting, making it essential for the District to move to revoke now.

#### **IV. INCREASE IN ACADEMIC ACHIEVEMENT**

Education Code section 47607, subdivision (c)(2), identifies "increases in academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter." While it is not clear in the law if academic increases are the most important factor when a chartering authority is considering a "severe and imminent threat to pupil health or safety," for purposes of this Notice, increases in academic achievement for all groups of pupils will be the most important factor weighed here.

The District has been given an "overview" of the 2017-18 Smarter Balanced test scores for students at JHHS, which shows:

1. In the total student population, an increase in ELA performance (+ 10%) from the 2016-17 scores, and a decrease in math performance (-3%).
2. A total of two students with disabilities were scored, with neither student meeting proficiency in ELA or Math. These scores could not be compared to the prior year's numbers, to measure increases or decreases, because there were no scores for students with disabilities in 2016-2017 at JHHS.
3. A total of 6 English Learners were scored, with 67 percent failing to meet proficiency in both ELA and Math. These scores could not be compared to the prior year's numbers, to measure increases or decreases, because there were no scores for English Learners in 2016-2017 at JHHS.
4. Socio-Economically disadvantaged students increased proficiency by 11% in ELA, and decreased by 5% in math, between 2016-2017 and 2017-2018.

In 2016-2017 and in 2017-2018, the Charter School did not have significant enough numbers of African American, special education, or Asian-American students for the California Department of Education to report. Therefore, subgroup comparisons of these students, compared to District students, cannot be done.

The California Department of Education releases disaggregated performance data on an annual basis for the California Assessment of Student and Progress system of assessments (CAASPP),

which includes the Smarter Balanced Assessments. This data is disaggregated by well-established factors that impact student performance. Influential factors include special education needs, homelessness, foster care, level of English language proficiency, and socioeconomic challenges. The CDE has not yet released the full disaggregated data for the 2017-18 school year, and therefore the District is unable to perform a full review of academic achievement at this time. To provide a valid review of performance data, percentages of each of these influential factors must be accounted for. Better yet is a comparison between other schools in a community that includes comparable factors to the charter school. District staff will be able to perform a full review, once the data becomes available. (Said review will use all District high schools, due to the fact that no school in the District has completely similar demographics to JHHS.)

The District has also received JHHS’ Advanced Placement (AP) data for the 2017-18 school year. A score of three or higher on the AP exam is described as a “Success” by the CollegeBoard, as it is “...the score point that research finds predictive of college success and college graduation”. In 2016 the report indicates that 15 students took 27 exams. Eleven students earned a three or higher. In 2017, 29 students took 29 exams, and no student scored a three or better. In 2018, 24 students took 32 exams. Of those, three exams earned a three or higher. As shown below, JHHS’ passage rate over the last two years is significantly lower than the statewide average.

% JHHS Student received a passing score on at least one of their AP tests		
Year	JHHS	CA Average
2016	73.3% (11/15)	62.5%
2017	0% (0/29)	62.3%
2018	12.5% (3/24)	63.7%

A review of academic increases across the limited student subgroups attending JHHS reflects a mixed bag of increases versus decreases or lack of growth. The health and safety concerns considered in this Notice are so egregious that they outweigh any combination of the increases in academic achievement, for the entire school and its student subgroups, even when giving greater weight to the increases obtained. While ELA scores for the general student population and socio-economically disadvantaged students increased, the scores for these same students went down in math. Nowhere else were significant academic increases noted.

### CONCLUSION

Based on the aforementioned, the District’s Board has determined that Amethod’s school-wide training and practice related to mandated reporting constitutes a clear severe and imminent threat to the health/safety of students who attend JHHS. As a result, the District’s Board adopted this Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. By this Notice, the Board of Education for the West Contra Costa Unified School District hereby revokes the Charter of John Henry High School.

# EXHIBIT A

# AMPS



*HONOR HARD WORK*

## **AMETHOD PUBLIC SCHOOLS**

***2016-2017 EMPLOYEE HANDBOOK***

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## INTRODUCTION TO HANDBOOK

This Handbook is designed to help employees get acquainted with Amethod Public Schools (hereafter referred to as either "AMPS" or "Organization" or "School"). It explains some of our philosophies and beliefs, and describes in general terms, some of our employment guidelines. Although this Handbook is not intended to be an exclusive or comprehensive policies and procedures manual, we hope that it will serve as a useful reference document for employees throughout their employment at the Organization. It is not, therefore, intended to create any expectations of continued employment, or an employment contract, express or implied. In no way does the Handbook replace any official plan documents (e.g., health insurance, retirement plan, etc.) or insurance contracts, which will govern in all cases.

This Handbook supersedes any previously issued handbooks, the policies described herein policies, and/or benefit statements, whether written or verbal, including those that are inconsistent with the policies described herein. Employees must sign the acknowledgment form at the beginning of this Handbook, and return it to the office of the Executive Director. Please use this time to ask any questions you may have.

Amethod Public Schools is a growing and changing organization, and therefore, it reserves full discretion to add, change, amend, supplement, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice, except for the arbitration agreement and at will employment status. No individual other than the Executive Director or President of the Board of Directors has the authority to enter into any employment agreement or other agreement that modifies Organization policy or at will employment. Any such modification *must* be in writing and signed by the employee and the Organization's Executive Director. This Handbook is the property of the Organization, and it is intended for personal use and reference by employees of the Organization. Circulation of this Handbook outside of the Organization requires the prior written approval of the Executive Director.

## I. CONDITIONS OF EMPLOYMENT

### ***A. Equal Employment Opportunity***

Amethod Public Schools is an equal opportunity employer. It is the policy of the Organization to afford equal employment and advancement opportunity to all qualified individuals without regard to race, creed, color, religion, national origin, ancestry, sex, sexual orientation, age, physical or mental disability, marital status, citizenship status, medical condition, or any other legally protected status. This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees.

### ***B. Reasonable Accommodations***

Any applicant or employee who requires an accommodation due to a disability in order to perform his or her job duties should contact his or her supervisor, the Director of Human Resources, or the Executive Director, to request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The Organization will consider any requests for accommodations and make reasonable accommodations for a qualified individual with a disability as required by applicable law. Organization will comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability.

### ***C. Employment – “At Will”***

Except if stated expressly otherwise by written and executed employment contract between the employee and AMPS, it is the policy of the Organization that all employees are considered "at will" employees of the Organization. Accordingly, either the Organization or the employee can terminate this employment relationship at any time, for any reason or no reason at all, with or without cause, and with or without advance notice.

Nothing contained in this Handbook, employment applications, Organization memoranda or other materials provided to employees in connection with their employment shall require the Organization to have "cause" to terminate an employee or otherwise restrict the Organization's right to terminate an employee from his or her at-will employment with the Organization. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the Organization's right to terminate at-will.

No Organizational representative, other than the President of the Board of Directors or Executive Director, is authorized to modify this at-will employment policy for any employee or to make any representations to employees or applicants concerning the terms or conditions of employment with the Organization that are not consistent with the Organization's policy regarding "at will" employment. Except if stated expressly otherwise by written and executed employment contract between the employee and AMPS, no documents generated or provided by AMPS or employment practices shall create an express or implied contract of employment for a definite period.

### ***D. Eligibility for Employment***

AMPS will only employ individuals that are authorized to work in the United States. All new hires must provide proof of identity and work eligibility in accordance with US Immigration and Homeland Security Regulations and any other applicable laws. Employees must complete and sign a Form I-9 and produce valid documents designated by the U.S. Department of Justice which establish both identity and employment eligibility within three (3) working days of hire. Failure to comply may result in termination from employment.

### ***E. Employment Classifications***

For purposes of salary administration and eligibility for overtime payments and employee benefits, Amethod Public Schools classifies its employees as defined below. Please direct any questions you may have regarding your employment classification or status to the Organization's Executive Director or your direct supervisor.

#### *Nonexempt Employees*

Employees who are entitled to be paid overtime hours in accordance with applicable federal and state laws. They may be either full-time or part-time employees. Non-exempt employees may be scheduled for full-time or part-time shifts, as assigned by his or her supervisor or the Executive Director.

#### *Exempt Employees*

These employees are exempt from the overtime provisions of the Federal Fair Labor Standards Act and any applicable state laws. They do not receive overtime pay. Employees including but not limited to executives, professional employees, and employees in certain administrative or computer-related positions, are typically exempt.

### ***F. Employment Status***

#### *Regular Full-time Employees*

Employees that work 40 hours per workweek on a regular basis. Such employees may be "exempt" or "nonexempt" They are eligible for employee benefits as described in this handbook as well as those benefits required by law.

#### *Regular Part-time Employees*

Employees that work fewer than 40 hours per workweek on a regular basis. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis. Such employees may be "exempt" or "nonexempt". Employees that work 30 or more hours per workweek on a regular basis may be eligible for prorated benefits as described in this handbook.

#### *Temporary/Seasonal/Intern Employees*

Temporary employees are those employed on a temporary basis for short-term assignments. Short-term assignments will generally be periods of three months or less; however, such assignments may be extended. Temporary employees are not eligible for any benefits except where mandated by law. A temporary employee may be offered and may accept a new temporary assignment with AMPS and still retain temporary status.

Individuals assigned by temporary employment agencies are employees of the agency and not of AMPS.

### ***G. Job Duties***

Your supervisor(s) will explain your job responsibilities. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to the operation of your department or AMPS. Your cooperation and assistance in performing such additional work is expected. AMPS reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions or assign additional job responsibilities.

### ***H. Immigration Compliance***

AMPS is dedicated to complying with state and federal immigration laws, including but not limited to the Immigration Reform and Control Act of 1986. The Organization's policy is to employ individuals who are legally authorized to work in the United States. All new employees must complete the Form I-9 on or before their first day of work. Employees must provide AMPS with document(s) from the Form I-9's List

of Acceptable Documents as proof of the employee's identity and legal work authorization.

The Organization will reverify your work authorization if you indicated on the Form I-9 that you are an alien authorized to work until a specified date on or before that specified expiration date. You must present an acceptable document of your choice demonstrating continued work authorization. Any temporarily work authorized employee who fails to present proof of continued work authorization will not be able to continue working at the Organization. An employee may return to work as soon as the employee presents an acceptable Form I-9 document demonstrating current work authorization.

Employees who update their personal information based on a lawful name change, social security number, or federal employment authorization document will need to complete a new Form I-9. The Organization will not discriminate or retaliate against employees who make such changes to their personal information.

## II. ATTENDANCE

### ***A. Attendance and Tardiness***

All employees, whether exempt or non-exempt, are expected to arrive at work consistently and on time. Absenteeism and tardiness negatively affects the Organization's ability to implement its educational program and disrupts consistency in students' learning.

If you will be absent or late, you are expected to telephone the Site Director or your direct supervisor as soon as possible but no later than two (2) hours before the start of the workday. If you have to leave a voicemail message for your supervisor and the Site Director, you are still expected to continue to try to contact them by telephone and speak with them directly as soon as possible. Employees are not allowed to relay messages to the direct supervisor or the Site Director through co-workers that they will be absent or tardy. If you are absent from work longer than one day, you are expected to keep your supervisor sufficiently informed of your situation and when you will return to work. You must get approval from your direct supervisor for any absence. The Organization can require you to provide a document from your doctor verifying your need to be absent from work if you are absent due to illness or other medical reasons.

Excessive or unexcused absences or tardiness may result in disciplinary action up to and including termination from employment with the Organization. Any unpaid leave of absence that is not authorized by law, or leave of absence that is not approved by the Organization, can lead to disciplinary action up to an including termination.

### ***B. Timekeeping Requirements***

All non-exempt employees are required to record time worked on a timesheet (Non-Exempt Daily Timesheet) for payroll purposes. Employees must record their own time at the start and at the end of each workday. Employees must record the start and end time for each lunch break on their timesheets. Employees also must record their time whenever they leave the site for any reason other than AMPS business. Any errors on your timesheet should be reported immediately to your supervisor. Your supervisor must initial any changes on the timesheet. ***Do not use whiteout to make changes.*** Completing another employee's timesheet, allowing another employee to complete your timesheet, or altering a timesheet is not permissible and is subject to disciplinary action. You should talk to your immediate supervisor if you have any questions about the timesheet procedures.

Due to the limited time frame in which payroll must be processed, all employees are required to complete and submit their timesheets on the designated days. Failure to submit an accurate timesheet is grounds for disciplinary action up to and including termination. The way in which time is tracked may change from time to time. In the event of any change, employees will be given adequate notice and instruction as to the new procedure.

### ***C. Substitutes***

All employees are required to call their Site Supervisor at the assigned phone number(s) as soon as possible but no later than two (2) hours before the start of the workday if he or she will be absent. The assigned number is usually the Site Supervisor's cell phone number. The employee is also encouraged to also call their assigned school's main number as well.

***It will be the Site Supervisor who will arrange or make the final decisions for a substitute teacher for the day.***

### ***D. Work Schedules***

Your work schedule depends, first, on the school site where you are located. AMPS Schools are open for

business between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Your supervisor will assign your individual work schedule. All employees are expected to be at their classrooms or workstations at the start of their scheduled shifts, ready to work. The workweek begins at 12:01 a.m. Monday and ends at midnight on Sunday. AMPS reserves the right to change work schedules and assign employees to special schedules as deemed necessary for effective operations. When a change in work schedule is necessary, every effort will be made to provide reasonable advance notice to the employees. Any request to change work hours must be approved in advance by the employee's supervisor.

### ***E. Rest Breaks and Meal Breaks***

The Organization provides all non-exempt employees with an opportunity to take an off-duty meal break as allowed by law and authorizes and permits non-exempt employees to take rest breaks in accordance with California's Labor Code and the state's IWC Wage Orders. The Company strictly adheres to these laws and regulations, including the payment of premium pay if a non-exempt employee does not take a meal break or rest break and premium pay is due under applicable law.

#### **Rest Breaks**

All non-exempt employees are authorized and permitted to take an uninterrupted ten (10) minute rest break for every four hours of work or major fraction thereof. Rest breaks should be taken as close as possible to the middle of each four hour period of work. Non-exempt employees are authorized and permitted to take one uninterrupted (10) ten minute rest break if they work three and one-half hours in a day but less than six hours, two ten minute rest breaks if they work more than six hours up to ten hours, and three ten minute rest breaks if they work more than ten hours up to fourteen hours, and four ten minute rest breaks if they work more than fourteen hours up to eighteen hours. Employees cannot combine rest breaks with meal breaks or other rest breaks. Employees cannot add a rest break to the meal break. A rest break is non-work time and cannot be used to come to work late, to extend a meal break, or to leave early. Employees are expected to remain on-site for rest breaks. Employees must resume work promptly after the end of the rest break.

You should check with your immediate supervisor to schedule your rest breaks. If you have any questions about taking your rest break(s), you should contact your direct supervisor, the Site Director, or Human Resources Department. If you are prevented or discouraged from taking a rest break, you should inform your direct supervisor as soon as possible on the same workday. Failure to take rest breaks may be grounds for discipline up to and including termination.

#### **Meal Breaks**

All non-exempt employees are provided an unpaid, uninterrupted meal break of thirty (30) minutes for every five hours of work. During the meal break, you are relieved of all duty and free to leave the premises, and go off-site. Employees should not be at their workstations during the meal break as this is non-work time. No one can ask you to do any work while on a meal break. You should let your supervisor know when you will be leaving to take your meal break. Meal breaks should be taken as close to the midpoint of your workday as reasonably practical, but must not be started later than the end of your fifth hour of work. You must start your meal break before the end of your fifth hour of work. Meal breaks are not paid time, so you will need to record the beginning and end time of your meal break on your timesheet each workday.

You should check with your immediate supervisor to schedule your meal breaks. If you have any questions about taking your meal breaks, you should contact your direct supervisor, the Site Director, or Human Resources Department. If you are prevented or discouraged from taking a meal break, you should inform your direct supervisor as soon as possible on the same workday. Failure to take meal breaks may

be grounds for discipline up to and including termination.

It is mandatory that non-exempt employees take all required breaks. It is very important that your timesheets have an accurate record of when you took your meal break.

***F. Lactation Breaks***

The Organization supports the needs of nursing mothers in the workplace and will comply with California Lactation Accommodation Law (California Labor Code sections 1030-1033) and any applicable federal law. The Organization encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. The Organization supports breastfeeding and the expression of breast milk by employees who are breastfeeding when they return to work.

The Organization will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk. If possible, the break time should coincide with any paid break time already provided to the employee. If not, the break time may not be paid. The Organization will make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

Employees need to keep their supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the Organization. Employees who are expressing breast milk should keep the area where they express milk clean, and label all expressed milk that is stored in a common refrigerator with their name and date collected.

### III. IMPORTANT POLICIES

#### *A. Policy Prohibiting Unlawful Harassment*

AMPS is committed to providing a work and educational atmosphere that is free of unlawful harassment. The organization and school policy prohibits sexual harassment and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal or state law. AMPS will not condone or tolerate harassment of any type by any employee, independent contractor or other person with which the Organization does business with. This policy applies to all employee actions and relationships, regardless of position or gender. AMPS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

This policy prohibits unlawful sexual harassment and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal or state law. This policy applies to all employees of the company, including supervisors and managers. The company prohibits managers, supervisors and employees from harassing co-workers as well as customers, vendors, suppliers, independent contractors and others doing business with the company, based on any characteristic protected under federal and state law. In addition, the company prohibits customers, vendors, suppliers, independent contractors and others doing business with the company from harassing the company's employees based upon sex, pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal or state law.

#### **Procedures**

Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination. Additionally, under California law, employees may be held personally liable for harassing conduct that violates the California Fair Employment and Housing Act (FEHA).

#### *Examples of prohibited sexual harassment*

Sexual harassment includes a broad spectrum of conduct, including harassment based on gender, transgender and sexual orientation (meaning one's heterosexuality, homosexuality or bisexuality).

Examples of unlawful and unacceptable behavior may include:

1. Unwanted sexual advances.
2. Offering an employment benefit (such as a raise, promotion or assistance with one's career) in exchange for sexual favors, or threatening an employee with termination, demotion or disciplinary action for an employee's failure to engage in sexual activity.
3. Visual conduct, such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters.
4. Verbal sexual advances, propositions, requests or comments.
5. Sending sexually related text-messages, videos or messages via social media.
6. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations.
7. Physical conduct, such as touching, assault, or impeding or blocking movement.
8. Physical or verbal abuse concerning an individual's actual sex or the perception of the individual's sex.
9. Verbal abuse concerning a person's characteristics such as vocal pitch, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a woman is too masculine.

These examples of unacceptable behavior also apply to harassment based upon sex, pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal or state law

Unlawful harassment of the company's customers, clients, vendors, suppliers, independent contractors or employees of the company's customers, clients, vendors, suppliers or independent contractors by the company's employees is prohibited. Such prohibited harassment includes the types of behavior specified in this policy, including sexual advances, verbal or physical conduct of a sexual nature, sexual comments and gender-based insults. Any such prohibited harassment will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes unlawful or prohibited harassing behavior should contact their immediate supervisor, the Site Director, or the Human Resources Director.

### ***Reporting sexual harassment***

If an employee feels that he or she is being harassed in violation of this policy he or she should immediately contact The Human Resources Director at (510) 899-4806 x 108, his or her supervisor or Human Resources Department at (510) 899-4806. In addition, if an employee observes prohibited harassment by another employee, supervisor, manager or nonemployee, the employee should immediately report the incident to the individuals above. Appropriate action will also be taken in response to violation of this policy by any nonemployee.

Employees' notification to the company is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting any act or incident of harassment prohibited under this policy. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the Fair Employment Housing Act, or who file complaints, or otherwise participates in an investigation, proceeding or hearing conducted by the California Department of Fair Employment and Housing (DFEH) or the Fair Employment and Housing Council (FEHC). Similarly, the company prohibits employees from hindering the company's internal investigations or the company's internal complaint procedure. All employees are expected to cooperate in any investigation of a complaint of a violation of this policy.

All complaints of unlawful harassment that are reported to management or to the persons identified above will be investigated as promptly as possible, and corrective action will be taken where warranted. All complaints of unlawful harassment that are reported to management or to the persons identified above will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation.

### ***Retaliation prohibited***

The company prohibits retaliation against those who report, oppose or participate in an investigation of alleged violations of this policy. Participating in an investigation of alleged wrongdoing in the workplace includes:

1. Filing a complaint with a federal or state enforcement or administrative agency.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the company regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Making or filing an internal complaint with the company regarding alleged unlawful activity.

The company strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, he or she should immediately contact Human Resources at (510) 899-4806 or his or her supervisor. In addition, if an employee observes retaliation by another employee, supervisor, or manager

he or she should immediately report the incident to the individuals above. Any employee determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

***B. Child Abuse & Neglect Reporting***

All AMPS staff are mandated child abuse reporters and will follow all applicable reporting laws, as well as the same policies and procedures used by the Organization. Mandatory reporting of suspected child abuse or neglect is required under the California Child Abuse and Neglect Reporting Act by any mandated reporter. "Child" is defined as a person under the age of 18 years. A mandated reporter is any individual who is an employee of a youth organization or public school. The term "child abuse or neglect" includes sexual abuse; neglect defined as the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare including both acts and omissions on the part of the responsible person; willful cruelty or unjustifiable punishment; unlawful corporal punishment or injury; and abuse or neglect in out-of-home care. Child abuse or neglect does not include a mutual affray between minors or an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

All employees of Amethod Public Schools must also comply with the reporting responsibilities outlined in the California Child Abuse and Neglect Reporting Act in reporting the concern immediately or as soon as is practicably possible (within 36 hours) by telephone, to child protective services, any police department, sheriff's department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. The individual making the report must also prepare and send a written report to the reporting agency within 36 hours of receiving the information concerning the incident.

Employees shall not contact the child's family or any other persons to determine or investigate the cause of the suspected abuse or neglect. Any personal interview of the child should be conducted in a professional manner, after consulting with the Executive Director or designee. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child.

Anyone reporting an act of child abuse or suspected child abuse or neglect must act in good faith, without malice to the Organization or any individual at the Organization and have reasonable grounds for believing that the information provided in the report indicates that a violation has occurred. Any report that is made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense and be dealt with in such a manner. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action.

***C. Confidential Information***

All information relating to students, personal information, schools attended, addresses, contact numbers and progress information is confidential in nature, and may not be shared with or distributed to unauthorized parties. All records concerning special education pupils shall be kept strictly confidential and maintained in separate files. All staff members must sign a confidentiality agreement as a prelude to employment. Failure to maintain confidentiality may result in disciplinary action, up to and including termination.

#### IV. THE WORKPLACE

##### *A. Computer and Telecommunications*

AMPS invested substantial assets to provide employees with access to computers to perform the responsibilities of the job. Although many employees have access to computers for work-related reasons, employees must understand that the computers, as well as all information temporarily or permanently stored or transmitted with the help of computers, is the sole and exclusive property of AMPS. Employees should not assume any privacy right or interest in any information that is temporarily or permanently stored on the computer, or in the use of any electronic media including but not limited to computers, phones, smart phones, and faxes.

All electronic data on AMPS computers or telephones can be monitored by AMPS, including but not limited to emails and voicemail messages. Emails and voicemail messages are part of AMPS records. The contents of these messages may be disclosed within AMPS without your permission. Therefore, you should not assume that messages are confidential. All electronic communications created or sent by any employee using any means of electronic communication is the property of AMPS and remains the property of AMPS. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the AMPS ownership of the electronic information. AMPS will override personal passwords if it becomes necessary to do so for any reason. AMPS may access and review all electronic files, messages, mail, and monitor the use of electronic media without notice to the employee and/or in the employee's absence, as it deems necessary. Voicemail and email are to be used for business purposes only. AMPS may listen to voice mail messages and access email messages without notice to the employee and/or in the employee's absence, as it deems necessary. AMPS may keep a record of all passwords or codes used by employees. Back-up copies of emails and voicemails may be maintained and referenced for business and legal reasons. Since your personal messages can be accessed by management without notice to you, you should not use voicemail or electronic media to transmit any messages you would not want disclosed to a third party. Management has access to the computer and voicemail at all times.

Employees may not add or load any software or games to an AMPS computer. You also may not use the computer for any improper or unauthorized purpose. Inappropriate purposes include, but are not limited to, downloading confidential information that belongs to other persons or entities, making improper disclosures or defamatory comments, making comments or disclosures that may be interpreted by others as harassing and engaging in activities that violate the rights of third parties. Employees are prohibited from providing access to AMPS computers to outside persons or unauthorized individuals. In addition, no data stored on AMPS computers may be removed, downloaded, or transferred without approval from the Executive Director. In some cases, confidential information is accessible from a computer. You are expected to take all steps necessary to protect this information and not allow or cause the distribution or improper use of confidential information. Electronic media may not be used in any manner that would be discriminatory, harassing or obscene, or defamatory. Employees are prohibited from gaining access to another employee's voicemail messages, voicemail system, or computer unless specifically authorized in advance by AMPS management. Violations of this policy will result in disciplinary action up to and including termination.

AMPS has created Computer Usage Policies to ensure that its resources are used properly by all personnel, including but not limited to employees, contractors, consultants, and other persons working with AMPS who use the e-mail system. The rules and obligations described in this policy apply to all users of the resources, wherever the user may be located. It is every person's obligation to use the resources responsibly, professionally, ethically and lawfully.

*Business Use:* The e-mail system is meant to be used for business purposes of Amethod Public Schools. Personal e-mail accounts are not to be used when performing work for Amethod Public Schools, or for any business purposes for Amethod Public Schools.

*Ownership:* All email accounts and all information and messages that are created, sent, received or stored on the e-mail system and/or computers of Amethod Public Schools is the sole property of Amethod Public Schools and are not the properties of the employee or other personnel.

*E-mail Review:* All e-mail is subject to the right of Amethod Public Schools to monitor, access, read, delete, copy, disclose and use such e-mail without prior notice to the originators and recipients of such e-mail. E-mail may be monitored and read by authorized personnel for any violations of law, breaches of Amethod Public Schools policies, communications harmful to Amethod Public Schools, or for any other reason.

*E-mail Content:* Emails should be professional, courteous and in compliance with all applicable laws

*Prohibited Acts:* Provided below is a non-exclusive list of prohibited acts associated with your use of the Organization's computer system. When considering the appropriateness of engaging in a particular act, personnel should be guided by both the specific prohibitions and the other mandates set forth in this policy.

*Prohibited activities include:*

- Using any words, images or references that could be viewed as libelous, illegal, discriminatory, or otherwise derogatory;
- Using AMPS computers for any illegal purpose or violation of any AMPS policy,
- Creating or transmitting email or images that might be considered inappropriate in the workplace, including, but not limited to, messages or images that are lewd, obscene, sexually explicit, or pornographic;
- Creating or transmitting messages or images that might be considered inappropriate, harassing or offensive due to their reference to race, sex, age, sexual orientation, marital preference, religion, national origin, physical or mental disability, or other protected status;
- Downloading copying or transmitting documents or software protected by third party copyrights in violation of those copyrights; and
- Using encryption devices and software that have not been expressly approved by Amethod Public Schools.

*Security:* The e-mail system is only to be used by authorized persons, and personnel must have been issued an e-mail password in order to use the system. Personnel shall not disclose their codes or passwords to others and may not use someone else's code or password without express written authorization from the Executive Director or designee.

*No Presumption of Privacy/Confidentiality:* Employees should not assume that e-mail communications are private. Highly confidential or sensitive information should not be sent through e-mail. Personnel are required to use email in a manner that will not risk the disclosure of confidential information to persons outside AMPS.

*Message Retention and Creation:* Users expressly waive any right of privacy in anything they create, store, send, or receive on or through the resources of AMPS, regardless of whether such material may be protected by password or other special entry code or procedure. AMPS makes its resources available to users solely to assist them in the performance of their jobs. Access to resources is within the sole discretion of AMPS and use of the resources is a privilege that may be revoked at any time. Generally, users are given access to our various technologies based on their job functions. Only employees whose job performance will benefit from the use of AMPS's resources will be given access to the necessary resources.

*Password:* All passwords for AMPS resources must be made known to your immediate supervisor. The use

of passwords to gain access to our computer systems or to access specific files does not provide users with an expectation of privacy in connection therewith.

*Retention in the Event of Litigation, Subpoena, or Regulatory Inquiry* : In the event of any subpoena, regulatory inquiry, or criminal proceeding, our personnel are prohibited from deleting, discarding, or destroying any emails or any other documents relating in any way to the subpoena, regulatory inquiry, or criminal proceeding.

*No Waiver*: Any delay or failure to discipline personnel for violations of this policy will not constitute a waiver of the rights of Amethod Public Schools.

**Note**: - Questions regarding e-mail usage or the Organization's policies should be directed to the Executive Director or designee. Questions about access to electronic communications or issues relating to security should be addressed to the same individuals.

### ***B. Personal Business***

Amethod Public School facilities for handling mail and telephone calls are designed to accommodate School business. Please have your personal mail directed to your home address and limit personal telephone calls to an absolute minimum. Personal calls should not be made outside your immediate dialing area. **Do not use School material, time or equipment for personal projects.**

### ***C. Employee Blogs***

If an employee decides to keep a personal blog that discusses any aspect of his/her workplace activities, the following restrictions apply:

- School equipment, including its computers and electronics systems, may not be used for these purposes;
- Student and employee confidentiality policies must be adhered to;
- Employees must make clear that the views expressed in their blogs are their own and not those of the Organization ;
- Employees may not use the School's logos, trademarks and/or copyrighted material and are not authorized to speak on the School's behalf without written consent from the Executive Director or designee;
- Employees are not authorized to publish any confidential information maintained by the School;
- Employees are prohibited from making discriminatory, defamatory, libelous or slanderous comments when discussing the School and co-workers;
- Employees must comply with all Organization policies, including, but not limited to, rules against sexual harassment, discrimination, and retaliation.

***Amethod Public Schools reserves the right to take disciplinary action against any employee whose blog violates this or other Organization policies.***

***Nothing in these provisions, or this Handbook, is intended to limit the rights of employees under Section 7 of the National Labor Relations Act.***

### ***D. News Media Contacts***

Employees occasionally may be approached for interviews or comments by the news media. Only employees designated by the Executive Director, who is the identified principal point of contact, may comment to news reporters on Amethod Public Schools policy or events relevant to Amethod Public Schools.

**E. Notice Posting**

Amethod Public Schools notices and notices required by law will be regularly posted on our bulletin board(s) or designated area(s). Employees should make it a practice to review them frequently so that they can keep current regarding news about Amethod Public Schools. Employees may not post or remove items on the bulletin board(s) or designated area(s) without approval by their manager. The same restrictions apply to bulletin boards located in employee break areas. Employees who wish to post on the bulletin board should obtain approval from their supervisor.

**F. Conflict of Interest**

All employees must avoid situations involving actual or potential conflict of interest. An employee involved in any relationships or situations which may constitute a conflict of interest should immediately and fully disclose the relevant circumstances to their immediate supervisor, or Organization's Executive Director or designee, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, the Organization may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

**G. Receiving Gifts**

The purpose of the Gift Receiving Policy is to delineate policies and guidelines governing the acceptance of gifts by the Organization and its employees and to provide guidance to prospective donors if making gifts to the Organization.

Although we appreciate any donor who is interested in donating a gift to our Organization, the School will not engage in any of the following gift receiving practices:

- Accepting gifts that violate federal, state, or municipal laws
- Accepting gifts that require the Organization to provide special consideration or treatment to any client, donor, entity etc.
- Accepting gifts that require the Organization to deviate from its normal hiring, promotion or contracting procedures
- Accepting gifts in any cash amount without being approved by the Executive Director and/or Board of Directors
- Accepting gifts from organizations whose core activities may be in direct conflict with the mission of the Organization or which may limit our ability to provide our services.

When appropriate, the Executive Director will consult with the Board of Directors regarding all gifts prior to acceptance. With that said, the Organization respectfully reserves the right to refuse any gift it believes is not in the best interest of the Organization. Additionally, School employees may not accept any gifts on the School's behalf without the prior consent of the Executive Director. Under no circumstances shall a School employee accept monetary gifts consisting of, but not limited to, gift certificates, coupons, entertainment tickets etc. from prospective donors. The only gifts acceptable to receive without the prior consent of the Executive Director are those marginal, peripheral gifts including small food baskets or edible treats (i.e. food, chocolate treats, pastries, etc.).

*\*\*Gifts that are made to any employee by donors or donor websites i.e. (Donors Choose, etc.), for the usage of such donated equipment, materials, etc. with specific Amethod School Sites and/or students will be considered property of the Amethod Public School system. Such donations will remain with the Amethod Public School system upon departure of the teacher or staff member to continue to benefit the intended student population.*

**H. Employer Property**

Lockers, computers, desks, bookshelves, and other employer-owned property are Amethod Public Schools

property and must be maintained according to Amethod Public Schools rules and regulations. They must be kept clean and are to be used only for work-related purposes. Amethod Public Schools reserves the right to inspect all Amethod Public Schools property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Damage or loss caused by negligence or purposeful intent may be the full responsibility of the AMPS Employee.

### ***I. Employee Property***

For security reasons, employees should not leave personal belongings of value in the workplace, (i.e. desks, bookshelves, counter, etc.). Terminated employees should remove as many personal items as time permits at the time they leave the Organization. Personal items left in the workplace are subject to storage, and eventually disposal if not claimed at the time of an employee's termination.

*Waste:* Deliberately performing acts that waste any of the resources of AMPS or unfairly monopolize any of the resources to the exclusion of others. These acts include, but are not limited to, using the e-mail system for other than business-related communications, sending multiple pictures using the e-mail system (unless specifically authorized to do so and business-related), sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in on-line chat groups, printing multiple copies of large documents, wasting paper frivolously, undertaking excessively large OCR scanning projects, or otherwise creating unnecessary network traffic.

### ***J. Dress Code and Other Personal Standards***

Each employee is a representative of Amethod Public Schools and, therefore, it is important that each employee report to work wearing appropriate dress. In addition, staff serves as role models and educators to participants and therefore should model professional behavior through appropriate work attire. Professional or appropriate classroom personal attire is to be worn on school grounds. **Detailed dress code guidance is provided in appendix D.**

### ***K. Parking***

Employees may park their vehicles in any Amethod Public Schools marked space, if space permits. If space is unavailable, employees must park in permissible public areas on the streets in the vicinity of Amethod Public Schools property. Amethod Public Schools is not responsible for any loss or damage to employee vehicles or contents while parked on or off of Amethod Public Schools property.

### ***L. Solicitation and Distribution of Literature***

Employees are expected to avoid solicitations and distribution of literature that disrupt the efficient operation of Amethod Public Schools' business and/or their co-worker's productivity. No employee shall represent Amethod Public Schools in support of any cause or organization unless directed to do so by his or her manager. Any employee who is in doubt concerning the application of these guidelines should consult with his or her supervisor. Nothing in this provision is intended to limit the rights of employees to organize, or otherwise engage in conduct expressly permitted under the National Labor Relations Act.

Unless part of a school sponsored event, under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Amethod Public Schools property.

### ***M. Health and Safety Policy***

Amethod Public Schools is committed to providing and maintaining a healthy and safe work environment for all employees.

- You are required to know and comply with the School's General Safety Rules and to follow safe and healthy work practices at all times.
- You are required to report immediately to the School's Site Director any potential health or safety hazards, and all injuries or accidents.

- In compliance with Proposition 65, the School will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

***N. Criminal Background Checks***

As required by law, all individuals working or volunteering at the School will be required to submit to a background criminal investigation. No condition or activity will be permitted that may compromise the School's commitment that the safety and the well-being of students takes precedence over all other considerations.

Conditions that preclude working at the School include but are not limited to conviction of a controlled substance or sex offense, or a serious or violent felony. Additionally, should an employee, during his/her employment with the School, be convicted of a crime involving a controlled substance or sex offense, or serious or violent felony, the employee must immediately report such a conviction to the Organization's Executive Director.

***O. Drug Free Workplace***

Amethod Public Schools is committed to providing a drug and alcohol free workplace and to promoting safety in the workplace, employee health and well-being, family confidence and a work environment that is conducive to attaining high work standards. The use of drugs and alcohol by employees, whether on or off the job, jeopardizes these goals, since it adversely affects health and safety, security, productivity, and public confidence and trust. Drug or alcohol use in the workplace is extremely harmful and is prohibited. Moreover, the bringing to the work place, or possession or use of intoxicating beverages or drugs on any Organization premises is prohibited and will result in disciplinary action up to and including termination.

***P. Smoking***

Amethod Public School sites are all no smoking facilities. Smoking is prohibited on AMPS property or campuses.

***Q. Tuberculosis Testing***

All employees of the School must submit written proof from a physician of an examination for tuberculosis (TB) within the last sixty (60) days showing that they are free of active TB. The examination for tuberculosis consists of an approved TB test, which, if positive, will be followed by an x-ray of the lungs, or in the absence of skin testing, an x-ray of the lungs. All employees will be required to undergo TB examination at least once every four (4) years. Volunteers may be required to undergo a TB examination as necessary. TB examinations are a condition of initial employment, and continued employment, with the School and the cost of the exams will be borne by the applicant or employee.

Food handlers will be required to have annual TB exams. Documentation of employee and volunteer compliance with TB exams will be kept on file in the office. This requirement also includes contract food handlers, substitute teachers, and student teachers serving under the supervision of an educator. Any entity providing student services to the School will be contractually required to ensure that all employees and contract workers have had TB testing that shows them to be free of active TB prior to conducting work with School students.

***R. Security Protocols***

Amethod Public Schools has developed guidelines to help maintain a secure workplace. Be aware of unknown persons loitering in parking areas, walkways, entrances and exits and service areas. Report any suspicious persons or activities to the Site Director or your supervisor immediately.

Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable or personal articles around your work station that may be accessible.

The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify the School's Executive Director when keys are missing or if security access codes or passes have been breached.

***S. Occupational Safety***

Amethod Public Schools is committed to the safety of its employees, vendors, contractors and the public and to providing a clear safety goal for management.

The prevention of accidents is the responsibility of every Site Director. It is also the duty of all employees to accept and promote the established safety regulations and procedures. If an employee is ever in doubt how to perform a job or task safely, assistance should be requested. Unsafe conditions must be reported immediately. It is the policy of the Organization that accident prevention be considered of primary importance in all phases of operation and administration. .

Failure to comply with or enforce School safety and health rules, practices and procedures could result in disciplinary action up to and including termination.

***T. Accident/Incident Reporting***

It is the duty of every employee to immediately or as soon as is practical report any accident or injury occurring during work or on School premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

***U. Reporting Fires and Emergencies***

Employees should know how to report fires and other emergencies quickly and accurately. Employees should report any such emergency by calling management immediately. In addition, all employees should know the local emergency numbers such as 911.

V. Driving for Organization Business

Employees driving for business purposes for AMPS must have a valid driver's license, proof of personal auto liability, follow all traffic laws at all times and practice safe driving. The Organization will reimburse employees using their own personal vehicle for AMPS business at a reimbursement rate set by the Organization. Employees are required to keep a record of the number of miles driven to perform their job duties. Any accident, no matter how slight, while on AMPS business must be reported immediately to management.

## VI. EMPLOYEE WAGES AND BENEFITS

### ***A. Payroll Withholdings***

The School will make authorized withholdings and deductions from each employee's pay. Every deduction from your paycheck is identified on your check voucher. If you do not understand the deductions, ask the Site Director to either explain them to you or to refer you to the proper person.

You may change the number of withholding allowances you wish to claim for Federal Income Tax purposes by filling out a new W-4 form and submitting it to the School's Site Director who will forward to the appropriate personnel. The Central administration office maintains a supply of these forms. The W-4 form should be completed upon hire and it is the employee's responsibility to report any changes in filing status to the School's Site Director and to fill out a new W-4 form.

At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages.

### ***B. Health and Wellness Stipend***

Employees who are covered under a spouse's health plan, and not the Organization's plan, can get this benefit that is a predetermined stipend paid out monthly. The rate at which the stipend is calculated is subject to annual change based on the annual health insurance rates. Please talk with the Human Resources Department if you qualify for this stipend.

### ***C. Overtime Pay***

Amethod Public Schools provides compensation for all overtime worked by non-exempt employees in accordance with state and federal law. Non-exempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or work week apply in calculating overtime for non-exempt employees. All overtime work must be authorized in advance by the Site Director or immediate supervisor. No overtime compensation will be paid to exempt employees.

### ***D. Payment of Wages***

If a regular payday falls on a Saturday, Sunday, or holiday, employees will generally be paid on the previous business day and if not, then the following business day. Paychecks are normally available by 12:00 p.m. and must be picked up from your supervisor or designee. A signature confirming receipt of the check is required for all staff. If you observe an error on your check, please report it immediately to your supervisor or directly to HR.

Amethod Public Schools offers direct payroll deposit for all employees. To begin direct payroll deposit, you must complete the Direct Deposit form (available from the office manager) and return it to the office manager or designee no later than seven days before the final day of the pay period (15<sup>th</sup> or the last day of the month) that the service is to begin.

### ***E. Pay for Mandatory Meetings/Training***

Amethod Public Schools will pay non-exempt employees for their attendance at meetings, lectures and training programs under the following conditions:

- Attendance is required by AMPS;
- The meeting, course or lecture is directly related to the employee's job; and
- The employee who is required to attend such meetings, lectures or training programs is notified of the necessity for such attendance by his or her supervisor.

If an overnight stay is required, employees will be paid for the number of hours each day that they would

normally be at work plus overtime pay where required by law. Payment may be disbursed in stipend form.

#### ***F. School Social Activities***

Employees are required each year to participate in a limited amount of activities sponsored by the School as determined each year at the discretion of the School. Employees may participate on a voluntary basis in additional activities sponsored by or supported by the School. As such, employees have no obligation to participate in these additional recreational or social activities which they are not required to attend by AMPS. An employee's participation in these additional social and recreational activities is completely voluntary and at the employee's own risk and the School disclaims any and all liability arising out of the employee's participation in these activities.

#### ***G. Expense Reimbursement***

Employees who have incurred business or travel expenses must submit *required receipts* and the Expense Reimbursement and/or Mileage Form to the Site Director and/or Home office. **The AMPS Travel Policy is included in appendix F.**

If you have any questions about the Amethod Public Schools expense reimbursement policy, contact the Site Director or home office.

#### ***H. Wage Attachments and Garnishments***

Under normal circumstances, the School will not assist creditors in the collection of personal debts from its employees. However, creditors may resort to certain legal procedures such as garnishments, levies or judgments that require the School, by law, to withhold part of your earnings in their favor.

You are strongly encouraged to avoid such wage attachments and garnishments. If the School is presented a second garnishment request concerning you, the Executive Director or staff designee will discuss the situation with you.

#### ***I. Health Benefits***

Amethod Public Schools offers a comprehensive health insurance plan for eligible employees.

Regular full-time and part-time employees, who work on average at least thirty (30) hours per workweek, are eligible for health insurance on the first day of the month following completion of thirty (30) days of service in the following manners:

- Employees that work less than an average of 30 hours per workweek are not eligible for any Health Benefits.
- Full-time employees that work an average of 30 hours or more per workweek will receive 100% health benefits coverage and AMPS will pay premiums up to a designated amount. .

Amethod Public Schools pays the premium for eligible employees up to a designated amount. Any remaining costs associated with the Employee's plan shall be paid by the employee as a pre-tax payroll deduction. Employees will be notified of their contribution amount, should there be one, at the time they sign up for the specific benefit. AMPS does not pay the premiums for health insurance or any other benefits for family members or dependents. Eligible employees are responsible for their portion of the monthly premium costs for their dependents' coverage.

In the event of an increase in health insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain or obtain coverage. Details about health insurance coverage are available in a separate publication from the Home office or Executive Director.

#### ***When Coverage Starts***

Your coverage will begin on the first day of the calendar month following the employee's first day of

employment. Your enrollment form must be submitted to the Human Resources Department as soon as possible. This enrollment form serves as a request for coverage, and authorizes any payroll deductions necessary to pay for your coverage. By delaying the submission of the health benefits enrollment package, an employee's enrollment and health coverage may result in lack of coverage until the designated open enrollment period.

### *Flexible Spending Plans*

Amethod Public Schools provides, at no cost to employees a Flexible Spending Plan which allows employees to pay for monthly health premiums, and commuter benefits with pre-tax dollars. This means your health premiums are subtracted from your gross pay before federal, state and social security (FICA) taxes are applied. The Flexible Spending Plan Document is in all cases controlling and supersedes any inconsistent terms in this manual. From time to time, we may also offer employees' access to a Medical Reimbursement and Dependent Care option within this program that is funded 100% by the employee. These options, if available, will be explained to you during open enrollment once established.

## **J. COBRA Benefits**

### ***Continuation of Medical and Dental***

WHEN COVERAGE UNDER THE SCHOOL'S HEALTH PLAN ENDS, YOU OR YOUR DEPENDENTS MAY CONTINUE COVERAGE IN SOME SITUATIONS.

When your coverage under the School's medical and/or dental plans ends, you or your dependents can continue coverage for 18 or 36 months, depending upon the reason benefits ended. To continue coverage, you must pay the full cost of coverage - your contribution and the school's previous contribution plus a possible administrative charge.

Medical coverage for you, your spouse, and your eligible dependent children can continue for up to 18 months if coverage ends because:

- Your employment ends, voluntarily or involuntarily, for any reason other than gross misconduct; or
- Your hours of employment are reduced below the amount required to be considered a full-time employee or part-time, making you ineligible for the plan.

This 18-month period may be extended an additional 11 months if you are disabled at the time of your termination or reduction in hours if you meet certain requirements. This 18-month period also may be extended if other events (such as a divorce or death) occur during the 18-month period.

Your spouse and eligible dependents can continue their health coverage for up to 36 months if coverage ends because:

- You die while covered by the plan;
- You and your spouse become divorced or legally separated;
- You become eligible for Medicare coverage, but your spouse has not yet reach age 65; or
- Your dependent child reaches an age which makes him or her ineligible for coverage under the plan (age 19 or if a full-time student age 25).
- Rights similar to those described above may apply to retirees, spouses and dependents if the employer commences a bankruptcy proceeding and those individuals lose coverage.

Amethod Public Schools will notify you or your dependents if coverage ends due to termination or a reduction in your work hours. If you become eligible for Medicare, divorced or legally separated, die, or when your child no longer meets the eligibility requirements, you or a family member are responsible for

notifying the organization within 30 days of the event. Amethod Public Schools will then notify you or your dependents of your rights.

Health coverage continuation must be elected within 60 days after receiving notice of the end of coverage, or within 60 days after the event causing the loss, whichever is later.

There are certain circumstances under which coverage will end automatically.

*This happens if:*

- Premiums for continued coverage are not paid within 30 days of the due date;
- You (or your spouse or child) become covered under another group health plan which does not contain any exclusion or limitation with respect to any pre-existing condition you (or your spouse or child, as applicable) may have;
- Amethod Public Schools stops providing group health benefits;
- You (or your spouse or child) become entitled to Medicare; or
- You extended coverage for up to 29-months due to disability and there has been a final determination that you are no longer disabled.

*[Note: Recent changes in Federal law will likely impact how health insurance is continued or transferred after employment ends; any changes will be distributed as an amendment to this handbook.]*

#### ***K. Holidays, Vacations and Leaves***

##### ***Holidays***

Amethod Public Schools calendar reflects any and all holidays observed by the School. The following holidays are observed by Amethod Public Schools:

New Year's Day (Observed on January 2, 2017)  
Memorial Day (Observed on May 29, 2017)  
Independence Day (Observed on July 4, 2016)  
Labor Day (Observed on September 5, 2016)  
Veteran's Day (Observed on November 11, 2016)  
Thanksgiving (Observed on November 24, 2016)  
Christmas Day (Observed on December 26, 2016)

In addition, AMPS provides the following days as holidays to ALL staff.

Friday after Thanksgiving (Observed on November 25, 2016)  
Christmas Eve (Observed on December 23, 2016)  
New Year's Eve Observed on December 30, 2016)  
Teacher Day (Observed on February 13, 2017)  
Friday of Spring break Week (Observed on April 7, 2017)

School classes are not in session on holidays observed by the School.

When a holiday falls on a workday, that workday is the holiday. When a holiday falls on a Saturday, the preceding Friday is treated as the holiday. When a holiday falls on a Sunday, the subsequent Monday is treated as the holiday.

Teacher Days - *(Teachers please check your teacher calendar and clarify with your site director about teacher specific days off.)*

*The following Days are considered school **Non-** holidays observed by the school in memoriam to the purpose and honor of these individuals.*

Martin Luther King Jr. Birthday  
Cesar Chavez Day

#### *Religious Holidays*

Recognized religious holidays may be taken off by an employee whose religion requires observance of the particular day. Employees must request the day off 60 days in advance by written notice to the Site Director. *The employee will be paid for leave time for the religious holiday at the Employee's regular wage.*

*\*Employees on any leave of absence do not earn holiday pay.*

#### **Vacation Policy**

- *Teachers and Other Certificated Staff*

Teachers and other certificated staff do not accrue vacation days. AMPS's calendar for each academic year includes days when school is not in session for Holidays and certain non-Holiday events. The calendar is available at the main office of AMPS during normal business hours.

Teachers and other certificated staff are ineligible for paid holidays other than what is included in the School calendar.

- *Staff That Are Not Teachers or Certificated*

Full time employees are entitled to accrue up to 80 hours of vacation time per year on a pro-rated basis. That comes out to 6.67 hours you accrue per month. All vacation must be accrued prior to use. Vacation is accrued on a continuous basis beginning at the start of full-time regular employment and continuing until the maximum accrual is reached. Employees can accrue up to a maximum of 120 hours of vacation time. Once this cap is reached, employees will cease to accrue further vacation time until the employee's accrued vacation time falls below that cap. When vacation time falls below the cap of 120 hours, then vacation will begin to accrue again. Vacation will not accrue during any unpaid leave. Employee will not earn vacation during the time Employee's vacation accrual is at the cap. There is no retroactive grant of vacation time for the period of time the accrued vacation time was at the cap.

Due to Amethod's business and school activities, there are certain days that a team member is not permitted to take vacation time. Please refer to the school's administration calendar to know on which days employees are not permitted to take vacation. Please refer to the school calendars to know the days when schools are not in session. The days selected for an employee's vacation shall be mutually agreeable between the employee and his or her direct supervisor.

If an employee is eligible for and accrues vacation time, then he or she must coordinate and get approval two weeks in advance from his or her supervisor before taking accrued vacation time using the vacation request form and process located in appendix E.

#### **Paid Sick Leave**

AMPS employees shall accrue up to 72 hours of paid sick leave per year at the rate of one hour per every 30 hours worked, beginning at the commencement of employment. Exempt employees are deemed to work 40 hours per workweek for the purposes of accrual under this policy, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick leave based upon that normal workweek. An employee shall be entitled to use accrued paid sick leave beginning on the 30th day of employment, after which day the employee may use paid leave as it is accrued. Such leave shall accrue only

in hour-unit increments; there shall be no accrual of a fraction of an hour of such leave.

Paid sick leave time can be accrued up to a maximum cap of 72 hours. Once this cap is reached, sick leave time will stop accruing for the employee. Accrued and unused sick leave time will carry over to the next year until an employee reaches the maximum cap of 72 hours, at which point accrual will cease. Sick leave time will begin to accrue again once it has been used and an employee's accrual amount drops below the maximum accrual cap. When the accrued sick leave time has been decreased below the cap, additional sick leave time will begin to accrue again but only until the cap is reached. There is no retroactive grant of sick leave time for the period of time the accrued sick leave time was at the cap.

The company will not compensate an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment. However, if an employee separates from the company and is rehired by the company within one year from the date of separation, any previously accrued and unused paid sick leave shall be reinstated. The employee shall be entitled to use that previously accrued and unused paid sick leave and to accrue additional paid sick leave upon rehiring, subject to this policy.

An employee may use paid sick leave not only when he or she is ill or injured or for the purpose of the employee's receiving medical care, treatment, or diagnosis, but also to aid or care for the following persons when they are ill or injured or receiving medical care, treatment, or diagnosis: the employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state or local law, or designated person. The employee may use all or any percentage of his or her paid sick leave to aid or care for the aforementioned persons. The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" as used herein includes a child of a domestic partner and a child of a person standing in loco parentis.

If the employee has no spouse or registered domestic partner, the employee may designate one person as to whom the employee may use paid sick leave to aid or care for that person in lieu of a spouse or registered domestic partner. The company will give employee the opportunity to make such designation as is required by applicable sick leave laws.

The company will not require, as a condition of an employee's taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave. Employees who wish to use paid sick leave can do so upon a verbal or written request. Employees must give reasonable advance notification of an absence from work for which paid sick leave will be used. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. When an employee is out due to illness for three (3) or more workdays, a doctor's note certifying the need for the absence and the employee's fitness to return to duty may be required.

The company will not retaliate or discriminate against an employee for using accrued sick leave, attempting to exercise the right to use accrued sick leave, or cooperating in an investigation of an alleged violation of this policy.

### ***Unpaid Leave of Absence***

Amethod Public Schools recognizes that special situations may arise where an employee must leave his or her job temporarily. At its sole discretion, the School may grant employees unpaid leaves of absence. Any unpaid leave of absence must be approved in writing in advance by the Site Supervisor and Executive Director. Employees cannot return from a medical leave of absence without first providing a sufficient doctor's return to work authorization. Leaves of absence under FMLA, CFRA, and PDL are discussed separately in this Handbook. The granting of a leave of absence always presumes the employee will return to active work by a designated date or within a specific period. Employees may be disciplined, including

termination from employment, for any unapproved, unreasonable, or excessive leave of absence that is not otherwise protected by law. If you need further information regarding any leaves of absence, be sure to consult with your immediate supervisor.

If you are currently covered under the Organization's health benefits, then medical and dental coverage will remain in force during a medical or worker's compensation leave of absence, provided you pay the insurance premiums when they are due. Coverage during leaves of absence under FMLA, CFRA, and PDL are discussed separately in this Handbook.

### ***Family Care and Medical Leave***

This policy explains how the School complies with the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), both of which require the School to permit each eligible employee to take up to 12 work weeks of FMLA leave in any 12-month period for the birth/adoption of a child, the employee's own serious illness or to care for certain family members who have a serious illness. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as "FMLA leave."

The "12-month period" in which twelve (12) weeks of FMLA may be taken is the twelve (12) month period immediately preceding the commencement of any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. If a holiday falls within a week taken as FMLA leave, the week is nevertheless counted as a week of FMLA leave. If, however, the School's business activity has temporarily ceased for some reason and employees are generally not expected to report for work for one or more weeks, such as the Winter Break, Spring Break, or Summer Vacation, the days the School's activities have ceased do not count against the employee's FMLA leave entitlement.

### ***Employee Eligibility Criteria***

To be eligible for FMLA leave, the employee must have been employed by the organization for the last 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding commencement of the FMLA leave.

### ***Events That May Entitle an Employee to FMLA Leave***

The 12-week FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

- To care for the employee's newborn child or a child placed with the employee for adoption or foster care. *Leaves for this purpose must conclude 12 months after the birth, adoption, or placement. If both parents are employed by the Organization, they will be entitled to a combined total of 12 weeks this purpose.*
- Because of the employee's own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by the Organization's separate pregnancy disability policy).
- To care for a spouse, domestic partner, child, or parent with a serious health condition or military service-related injury.
- For a qualifying "exigency" while the employee's spouse, son, daughter, or parent (the military member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).
- Eligible employees may also take up to twenty-six (26) weeks during the employee's employment for the care of a spouse, son, daughter, parent or next of kin who is a member of the armed forces and is undergoing medical treatment or is medically unfit to perform military duties due to an injury or illness incurred while on active duty.

#### *Pay During FMLA Leave and Substituting Paid Leave Time*

All FMLA leaves are unpaid leaves. The receipt of vacation pay, attendance stipends, or State Disability Insurance benefits will not extend the length of the FMLA leave. You must substitute your accrued vacation and sick leave for unpaid leave. The substitution of paid time off for unpaid leave will not extend the length of the leave to which you are otherwise entitled.

#### *FMLA Leave Time*

Workers compensation leave may run concurrently with FMLA leave, and will be counted against the 12 weeks allowed for FMLA leave. CFRA leave time may also run concurrently with FMLA leave, and will be counted against the 12 weeks allowed for FMLA leave.

#### *Health Benefits*

If an employee is eligible for and has health insurance benefits from AMPS under a group health plan, AMPS will maintain those benefits for the duration of the leave, not to exceed twelve (12) weeks during the 12-month period, at the level and under the conditions that coverage would have been provided if the employee had remained continuously employed without interruption. The employee will continue to make the same premium contributions if any for his/her own benefits, or benefits for dependents, while the employee is on approved leave.

*A method Public Schools may recover the health benefit costs paid on behalf of an employee during his or her FMLA leave if:*

- The employee fails to return from leave after the period of leave to which the employee is entitled has expired. *An employee is also deemed to have "failed to return from leave" if he/she works less than thirty (30) days after returning from FMLA leave;* and
- The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave, or other circumstances beyond the control of the employee.

#### *Seniority*

An employee on FMLA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA leave will return with the same seniority he/she had when the leave commenced.

An employee requesting FMLA leave because of his/her own or a relative's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by the School. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in denial of the leave request until such certification is provided.

If the Organization has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, the Organization may request a second opinion by a health care provider of its choice (paid for by the Organization). If the second opinion differs from the first one, the Organization will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.

Recertification is required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit a required recertification can result in termination of the leave.

#### *Procedures for Requesting*

An employee should request FMLA leave by completing a *Request for Leave* form and submitting it to the Organization's Executive Assistant. An employee asking for a Request for Leave form will be given a copy of the Organization's then-current FMLA leave policy.

Employees should provide not less than thirty (30) days notice for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, domestic partner, child, or parent. If thirty days advance notice is not possible, the employee should provide as much notice as possible. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the Organization's operations.

If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, domestic partner, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.

If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two (2) weeks, except that the Organization will grant a request for FMLA leave for this purpose of at least one day but less than two (2) weeks' duration on any two (2) occasions.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.

*\*In most cases, the Organization will respond to an FMLA leave request within two (2) days of acquiring knowledge that the leave is being taken for an FMLA-qualifying reason and, in any event, within ten (10) days of receiving the request. If an FMLA leave request is granted, the Organization will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement; this notice will explain the employee's obligations and the consequences of failing to satisfy them.*

#### *Status Updates and Return to Work*

During FMLA leave, the employee has to provide periodic reports that describe your status and prospects for return to work at least every thirty (30) days. AMPS may ask you for recertification if you request an extension of leave.

Upon timely return at the expiration of the FMLA leave period, an employee (other than a "key" employee whose reinstatement would cause serious and grievous injury to the Organization's operations) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.

Before an employee will be permitted to return from FMLA leave taken because of his or her own serious health condition, the employee must obtain a certification from his or her health care provider that he or she is able to resume work.

If an employee can return to work with limitations, the Organization will evaluate those limitations and, if possible, will accommodate the employee and permit the employee to return to work in accordance with applicable laws. If accommodation cannot be made, the employee may be medically separated from the Organization.

#### *Limitations on Reinstatement*

Amethod Public School may refuse to reinstate a "key" employee if the refusal is necessary to prevent

substantial and grievous injury to the Organization's operations. A "key" employee is an exempt salaried employee who is among the highest paid 10% of the organization's employees within seventy-five (75) miles of the employee's worksite.

A "key" employee will be advised in writing at the time of a request for, or if earlier, at the time of commencement of, FMLA leave, that he/she qualifies as a "key" employee and the potential consequences with respect to reinstatement and maintenance of health benefits if the Organization determines that substantial and grievous injury to the Organization's operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, the Organization will notify the "key" employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee's reinstatement would cause the Organization to suffer substantial and grievous injury. If the Organization realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

### ***Pregnancy Disability Leave***

This policy explains how the Organization complies with the California Pregnancy Disability Act, which requires the Organization to give each female employee an unpaid leave of absence of up to four (4) months, as needed, for the period(s) of time a woman is actually disabled by pregnancy, childbirth, or related medical conditions.

### ***Employee Eligibility Criteria***

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

### ***Events That May Entitle an Employee to Pregnancy Disability Leave***

The four-month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

- The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
- The employee needs to take time off for prenatal care.

### ***Duration of Pregnancy Disability Leave***

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five eight hour days per week, four months means 88 working and/or paid eight hour days of leave entitlement based on an average of 22 working days per month for four months.

Pregnancy disability leave does not count against the leave which may be available under the California Family Rights Act.

### ***Health Benefits***

If an employee is eligible for and has health insurance benefits from AMPS under a group health plan, AMPS will maintain those benefits for the duration of the leave, not to exceed four months over the course of a 12-month period, at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

### ***Seniority***

An employee on pregnancy disability leave remains an employee of the Organization and a leave will not

constitute a break in service. When an employee returns from pregnancy disability leave, he or she will return with the same seniority he or she had when the leave commenced.

#### *Medical Certifications*

An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider on a form supplied by the Organization. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.

*\*Recertification is required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertification can result in termination of the leave.*

#### *Requesting and Scheduling Pregnancy Disability Leave*

An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to the Organization's Executive Assistant. An employee asking for a Request for Leave form will be referred to the Organization's then current pregnancy disability leave policy.

Employee should provide not less than thirty (30) days or as long as notice as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.

Where possible, employees must make a reasonable effort to schedule planned medical treatments so as not to unduly disrupt the Organization's operations. Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.

In most cases, the Organization will respond to a pregnancy disability leave request within two (2) business days of acquiring knowledge that the leave qualifies as pregnancy disability and, in any event, within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, the Organization will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

#### *Return to Work*

Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have been employed in the same position (at the time reinstatement is requested). If the employee is not reinstated to the same position, she must be reinstated to a comparable position unless there is no comparable position available, or filling that position with the returning employee would substantially undermine the Organization's ability to operate the business safely and efficiently. A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.

Before an employee will be permitted to return from a pregnancy disability leave of three days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work. If the employee can return to work with limitations, the Organization will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from the Organization.

***Industrial Injury Leave (Workers' Compensation)***

Amethod Public Schools in accordance with State law provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax-free to replace lost wages; and
- Vocational rehabilitation to help qualified injured employees return to suitable employment.

*To ensure you receive any worker's compensation benefits to which you may be entitled, you will need to:*

- Immediately report any work-related injury to your supervisor or Home office;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the AMPS Home office; and
- Provide the Organization with a certification from your health care provider regarding the need for workers' compensation disability leave as well as your eventual ability to return to work from the leave.

It is the Organization's policy that when there is a job-related injury, the first priority is to insure that the injured employee receives appropriate medical attention. Amethod Public Schools, with the help of its insurance carrier has selected medical centers to meet this need. Each medical center was selected for its ability to meet anticipated needs with high quality medical service and a location that is convenient to the employee.

All work-related injuries, no matter how slight, should be reported to your supervisor or the Site Director immediately following the injury so that he/she may arrange for any necessary medical attention and prepare any required reports.

***Organization's Operation***

If an employee is injured on the job and requires medical treatment, he/she is to go or be taken to the approved medical center for treatment. If injuries are such that they require the use of emergency medical systems (EMS) such as an ambulance, the choice by the EMS personnel for the most appropriate medical center or hospital for treatment will be recognized as an approved center.

All accidents and injuries must be reported first to the employee's immediate supervisor and subsequently to the Organization's Home office (the individual responsible for reporting to the Organization's insurance carrier). Failure by an employee to report a work-related injury by the end of his/her shift could result in loss of insurance coverage for the employee. An employee may choose to be treated by his/her personal physician at his/her own expense, but he/she is still required to go to the Organization's approved medical center for evaluation.

When there is a job-related injury that results in lost time, the employee must have a medical release from the Organization's approved medical facility before returning to work. Any time there is a job-related injury, the Organization's policy requires drug/alcohol testing along with any medical treatment provided to the employee.

***Military and Military Spousal Leave of Absence***

Amethod Public Schools shall grant a military leave of absence to any employee who must be absent from work due to service in the uniformed services in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA"). All employees requesting military leave must provide advance written notice of the need for such leave, unless prevented from doing so by military necessity or if

providing notice would be impossible or unreasonable.

If military leave is for thirty (30) or fewer days, the Organization shall continue the employee's health benefits. Perfect attendance stipends or such bonuses will not be affected by a military duty of less than 30 days. For service of more than thirty (30) days, employee shall be permitted to continue their health benefits at their option through COBRA.

Amethod Public Schools will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay if they have a certificate of satisfactory completion of service and apply within ninety (90) days after release from active duty or within such extended period, if any, as required by law. Exceptions to this policy will occur wherever necessary to comply with applicable laws.

Amethod Public Schools shall grant up to ten (10) days of unpaid leave to employees who work more than twenty (20) hours per week and who are spouses of deployed military servicemen and servicewomen. The leave may be taken when the military spouse is on leave from deployment

AMPS will comply with all laws that provide for leave and/or reinstatement of employment as required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for any eligible employee. If you need to take leave under these laws, please notify your supervisor or the Site Director in advance and arrangements will be made through the Organization for any leave required under these laws.

#### ***Bereavement Leave***

Salaried employees are entitled to a leave of up to five (5) work days without loss of pay due to a death in the immediate family (parent, spouse, son/daughter, sister/brother, parents-in-law, son/daughter-in-law, grandparents, and grandchild). Bereavement pay will not be used in computing overtime pay. Any scheduled days off (including weekends, holidays and vacations) falling during the absence will be counted as both bereavement leave but will still count as "attended" days for the purpose of the attendance bonus.

#### ***Jury Duty or Witness Leave***

For all exempt employees, the Employee will pay for time off if you are called to serve on a jury. For all non-exempt employees, the organization will pay for up to five (5) days if you are called to serve on a jury.

#### ***Volunteer Firefighters and Peace Officers***

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue personnel. You are also eligible for unpaid leave for required training. If you are an official volunteer firefighter, please inform your supervisor that you may have to take time off for emergency duty and alert your supervisor before doing so when possible.

AMPS will comply with all laws that provide for leave and/or reinstatement of employment as required under the Volunteer Civil Service Leave under California Labor Code section 230.3, and Civil Air Patrol Employment Protection Act under California Labor Code sections 1500-1506 for any eligible employee. If you need to take leave under these laws, please notify your direct supervisor or the Site Director in advance and arrangements will be made through the Organization for any leave required under these laws

#### ***Parental Leave for Child's School***

Employees who have custody of one or more children in a licensed daycare facility, in kindergarten or grades 1 through 12 may take up to forty hours off without pay each year to participate in the activities of the facility or school attended by each child. No more than eight hours of the 40 hours may be used in any month without approval from your supervisor.

To be eligible for this leave, employees must provide reasonable advance notice of the planned absence to their supervisor. Employees may be required to provide documentation from the daycare facility or school verifying their participation in the activity.

If you receive a written notice from your child's school requiring you to attend a conference regarding your child's possible suspension or other disciplinary action, you will be permitted to go. This is treated separately from the school "activities" leave described above. You must provide your supervisor or the Site Director with a copy of the notice before you leave for the discipline conference. You will also need to provide your supervisor or the Site Director with a certificate from the school verifying your attendance at the conference.

***Victim of Domestic Violence, Sexual Assault, Stalking or Serious Crime***

An employee who is a victim of domestic violence, sexual assault or stalking, may take the necessary time off in order to appear in court to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the victimized employee and/or the employee's child. Time off is also permitted for victims of domestic violence, or sexual assault or stalking to seek medical attention for resulting injuries, to seek shelter or other crisis services, or to obtain psychological counseling.

Where an employee or the employee's immediate family member or the employee's sibling, step-sibling or step-parent is a victim of a "serious crime" (i.e., a violent felony, serious felony or felony theft/embezzlement), the employee will be permitted time off to attend to judicial proceedings related to such crime.

Employees may use their accrued Paid Sick Leave but any leave in excess of the employee's accrued paid sick leave is unpaid. Employees requiring such leave must give the Organization as much advance notice of their need for time off as soon as possible. Documentation supporting the leave may be required, which can include:

- A police report indicating that the employee was a victim of domestic violence, or
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or the prosecuting attorney that the employee appeared in court.

***Paid Leave to Donate Organs or Bone Marrow***

The Organization provides limited, paid time off for employees who give of themselves by donating life-saving organs or bone-marrow to others ("Donation Leave"). An employee who is donating an organ will be permitted a paid leave of absence of up to thirty (30) calendar days for this purpose during any one-year period. An employee who is absent for the purpose of donating bone marrow will be permitted a paid leave of absence of up to five workdays in any one-year period.

Employees who request Donation Leave must provide a doctor's note verifying that he or she is an organ or bone-marrow donor and that there is a medical necessity for the donation. The note must also indicate the likely dates during which the donor employee is expected to be absent.

Time off for organ or bone-marrow donation will not be counted as time off for FMLA purposes. An employee does not need to use the Donation Leave entitlement in one block. Donation Leave can be taken intermittently or on a reduced-leave schedule when medically necessary. Employees should make reasonable efforts to schedule Donation Leave for planned appointments/donation activities so as not to unduly disrupt operations. Any period of Donation Leave will not be treated as a break in service for any reason, including determination of pay or seniority.

***Voting Time Off***

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the

approval of your immediate supervisor.. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay.

When possible, an employee requesting time off to vote shall give their immediate supervisor at least two (2) days notice.

### ***External Employee Education Leaves***

Some employees may need to attend training programs, seminars, conferences, lectures, meetings or other outside activities for the benefit of Amethod Public Schools or the individual -employee. Attendance at such activities, whether required by Amethod Public Schools or requested by individual employees, requires the written approval of the employee's supervisor. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses and the nature, purpose and justification for attendance.

*Attendance at any such event is subject to the following policies on reimbursement and compensation:*

- For attendance at events required or authorized by Amethod Public Schools, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with your supervisor in advance.
- Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.
- This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While Amethod Public Schools generally encourages all employees to improve their knowledge, job skills and promotional qualifications, such activities **do not** qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

### ***Safety Plans & Handbook***

The organization has in place an active School Safety Plan that must be followed by employees. It is the responsibility of the employee to read, and ask questions in reference to the safety policy.

## VII. PERSONNEL EVALUATION AND RECORD KEEPING

### *A. Performance Evaluations*

Amethod Public Schools conducts formal performance reviews for all of its employees. Teachers will be formally reviewed once each school year by a team of reviewers that may include their direct supervisor, Chief Academic Officer or designee, Instructional Leadership Team members, and/or Site Directors from other AMPS School sites. However, teacher observations will be frequent and constant throughout the year. Site Director Evaluations will be conducted at least once a year, but frequent reviews and visits will occur throughout the year.

Your performance reviews may cover factors such as job criteria, instructional practice, data reviews, critical duties and tasks of a job, attainment of goals, and adherence to the Amethod Public Schools core values. The performance evaluations are intended to make you aware of your progress, areas for improvement and objectives or goals for future work performance. Favorable performance reviews do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of Amethod Public Schools and depend upon many factors in addition to performance, including availability of funds. After the review, you will be required to sign the evaluation report to acknowledge that it has been presented to you, that you have discussed it with your supervisor and that you are aware of its contents. You may add a rebuttal statement to your review within 10 days of your review that will be maintained in your personnel file.

### *B. Performance Improvement Plan*

Employees who are having performance or behavioral difficulties **may at the sole discretion of AMPS** be placed on a performance improvement plan. This plan will detail the current issue(s) and outline improvement plan steps and goals to assist the employee in a successful outcome. Performance Improvement Plans may be initiated by the Site Director (Supervisor) and may be done in writing. Both the Supervisor and the employee are expected to sign off on the plan and meet at the specified times to work through the issues. Teachers are expected to follow the detailed plans as required by supervisor. The Performance Improvement Plan does not in any way change the At-Will contract for employees. **There is no guarantee, or promise, that an employee will be placed on a Performance Improvement Plan prior to any discipline up to and including termination.**

### *C. Personnel Files and Record Keeping Protocols*

At the time of your employment, a personnel file is established for you. Please keep the School's Site Director advised of changes that should be reflected in your personnel file. Such changes include: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential and will enable the School to contact you should the change affect your other records.

You have the right to inspect certain documents in your personnel file, as provided by law, in the presence of an Amethod Public Schools representative, at a mutually convenient time. Amethod Public Schools will restrict disclosure of your personnel file to authorized individuals within the School and Organization, unless otherwise required by law

A request for information contained in the personnel file must be directed to the Executive Director. Only the Executive Director or his/her designee is authorized to release information about current or former employees. Disclosure of information to outside sources will be limited. However, the school and organization will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required.

## VIII. DISCIPLINE AND TERMINATION OF EMPLOYMENT

### ***A. Rules of Conduct***

The following conduct is prohibited and will not be tolerated by the Organization. This list of prohibited conduct is illustrative only and applies to all employees of the Organization; other types of conduct that threaten security, student safety, personal safety, employee welfare and the Organization's operations also may be prohibited. Further, the specification of this list of conduct in no way alters the at-will employment relationship as to at-will employees of the Organization. If an employee is working under a contract with the Organization which grants procedural rights prior to termination, the procedural terms in the contract shall apply.

*This list of prohibited conduct is illustrative only and not meant to be exhaustive:*

- *Insubordination* - refusing to perform a task or duty assigned or act in accordance with instructions and / or policies provided by an employee's supervisor, organizational policies, or proper authority.
- *Inefficiency* - including deliberate restriction of output, carelessness or unnecessary wastes of time or material, neglect of job, duties or responsibilities.
- *Unauthorized soliciting*: collecting of contributions, distribution of literature, or written or printed material that is not directly related to the School is strictly prohibited on Organization property by non-employees and by employees. Nothing in this provision is intended to limit the rights of employees to organize, or otherwise engage in conduct expressly permitted under the National Labor Relations Act.
- Damaging, defacing, unauthorized removal, destruction or theft of another employee's property or of Organization property.
- Fighting or instigating a fight on Organization premises.
- Violations of the drug and alcohol policy.
- Using or possessing firearms, weapons or explosives of any kind on Organization premises.
- Gambling on Organization premises.
- Tampering with or falsifying any report or record including, but not limited to, personnel, absentee, sickness or production reports or records, applications for employment, payroll information, timesheets, and time cards.
- Recording the timesheets of another employee or permitting or arranging for another employee to record your timesheet.
- Conducting personal business during business hours and/or unauthorized use of telephone lines for personal calls.
- Excessive absenteeism or tardiness excused or unexcused.
- Posting any notices on Organization premises without prior written approval of management, unless posting is on an Organization bulletin board designated for such employee postings.
- Immoral or indecent conduct.
- Conviction of a criminal act.
- Engaging in sabotage or espionage (industrial or otherwise)
- Violations of the sexual harassment policy.
- Failure to report a job-related accident to the employee's manager or failure to take or follow prescribed tests, procedures or treatment.
- Sleeping during work hours.
- Release of confidential information without authorization.
- Refusal to speak to supervisors or other employees.

### ***B. Off-Duty Conduct***

While the Organization does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Organization's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect

the Organization or its own integrity, reputation, or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the Organization's legitimate business interests or the employee's ability to perform his or her work will not be tolerated.

### ***C. Secondary Employment***

While employed by the Organization, employees are expected to devote their energies to their jobs with the Organization. For this reason, second jobs are strongly discouraged. The following types of additional employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at our Organization.
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with our Organization.
- Additional employment that impairs or has a detrimental effect on the employee's work performance with our Organization.
- Additional employment that requires the employee to conduct work or related activities on the Organization's property during the employer's working hours or using our Organization's facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of our Organization.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to their immediate supervisor and the Organization's Executive Director, explaining the details of the additional employment. If the additional employment is authorized, the Organization assumes no responsibility for it. Amethod Public Schools shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Additional or secondary employment may be prohibited by an employee's employment agreement.

### ***Termination of Employment***

If you decide to terminate your at-will employment with the Organization, please notify your immediate supervisor or the Executive Director regarding your intention as far in advance as possible, however you are not required to give notice. The Organization or the employee can terminate at will without giving any notice.

When you terminate your at-will employment, you will not be entitled to any bonuses or stipends. If you are participating in the medical and/or dental plan, you will be provided information on your rights under COBRA.

### ***Employment Verifications***

All requests for employment verifications must be directed to the Executive Director or his/her designee. No other manager, supervisor or employee is authorized to release verifications for current or former employees.

By policy, Amethod Public Schools discloses only the dates of employment and the title of the last position held by former employees. With written authorization from the employee, Amethod Public Schools will release salary or wage information to institutions such as banks or credit unions, or prospective employers.

Amethod Public Schools will NOT disclose documentation from a medical professional, domestic violence advocate, health-care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence unless the employee submits a specific written and signed request authorizing such a release. The reason for such a release must be specific as should the information about the receiving party.

## **IX. AMENDMENT TO EMPLOYEE HANDBOOK**

This Employee Handbook contains the employment policies and practices of the Organization in effect at the time of publication. I understand that the statements contained in the Handbook are guidelines for employees concerning some of the Organization's policies and benefits, and are not intended to create any contractual or other legal obligations or to alter the at-will nature of my employment with the Organization. In the event I do have an employment contract which expressly alters the at-will relationship, I agree to the foregoing except with reference to an at-will employment status.

Amethod Public Schools reserves the right to amend, delete or otherwise modify this Handbook at any time, except for any provisions relating to at will employment. At will employment can only be modified by a written agreement signed by the employee and Executive Director.

Any written changes to the Handbook will be distributed to all employees. No oral statements can in any way alter the provisions of this Handbook.

**APPENDIX A: HARASSMENT COMPLAINT FORM**

*It is the policy of the Organization that all of its employees be free from harassment. You may use this form if you want to report what you believe is harassment. You are not required to use this form. You may submit any complaint about harassment to your own supervisor, the Site Supervisor, Executive Director, or Human Resources Department. You can contact the Human Resources Department at (510) 899-4806.*

-----

Name: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Alleged Incident: \_\_\_\_\_

\_\_\_\_\_

Name of Person(s) you believe sexually harassed you or someone else: \_\_\_\_\_

\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; any physical contact; any verbal statements etc.) (Attach additional pages, if needed)

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Print Name

=====  
**To be completed by Organization:**

\_\_\_\_\_  
Received by:

\_\_\_\_\_  
Date:

## **APPENDIX B: AMPS POLICY-BOARD SESSIONS AND CONFIDENTIALITY**

### *Disclosure of Closed Session Information*

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

*Confidential information* means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

The school shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963).

Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session (*cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights*)

Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action, and disclosing information that is not confidential

### *Other Disclosures*

An employee who releases confidential/privileged information about the school, students, families, or staff shall be subject to disciplinary action up to and including termination.

No employee shall disclose confidential information acquired in the course of his/her duties.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Executive Director or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

## APPENDIX C: AMPS POLICY- EMPLOYEE DRESS & GROOMING

Amethod Public School employees serve as role models for the students and as representatives of Amethod Public Schools. Consistent with these roles, all employees and volunteers shall dress professionally and appropriately relative to their specific job duties and responsibilities.

Administrators and administrative support employees are expected to project a professional image and should dress appropriately for an office/business environment. Teachers and staff serve as role models, and they should maintain professional standards of dress and grooming throughout the academic year. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

All employees are expected to project a professional image that sets positive dress and grooming examples for students and shall adhere to standards of dress and appearance that are compatible with an effective learning environment. Presenting a bodily appearance or wearing clothing which is disruptive, provocative, revealing, profane, vulgar, offensive, obscene, or which endangers the health or safety of the students or others is prohibited. This same standard will apply to visible tattoos.

Site Directors and the Executive Director may also determine the appropriate dress to be worn on workdays when students are not in attendance.

Physical education teachers, coaches and athletic volunteers should wear the appropriate athletic attire necessary to meet the requirements of their job responsibilities and a sweat or warm-up suit when not actively teaching physical education classes or coaching. An employee's or volunteer's dress may not be so unusual, inappropriate or lacking in cleanliness that it disrupts classroom or learning activities.

*Examples of attire, or lack of attire, or other material, considered inappropriate and prohibited for AMPS employees include but are not limited to:*

- Jewelry affixed to an employee's or volunteer's nose, tongue, cheek, lip or eyebrow;
- Clothing or lack of clothing that is disruptive, provocative, revealing, indecent, vulgar, or obscene;
- Revealing necklines, bare midriffs, and excessively tight clothing;
- Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols;
- Tube tops;
- Plain white or tank top T-shirts;
- Clothing with slurs, political statements, slogans, etc., other than the schools logo and or school motto;
- Mini Shorts;
- Exposed body areas usually concealed by clothing such as torso, chest area, back, stomach, etc. (these areas are not to be revealed by any AMPS employee);
- Bright or non-natural colored hair dye (*unless as excused for school spirit functions or discussed with Site leaders*);
- Clothing which contains profanity, nudity, depicts violence, or is sexual in nature by words or symbols;
- Open toed shoes, sandals, or flip flops;
- Tank tops or spaghetti strap tops;

- Undergarments worn as an outer garment or any see-through clothing that reveals an undergarment;
- Hats, visors, sunglasses, sweatbands, and bandanas (may be worn outside but must be removed when inside the workplace);
- Jeans (except for nice jeans on Friday Casual Option);
- Any item of clothing, over usage of make up or excessive jewelry that creates a disruption of the school environment/learning activities, or that poses a threat to the safety and well-being of students or staff.

Reasonable accommodations shall be made where appropriate and as approved in writing by the supervisor for those employees or volunteers who, because of a sincerely held religious belief, cultural heritage, or medical reason, request a waiver of a particular part of this Policy for dress or appearance. In compliance with federal laws, Amethod Public Schools administers all educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability or gender, except where exemption is appropriate and allowed by law.

AMPS encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities such as,( but not limited to);

- Collared shirts (for males)
- Belts (for males)
- Make up, jewelry and such accessories should be worn in a professional manner;
- Ties (for males)
- School , or alum apparel during Casual Fridays

*Clothes that may be appropriate for gym teachers may not be appropriate for classroom teachers.*

### **Piercings and Tattoos**

Piercings and tattoos are an individual choice and preference; however, staff will need to consider the school policies that limit exhibiting or wearing piercings and tattoos while on campus. A staff member should never exhibit or show any tattoos or body piercings, other than appropriate earrings.

#### **APPENDIX D: AMPS POLICY - EMPLOYEE USE OF TECHNOLOGY**

The Governing Board recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting organization and school operations, and improving access to and exchange of information.

Employees shall be responsible for the appropriate use of technology and shall use the school's technological resources primarily for purposes related to their employment.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or school/organizational operations without authority.

##### **Online/Services**

The Site Director, Executive Director, or designee shall ensure that all computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Executive Director or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use, the Executive Director or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent.

The Executive Director or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Executive Director or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the school's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the school's Acceptable Use Agreement.

##### **Use of Cellular Phone or Mobile Communications Device**

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, policy, or administrative regulation shall be subject to discipline up to termination.

**APPENDIX E – VACATION REQUEST FORM (For Home office and Admin Assistants)**

Amethod Public Schools (AMPS) employees who are seeking to use vacation time must complete and submit a vacation request form and use the following process:

Step #	Who	Task	Target Date
1	AMPS Team Member	Fill out the bottom portion of the page. Be sure to include the type of request, the number of days requested and the start and end dates of the requested days off.	At least two weeks prior to time off (Unless you are submitting a sick day)
2	AMPS Team Member	Submit or email this form to your direct supervisor for review and approval. If emailing, copy in the home office talent manager at <a href="mailto:HRSupport@amethodschools.org">HRSupport@amethodschools.org</a>	
3	Supervisor	If approved, sign and then submit the vacation request to the home office Talent Department <b>or</b> Email an approval back to the team member and home office Talent Department at <a href="mailto:HRSupport@amethodschools.org">HRSupport@amethodschools.org</a> .	Within 48 Hours of Receipt
4	Home Office Talent Department	Notify payroll of vacation/sick time taken.	The Following Payroll
5	AMPS Team	Place vacation days on your calendar and notify your team so they are aware you will be out.	Prior to vacation

*NOTE\* No vacation leave shall be granted without the prior review and approval of the employee's supervisor. Further, no vacation leave shall be granted without proper submission of this form to the home office within (2) weeks prior to the begin date of the requested vacation period. In the event of an emergency, the Team Member along with their supervisor shall immediately contact the central office, Selena Frudakis so that arrangements regarding use of vacation can be made.*

AMPS Employee: \_\_\_\_\_  
(Last) (First) (Middle)

School Site: \_\_\_\_\_ Date \_\_\_\_\_  
 Requested: \_\_\_\_\_

**Check all that apply**

	Begin Date	End Date	Total Hours
<b><u>Vacation (Home Office &amp; Admin ONLY)</u></b>			
<b>Sick Day</b>			
<b>Bereavement</b>			
<b>Time Off Without Pay</b>			

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## **APPENDIX F – TRAVEL AND REIMBURSEMENT POLICY**

Employees shall be reimbursed for reasonable business expenses incurred while performing their duties or attending workshops or other employment -related functions, Employees should obtain prior advance approval when practicable from their direct supervisor or the Site Director for the activity for which the employees will seek reimbursement.

All reimbursements claims must be supported by accurate, original receipts. Copies of receipts or other documentation are not acceptable unless exceptional circumstances exist.

Reimbursements will be paid for meals and drinks, transportation, and mileage but you only get reimbursed for mileage if you are driving your personal vehicle.

### Examples of items and/or expenses that are not reimbursed include:

- Alcoholic beverages
- Any expense incurred by a guest dining with the employee
- Entertainment (movie, purchases/rental, plays, concerts, etc.)

### When incurring business expenses, Amethod Public Schools expects employees to:

- Exercise good business judgment with respect to those expenses
- Be cost conscious and spend organizational money as carefully and judiciously as the individual would spend his or her own funds
- Report expenses, supported by required documentation, as they were actually spent

### General Travel Requirements:

The employee and his/her supervisor shall consider the way in which AMPS will benefit from the travel and weigh those benefits against the anticipated cost of the travel. The same considerations shall be taken into account in deciding whether the benefits to AMPS outweigh the costs, less expensive alternatives, such as participation by telephone or video conferencing, or the availability of local programs or training opportunities, which should also be considered.

### Air Travel Reimbursement:

Air travel reservations should be made as far in advance as possible in order to take advantage of reduce fares. All air flights must be reviewed by the appointed supervisor or appointed designee before booking any air flights to assure fare expense. Personnel shall not make travel arrangement at a time that is less advantageous to AMPS or involving greater expense to AMPS in order to accommodate travel plans.

Any additional expense incurred as a result of personal travel, including but not limited to extra hotel nights, additional stopovers, meals, or transportation are the sole responsibility of the AMPS employee. Expenses associated with travel of an individual's spouse, family or friends will not be reimbursed by AMPS.

**After receiving approval from your supervisor, you may book a flight yourself and submit for reimbursement once the flight has been completed or ask your Supervisor or the Operations Department to book a flight for you using the Organization's credit card.**

### In or Out of Town Lodging Reimbursement:

Maximum allocation for lodging is \$150.00 per night unless otherwise approved by director or appropriate designee. Employees traveling on Behalf of AMPS may be reimbursed at the single room rate for the reasonable of cost of the hotel accommodations. Convenience, the cost of staying in the city in which the hotel is located, proximity to other venues on the individual's itinerary shall be considered in determining reasonableness. Employees shall make use of available corporate and discount rates for hotel. In town lodge stays are encourage to

stay at the following hotels:

- Executive Inn & Suites: (\$149 -\$159 rate standard room)  
1755 Embarcadero Oakland, Ca 94606  
Phone: 510-536-6633  
Parking available at no cost
- Clarion Hotel: (\$139-\$140 rate standard room)  
371 13<sup>th</sup> Street Oakland, Ca 94612  
Phone: 510-279-1700  
Parking fee
- The Washington Inn: (\$100-\$120 rate standard room)  
495 10<sup>th</sup> Street Oakland, Ca 94612  
Phone: 510-452-1776  
Parking fee \$10 per day (corner garage)

Car Rentals Reimbursement:

Should your travel require a car rental and refueling cost, you must receive prior approval from the director or appropriate designee. AMPS will not reimburse you for rental car insurance fees, upgrades, and navigation features. Please decline car rental insurance fees. Reimbursement for gas is allowable on car rental only.

Personal Vehicle Mileage Reimbursement:

Effective January 1, 2016, the mileage reimbursement rate is 54 cents per mile. Please note that if you use your own car AMPS will not reimburse you on gas. If you are required to drive your personal vehicle to an AMPS related function, AMPS will cover mileage reimbursement. The following rules apply:

1. Travel must be for an AMPS business function.
2. Mileage will be reimbursed for the round-trip distance between the employee's work site and the location of the business function being attended. If employees depart from or return to their home instead of their work site, only the miles in excess of the normal daily commute can be claimed as an expense.
3. Mileage amounts should be verifiable through the use of commercially available websites (ex. MapQuest, Google Maps).
4. Employees must document their travel on the Expense and Mileage Reimbursement Form. This must be approved by your supervisor.

Meals for Travels:

Itemized receipts are required for all meals to show actual meals cost per individual and alcoholic beverage restrictions. Employees are allowed to a maximum allocation of \$65/per day to pay for meals during business travel.

Travel Expense Report

All reimbursement forms and receipts must be submitted within 30 days of the event or travel. All original receipts must be submitted along with the travel expense report. Upon completion, return the report and associated receipts directly to accounts payable office manager. Travel reimbursements forms can also be found at accounts payable manager's office.

Travel Expense Guidelines:

<b>Expense type</b>	<b>Detail</b>	<b>Amount</b>
Flight	Preferred Max:	<\$350 \$500
Hotel	Preferred Max:	<\$150 \$200
Hotel or Conference Parking		<\$15 a day
Rental Car	Economy class	\$35-\$65
Traveling Meals	Breakfast Lunch Dinner <b>Total Day</b>	\$15 \$20 \$30 <\$65 per day
Mileage		\$0.54 per mile

## AMPS EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

**PLEASE READ THE EMPLOYEE HANDBOOK AND SUBMIT A SIGNED COPY OF THIS STATEMENT TO THE HUMAN RESOURCES DEPARTMENT.**

EMPLOYEE NAME: \_\_\_\_\_

SITE: \_\_\_\_\_

I ACKNOWLEDGE that I have received a copy of the Employee Handbook. I have read and understood the contents of the Handbook, and I agree to abide by its directions and procedures. I have been given the opportunity to ask any questions I might have about the policies in the Handbook. I understand that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook.

I understand that the statements contained in the Handbook are guidelines for employees concerning some of the Organization's policies and benefits, and are not intended to create any contractual obligations or to alter the at-will nature of my employment with the Organization. In the event I do have an employment contract which expressly alters the at-will relationship, I agree to the foregoing except with reference to at-will employment status.

I understand that except for my at-will employment status, any and all policies or practices can be changed at any time by the Organization. Any modifications to the arbitration agreement will have to be executed by the parties. I understand that other than the Executive Director and President of the Board of Directors of the Organization, no person has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will. Any employment agreement must be in writing and signed by the employee and the Executive Director or Board President.

If I have questions regarding the content or interpretation of anything in this Handbook, or any other company policies or procedures, I will promptly bring them to the attention of my supervisor or the Human Resources Department.

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## HARASSMENT POLICY RECEIPT AND ACKNOWLEDGEMENT FORM

I acknowledge that I have received the AMPS Policy Statement on Harassment. I understand that it is my responsibility to be familiar with and conform to the procedures contained in this policy. I am expected to abide by the rules and requirements contained in the policy with regard to the reporting of harassment, including the obligation to report violations of the policy and not to retaliate against anyone for exercising his/her rights under this policy.

I understand that if I have questions, at any time, regarding the Harassment policy, I will consult with my immediate supervisor or my Human Resources Department.

Please read the Harassment policy carefully to ensure that you understand the policy before signing this document.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Amethod Public Schools affirms its commitment to ensuring a work environment that is free from any form of harassment, including sexual harassment.

**EMPLOYEE DRESS & GROOMING POLICY ACKNOWLEDGEMENT FORM**

I have read and been informed about the content, requirements, and expectations of the dress code policy for employees at Amethod Public Schools (AMPS). I have received a copy of the policy and agree to abide by the policy guidelines as a condition of my employment and my continuing employment at AMPS.

I understand that if I have questions, at any time, regarding the dress code policy, I will consult with my immediate supervisor or my Human Resources Department.

Please read the dress code policy carefully to ensure that you understand the policy before signing this document.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

# EXHIBIT B

Over the course of my employment at John Henry High School I have witnessed many unprofessional actions from those in position of leadership. The following is a detailed summary of the unprofessional actions and behaviors that I have personally witnessed:

- During our summer training called "Summit", Mrs. Villa told a story explaining how a student (whom Mrs. Villa mentioned by name) had come to her saying he was being abused at home. Mrs. Villa did not believe this student and, instead of taking the legally mandated action of calling Child Protective Services (CPS), she decided to investigate the allegation herself by instructing the student in question to remove their shirt so she (Mrs. Villa) could verify if the student's story was viable. Based on this communication, Mrs. Villa then recommended that teachers investigate a student's story themselves, prior to reporting, because students could be lying. With new teachers attending this training, I felt it was highly unprofessional and illegal to promote this type of action.
- During another training event, Mrs. Villa spoke of another incident she negligently handled; blatantly ignoring the procedures set out by Amethod Public Schools to ensure student and staff safety. According to Mrs. Villa, it was discovered that a student had brought a knife to school. Mrs. Villa confronted the student and, instead of following school procedures, she took the knife and essentially let the student off with no consequence. This student was one of the "founding families" of the Richmond branch of Amethod Public Schools (meaning this student's family helped establish the charter), and was therefore afforded favoritism and let off without consequence. The student stated that they had the knife for protection while walking to and from school; an indication that this student had the intention of using the knife in a violent way if the student were to feel "threatened". Had this been any other student they would have been held accountable to the rules and procedures that the school has in place to ensure student and staff safety. Our leadership should not show favoritism or provide special treatment to certain students and family who support Villa and Lopez.
- Earlier this school year, a student was in the front office and his pants were slightly sagging. Instead of politely asking this student to pull their pants up at school, Mrs. Villa began to yell at him, in the front office, telling him "You are going to die in the gutter!" and other insulting remarks; including profanity that did not demonstrate the actions of someone who should be in a leadership role or in an educational environment.
- In staff meetings, Mr. Becker urged teachers to pass a particular student with a "C"; a student who never attended class, turned in no work, and was earning a failing grade in their classes. This student was allowed to be out of class and on his cellphone playing games in the school's common area and not held accountable to academic performance.
- Shortly after winter break, Mrs. Villa was heard by multiple students in the hallway, during passing period, saying, "All the teachers at John Henry are worthless" and "they water the content down". I found this comment surprising as Mrs. Villa, nor any other member of AMPs leadership, has ever stepped foot into my classroom to see me teach. This incident is also particularly upsetting because I find it highly unprofessional to talk negatively about teachers in front of students. The English teacher went to HR to file a complaint with regard to this incident and Mrs. Villa was put on suspension for 2 weeks.
- I discovered that a letter, written by a JHHS student's parents, was altered and the fake letter was being distributed around campus. I began to investigate the origin of the letter and noted

that the security footage shows that a parent, who is employed at Benito Juarez Elementary school, brought a folder with the fake letters to her son during PE class. Soon after I began my investigation, I was talking with Mrs. Sanchez (office staff) about where the letter came from. Mrs. Villa and Mr. Lopez quickly shut down our investigation, saying they needed to protect the student (who disseminated the fake letter) instead of protecting the students that became targets as a result of the fake letter. And, the students did become a target for bullying as a result of the changes made to the original letter. Immediately, the monitor for the security cameras was moved into the back office so teachers could no longer monitor/view the footage.

- JHHS violated its terms of the Conditional Use Permit.
- A staggered schedule was not implemented until the end of March 2018. Even then, the staggered schedule only applies to the Senior class, which includes only 27 students.
- JHHS shares its building with RCA.
- Although I am not a witness, one teacher at JHHS witnessed Mrs. Villa, and the parent that distributed the fake letter, in a car together typing on a laptop; potentially, creating the fake version of the parent letter.

I do not believe that Mrs. Villa should have any role in education. She bullies employees, teachers, and colleagues. Her interactions with students demonstrate her unprofessional behavior, which, I believe, is damaging and does not provide a safe educational environment for students.

Thank you,

Robert Menze

May 30, 2018

# EXHIBIT C

I personally know/have witnessed:

- There is a specific student in my third period, Algebra 1 class who has special needs. Another teacher approached me at the end of first semester saying that he was asked to pass this student with a 70% or higher. I then approached the John Henry High School (JHHS) Site Leader, Eric Becker, I asked him if I was suppose to pass this student as well. Mr. Becker responded by asking if I would be willing to do that. I told him no.
  - This student was physically present in class one time over the course of six weeks. He spent most of his time at school in the common area of the school, on his phone, or walking around the hallways.
  - It took until April for the special education director, Jasmine Vance, to add to the student's Individualized Education Plan (IEP) that he needed to be sent to a Non-Public School (NPS). Even though, as his teacher I had been requesting in earlier IEP meetings that modifications be put in his IEP.
  - I was directed to count the student as present in my daily attendance, if I knew he was at school that day, even if he never stepped foot into my classroom.
  - The student was given the Semester 1 Final for Algebra 1, the final was handed over to his one-to-one paraprofessional. The student took the test in a separate classroom or area with the paraprofessional. The final was multiple choice and included directions that all work must be shown for each problem. The student brought his final to me the next day to turn in and he had circled most of the correct answers. There was no work shown for any of the problems. Again, this student was not present in my class for the majority of the semester. I was not told how much the paraprofessional assisted him with this test and I was not informed if he had access to his cell phone during the test as well.
- Algebra 1 textbooks were not provided for my students until the end of April. When I asked about textbooks at the beginning of the school year I was told by a front office worker that the Algebra 1 textbooks belonged to Richmond Charter Academy (RCA) and not to JHHS, thus the students at JHHS would not be receiving any.
  - At the end of the April textbooks were given to me to pass out to my students.
- JHHS violated its terms of the Conditional Use Permit.
  - A staggered schedule was not implemented until the end of March 2018. Even then, the staggered schedule only applies to the Senior class, which includes only 27 students.
  - JHHS shares its building with RCA.
- There are no real English Learner (EL) supports in place for ELs.
  - One of my students who is an EL was provided with a Rosetta Stone account to assist her in learning English. This is the only support she was given by the school.
- I was present at a professional development meeting when Villa shared a story about not calling Child Protection Services (CPS) and also not suspending a student who brought a knife to school.

- The professional development (PD) meeting took place before the school year began at AMPS annual Summit, for the 2017-2018 school year. The information regarding this PD was listed in the Amps 2017 Summit Program as:
    - “**Required Participants:** Returning Instructional Staff
    - Title:** Honor Hard Work Begins NOW!
    - Presenters:** Evelia Villa and Robert Moncada
    - Description:** “Culture is tangible the minute you walk into the school doorway,” reads the AMPS Culture Handbook - the Methods Manual. This training looks at the intersection between holding our students to high standards while also acknowledging (sic) the circumstances (sic) in which they live. Staff will review key elements behind AMPS’ methods and the Core Values, and participate in scenarios related to each.”
  - This specific PD was presented by Villa and Robert Moncada.
  - Villa shared a story about a student that she mentioned by name, where the student came to her and said he was being beaten by an extension cord. Villa said that she wanted to investigate the student’s claim before she reported it to CPS. Villa said that she called the student’s mother and had her come to the school. Then in front of the mom she had the student take his shirt off so they could see his back. There were no marks on the student’s back. Villa said that this showed that what the student was claiming was false and she let the parents take care of the situation.
  - She instructed us to investigate situations ourselves before we call CPS to report abuse because the child could be lying.
  - Villa also told a story about a student who brought a knife to school. She said that she spoke with the student’s mother along with the student to find out what was going on. The student did not feel safe walking to or from school so the student was carrying a knife for protection. Villa mentioned that she did not suspend the student for bringing the weapon to school.
  - At a later staff meeting, which I was present, during the school year, after this was addressed in Clinton’s resignation letter, Villa informed the JHHS staff of why she did not suspend the student for bringing a weapon to school, because it would have ruined his future, and he is now a graduate of Westpoint.
  - These two stories were provided for examples of how things are taken care of at AMPS.
- February 28th Letter/Email
    - On February 28th a falsified email was released to students at JHHS. The email was a heavily doctored version of an email that was sent to the district by a parent of two JHHS students.

- On February 28th there was a staff meeting where Becker did not address the email until another teacher brought it up to him. He then said there was no way to prove the email was false.
- The original version of the email was released to students on March 1st, the very next day. So students had access to both versions.
- JHHS' Site Coordinator, Eric Becker, refused to address the email school wide.
- Becker went from classroom to classroom on May 2nd, two days after the letter had been passed around the school, telling students that he knew there were two versions of a letter being passed around the school. When he was in my classroom he told students that he is not a detective, that he is not very smart, so he will probably never figure out which version of the letter was the real one. This short speech was less than one minute long.
- Becker saw that I along with a few other teachers were having an impromptu meeting on March 2nd in a classroom. He walked in and began asking us what we thought should take place regarding the email.
- I asked him why he would not tell the students that the altered version was fake. He said that doing so would possibly put the student who passed it out in danger if students knew he passed out a fake letter.
- After everyone else left the room I spoke to Becker alone. He told me to make a complaint to AMPS' HR department about how little he was doing to address the letter. He told me that it did not matter if I made the complaint or not because he was never going to get in trouble by his own bosses for not doing enough to address the letter.
- On March 2nd two people from the district came to visit the school. One of them, Adam Taylor, stayed for the rest of the school day and spent the time in the common area which is right outside of my classroom. Mr. Taylor saw a few teachers walk into my classroom and he then also walked into my classroom and simply asked us how we were doing. From there one teacher began to explain to him what was taking place with the letter.
  - A JHHS employee who works in the front office also began to spend time in my classroom and in the open area. I asked her what she was doing. She told me she was instructed by AMPS' HR to spy on Mr. Taylor because they saw him talk to me.
  - There is a security camera located in the common area that clearly shows who walks in and out of my classroom.
  - At the end of the school day Mr. Becker asked me to tell him what was said to the district person.
  - The following week Mr. Becker asked me to speak with him as well as another teacher who was in my classroom at the same time that Mr. Taylor was in my classroom. Mr. Becker instructed me and the other teacher to wait for him in the staff lounge. He then left us in the lounge and walked away. A few minutes later Mr. Becker walked back into the staff lounge and proceeded to lock the door. I immediately felt like I was being locked in the room, and asked him why he was locking us in there. Mr. Becker ignored the question. He then asked us what was

said to the district person in my classroom on March 2nd. I simply told him that we were asked how we were doing. The other teacher then told Mr. Becker what he said to the district person, and I remained silent.

- At the end of this conversation in the break room Mr. Becker then asked me directly if a certain P.E. teacher had been to the district to talk to them. I asked him how I would know that, and then Mr. Becker dropped the topic immediately.
- We were then allowed to leave the room.

Tatum McGuire

Date: May 6, 2018

[REDACTED]

[REDACTED]

# EXHIBIT D

To whom it may concern,

I, Michael Bortz, was and Amethod public schools employee from August 2016 until March 29th 2018. During my time there I witnessed the following events occur.

-During a professional development meeting Evelia Villa addressed a group of teachers openly admitting to not having called child services after receiving information that a student was being abused. In her narrative she described hearing a teacher report that the student said his parent had beat him. During this narrative she used explained how she dealt with the situation by referring specifically to the boy using his first and last name. Rather than calling the proper authorities she had a conference with both the boy and his parents, in which she had the boy remove his shirt to show that his parents were not beating him, as evidenced by the lack of bruises on his torso. She advised the educators present in the room to follow similar practices and follow our instincts when we faced similar situations, rather than rely on government authorities .

-One day the students were given a letter written by the mother of one of the two caucasian families who attended John Henry High School, addressed to WCCUSD employee Linda Delgado. The letter in question contained highly racist ideology insinuating that Amethod public schools had fired an administrator because of his race. The letter also contained phrases suggesting that Black and Latino students "do not understand the value of education" and that the latino students were only guests in America (A photograph of this letter can be provided). The students were given copies of this letter at lunch time by an unknown person and they had circulated around the school by dismissal time. The next morning another teacher (Who we will call Ms. X for her privacy) and I were discussing the fact that the letter seemed to have two distinct writing styles. Ms. X asked the site director (Erik Becker) about her thought that it seemed as if the letter had been written by two different people, to which Mr. Becker replied that in fact there was another copy of the letter that contained no racist language, where he got this letter from I do not know. When we expressed our concern that two girls of the mother who wrote the letter might be in danger, from the student body that was severely angered by the letter, he said he would handle the situation. So after several teachers independently worked out a schedule to watch and protect the two girls (with no support from administration) Erik Becker put a different plan into action. He went to several (although to the best of my knowledge not all) first period classes and informed students that there were in fact two copies of the letter. He then stressed that it was impossible to tell which one was a fake and since he was not a "forensic investigator" there was no possible way to verify which letter was real, therefore there was not point in mounting an investigation into which letter was a fake.

Michael Bortz

# EXHIBIT E



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**  
Office of the Associate Superintendent of PreK-Adult Educational Services  
1108 Bissell Avenue Richmond, CA 94801  
P: (510) 231-1130 F: (510) 620-2183

Matthew Duffy  
Superintendent

Nia Rashidchi  
Associate Superintendent

May 8, 2018

**By U.S. Mail and Email:**

Board of Directors, Amethod Public Schools  
c/o Jorge Lopez, Chief Executive Officer  
2101 Livingston Street  
Oakland, CA 94606  
Jlopez@amethodschools.org

Re: John Henry High School- Follow-up Letter

Dear Board of Directors of Amethod Public Schools:

Please accept this follow-up letter from the West Contra Costa Unified School District (“District”) regarding John Henry High School (“JHHS” or “Charter School”). On April 19, 2018, staff members from the District conducted an annual site-visit to JHHS, in compliance with the District’s statutory oversight obligations. During this site-visit, concerns were raised regarding certain aspects of the Charter School’s operation, including but not limited to concerns related to adequate textbooks, curriculum, laboratory supplies, and facilities. In addition, over the past month or so, the District has been made aware of similar concerns raised by both students and employees of the Charter School:

- District staff were made aware of a written demands made by JHHS students to the Charter School on April 9, 2018 (**Attachment A**).
- District staff received a written letter from a former employee, Michael Bortz, raising concerns regarding the Charter School’s operation (**Attachment B**).
- Eight Charter School employees approached District staff to discuss concerns they have regarding the Charter School’s operation. On March 2nd and March 5th, these employees met with District staff. A summary of their concerns is provided as **Attachment C**.

Concerns were also raised by District staff upon review of the Charter School’s March 30, 2018 Response to the Notice of Violations. Through this follow-up letter, the District: (1) provides the Charter School with an overview of the concerns raised by District staff, students, and Charter School employees; (2) provides the Charter School with an opportunity to review these concerns and remedy them; and (3) requests documentation and clarification regarding these concerns.

Your prompt response to this follow-up letter is sought as part of the District's oversight role, and pursuant to Education Code section 47604.3, which provides in full:

A charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries.

Please be advised that AMPS must provide a response to this follow-up letter with the requested information and documentation on or before **close of business on May 25, 2018**.

### **Information/Document Requests**

The District requests that AMPS provide the District with the following information and documents:

1. Textbooks.

During the site-visit on April 19, 2018, District staff were greeted by the Charter School's administration, and guided through eight classrooms for observation. Of the eight classrooms, District staff observed that students in at least three of the classrooms (psychology, Algebra 1, and physics) did not have any textbooks assigned to them or available for use, and that 24 out of 25 students in a biology class were provided textbooks for class use only, and did not have books available to take home. Based on this site-visit and the aforementioned employee and student complaints, the District requests the following information:

- A. Please provide a chart and/or documentation that clearly identifies: (1) each class taught at JHHS-broken down by period; (2) whether there was a complete set of textbooks<sup>1</sup> available and used by students for that specific class period from the start of the 2017-2018 academic school year through the date of this letter; (3) the name and year of the textbooks used in each class; (4) whether students were notified that they could take the textbooks home; and (5) whether there is a "teachers" edition of the relevant textbooks available to each teacher.
- B. To the extent that there are any class periods that did not have a complete set of textbooks, please indicate the class and the time frame in which this occurred.
- C. To the extent that there are any class periods that did not have a complete set of textbooks, please identify when the Charter School became aware of this, and what steps the Charter School has taken since that time to ensure that this concern was remedied.

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<sup>1</sup> A "complete set of textbooks" means that each student enrolled in every classroom is provided a textbook for use in that classroom, with the ability to take the textbook home to complete required homework assignments.

2. Curriculum.

- A. Please provide a copy of the relevant curriculum/ framework provided to the teacher of each subject at the beginning of the 2017-2018 school year.
- B. To the extent no curriculum/ framework was provided to a teacher, please identify the subject, the teacher, and the method in which curriculum has been developed over the academic school year. Please provide a copy of the written curriculum implemented for these classes, describe how the curriculum was created, and who, specifically developed the curriculum.
- C. What's the professional development plan for teachers regarding implementation of their curriculum?

3. Laboratory Supplies and Facilities

During the site-visit on April 19, 2018, District staff observed insufficient laboratory supplies and facilities. For example, District staff noticed that there was no science equipment available for physics class, and only a very limited amount of laboratory equipment available for biology and chemistry (no sinks in the classroom, no eye wash facilities, no lab tools etc.). Based on this site-visit and the aforementioned employee and student concerns, the District requests the following information:

- A. Please provide a description of the laboratory facilities at JHHS.
- B. Please provide a chart and or documentation that clearly identifies: (1) each science class taught at JHHS-broken down by period; (2) whether the class has a "laboratory" component; and (3) a description of how JHHS fulfills this laboratory requirement on a weekly basis for that class, including what supplies the students use, and what particular laboratory that class uses.
- C. To the extent that any class periods did not have the appropriate access to laboratory facilities, please indicate class and the time frame in which this occurred.
- D. To the extent that any class periods did not have the appropriate access to laboratory facilities, please identify when the Charter School became aware of this, and what steps the Charter School has taken since that time to ensure that this concern was remedied.

4. Block Schedule.

In its March 30, 2018 Response to the Notice of Violations, the Charter School provided an updated bell schedule. After review of the bell schedule, and consistent with District staff's observations on April 19, 2018, District staff are concerned that the Charter School is not implementing a block schedule, as promised in AMPS's charter petition for JHHS.

- A. Please identify whether a block schedule has been implemented for the 2017-2018 school year, as promised in AMP's charter petition for JHHS.

5. English Learner. In the April 9, 2018 student demand letter, there was a demand for “ESL classes.”

A. Please describe the Charter School’s English Learner program, including specific times where targeted instruction is provided, and who is providing the instruction.

6. Investigation into “Doctored” Email.

In early March, District staff were notified of a “doctored” email circulating the JHHS campus. (**Attachment D**). This “doctored email” modified an “original” email that was sent from a JHHS parent to Dr. Linda Delgado, discussing concerns with AMPS administration. (**Attachment E**). The “doctored” email was infused with inflammatory, racial remarks. In response to concerns raised by a JHHS parent regarding the safety of the students, District staff visited JHHS, and asked the Charter School’s administration to provide a detailed written timeline describing all actions taken, and that will be taken, to ensure the safety of all students in response to the “doctored” email. AMPS subsequently provided District Staff with a “Safety Plan Timeline.” District staff were also assured that Amethod would open an investigation into the source of the “doctored” email pursuant to their Internal Resolution Service investigation process.<sup>2</sup> However, in his written statement, Mr. Bortz indicates that the JHHS site administrator (Erik Becker) went to multiple classes and told students that “there was not [*sic*] point in mounting an investigation into which letter was fake.”

A. Please describe the investigation that the Charter School conducted into this matter, and the results of the investigation.

B. Please describe how the Charter School implemented the Safety Plan Timeline provided to the District and complied with the “on-going” steps detailed therein.

7. Response to Concerns.

A. Please provide a detailed response and explanation to demand # 1, 4, 5, and 6 provided in the Student Demand Letter (**Attachment A**), and describe the status of the Charter School’s investigation into these concerns.

B. Please provide a detailed response and explanation to the concerns raised in Mr. Bortz’s Letter (**Attachment B**).

C. Please provide a detailed response and explanation to the concerns raised in **Attachment C**.

### Conclusion

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<sup>2</sup>The District understands that Amethod’s counsel was provided a copy of the original email in mid-December from attorney Richard Bowles, counsel for former administrator Gregory Beaudoin. For ease of reference, the District provided a copy of the original email to Amethod on March 12, 2018.

The information and documents requested above must be received on or before **close of business on May 25, 2018**.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Nia Rashidchi  
Associate Superintendent, Educational Services  
West Contra Costa Unified School District  
(510) 307-7866

CC: Matt Duffy, Superintendent  
Dr. Linda Delgado, Charter Oversight

# ATTACHMENT A

April 9, 2018

To Whom It May Concern:

As students of John Henry High School, where "students are first," we do not feel like we are put first, and we are not happy with the way the school is currently operating. We understand that the school is fairly new and that not everything will be perfect. However, we believe that our basic needs are not being met. We have tried to talk to the administration on many occasions, but we were always dismissed. This has led us to feel ignored and we have decided to take action, in a peaceful, respectful, and responsible way, as stated in the student handbook (pg.39-40).

Coming into John Henry, students and parents expected a rigorous curriculum that would push pupils to go above and beyond, something that not any school can provide for students. From what has happened throughout the year, very little of these promises have been kept. Students are not provided with enough materials they need to learn, they have teachers coming in and out, and they are not receiving complete transparency from those above. Our families chose JHHS because of its established core values, and we care deeply about them. Therefore, we came up with a few demands that would make the school more challenging and beneficial to all students, compared to regular public schools, as included in the school's charter, and as promised by the administration. We are simply asking for the adults above us to follow the values they have claimed are important. Our education is not only significant to us, but to our families as well and we are not willing to jeopardize it. Our demands are not outrageous and we know that the administration should easily be able to resolve them.

The demands are as follows:

1. Enough textbooks for psychology, calculus, conceptual physics, world history, and conceptual physics classes
2. Non at-will contracts for teachers
3. Parent and Student Involvement in Board of Directors and Decision making
4. ESL classes
5. Adequate classrooms for science class (lab room)
6. Enough classrooms for ALL teachers

We hope you see where we are coming from and try to help us better our education, as that is all we want. We are willing to negotiate, but if we do not like the answer given to us we will proceed with our agenda. Unfortunately, if our demands are not met, or at least discussed, we will have no other choice but to follow with what we think are right consequences for this altercation.

Sincerely,  
Students of John Henry High School

# ATTACHMENT B

To whom it may concern,

I, Michael Bortz, was and Amethod public schools employee from August 2016 until March 29th 2018. During my time there I witnessed the following events occur.

-During a professional development meeting Evelia Villa addressed a group of teachers openly admitting to not having called child services after receiving information that a student was being abused. In her narrative she described hearing a teacher report that the student said his parent had beat him. During this narrative she used explained how she dealt with the situation by referring specifically to the boy using his first and last name. Rather than calling the proper authorities she had a conference with both the boy and his parents, in which she had the boy remove his shirt to show that his parents were not beating him, as evidenced by the lack of bruises on his torso. She advised the educators present in the room to follow similar practices and follow our instincts when we faced similar situations, rather than rely on government authorities .

-One day the students were given a letter written by the mother of one of the two caucasian families who attended John Henry High School, addressed to WCCUSD employee Linda Delgado. The letter in question contained highly racist ideology insinuating that Amethod public schools had fired an administrator because of his race. The letter also contained phrases suggesting that Black and Latino students "do not understand the value of education" and that the latino students were only guests in America (A photograph of this letter can be provided). The students were given copies of this letter at lunch time by an unknown person and they had circulated around the school by dismissal time. The next morning another teacher (Who we will call Ms. X for her privacy) and I were discussing the fact that the letter seemed to have two distinct writing styles. Ms. X asked the site director (Erik Becker) about her thought that it seemed as if the letter had been written by two different people, to which Mr. Becker replied that in fact there was another copy of the letter that contained no racist language, where he got this letter from I do not know. When we expressed our concern that two girls of the mother who wrote the letter might be in danger, from the student body that was severely angered by the letter, he said he would handle the situation. So after several teachers independently worked out a schedule to watch and protect the two girls (with no support from administration) Erik Becker put a different plan into action. He went to several (although to the best of my knowledge not all) first period classes and informed students that there were in fact two copies of the letter. He then stressed that it was impossible to tell which one was a fake and since he was not a "forensic investigator" there was no possible way to verify which letter was real, therefore there was not point in mounting an investigation into which letter was a fake.

Michael Bortz

# ATTACHMENT C

On March 2, 2018 and March 5, 2018, 8 employees from Amethod approached Dr. Linda Delgado to express concerns with the operation of John Henry High School. A summary of these concerns is provided below:

- Multiple teachers were instructed through Amethod special education administration to change the grades of one Special Education student. The student failed to complete most assignments, spent the school day in the common areas on his cell phone, and attended class less than 10% of the time. With this and other students, teachers were instructed to add percentage points to the students grades so that they would pass.
- The teachers were instructed to continue teaching class although they were improperly credentialed, but if visitors come to the school they are to put the credentialed substitute at the front of the room, and that person will continue the lesson. Students were told to confirm, if asked by District visitors, that the aide in front of the class was the teacher.
- Multiple teachers reported a training event (called "Summit"). Ms. Villa was describing the way that things are done at AMPS, and gave two troubling examples. The first concerned a child who had related that he was beaten by his parent. Rather than call Child Protective Services (CPS), Ms. Villa advocated for conducting an in-house investigation. She claimed to have had the child remove his shirt so that she could check for marks from what the child had described as having been beaten with an extension cord.
- Teachers had a number of experiences surrounding the falsified email that [REDACTED] was supposed to have sent to Linda Delgado. Several teachers said that Mr. Becker made a perfunctory statement that left the option open that either email may have been real. Teachers were concerned that the tepid announcement failed to calm the students, and left two vulnerable students with scant protection from the anger of their peers. Teachers were dismayed that CMO leadership made more effort to protect the student who was thought to disperse the message than the two girls who would suffer the wrath of their peers. During a staff meeting at the end of the day, leadership did not address the event until the teachers initiated the discussion and planning to insure student safety.
- In an effort to find how the email was released, and possibly better judge the veracity of the contents, Ms. Sanchez and a teacher attempted to review the video footage that was known to be continuously collected. Mr. Lopez came to the site, and moved the monitor from its previous placement on the desk at the front office. It is also unknown if the videotape of the site was viewed when Amethod was investigating the distribution of the falsified email.
- Several teachers expressed dismay at the lack of support for entry level teachers, relaying that they were left to write and deliver curriculum without adequate text books. At least one teacher relayed that he/she had no supplies after Mr. Clinton left, resulting in the need to purchase supplies out of pocket. Teachers relayed that they were frequently unfavorably compared by CMO leadership with the Oakland schools, resulting in student and teacher moral falling.

# ATTACHMENT D

----- message -----  
ell :  
Date: Sun, Dec 10,   
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, thank you for talking with me. Again, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. He brought a sense of order and agreed that we need more non Latino students in the school. I met with him several times and we had plans for broader recruitment of kids (not Latino) from El Sobrante to add more diversity. I also am very much aware of the investigation that is going on surrounding the charges of racism and discrimination against Mr. Clinton and Bedouin. It is false and only cause they are white! My concern is that there is no accountability at all. The board of directors are latinos, picked by Mr. Lopez and Ms. Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. If a teacher or parent has an issue with Mr. Lopez or his wife, there is nowhere to go to get a fair hearing. Look I have no issue with Latinos, I live among them and they are guests in this country, but Mr. Clinton and Mr. Bedouin brought the right sense of order. They were like a father figures to my children. Either way, their removal caused a "brain drain" at the school since the JHHS teachers, who are the best in the amps system want to leave and the ones hurt are the parents and students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. The problem is that the entire school are Latinos and Blacks and so they do not understand the importance of education let alone college so no one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the smart parents know it. The sight director who is great is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, but here we go again with another Latino, and her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what I am suggesting to remedy this. If it were up to me, they would be replaced by someone who is smart, accountable and understands the American education system. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators, but what should we expect from these types of people. The school will fail because we will not be able to attract and retain smart teachers with strong traditional American values. Unfortunately, it is the teachers that will bear the brunt of this disfunction. We had a fantastic traditional site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing about making America great again. You can make a difference. Have the school district take over until a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED] Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

# ATTACHMENT E

From: [REDACTED]  
Date: Sun, Dec 10, 2017 at 9:51 PM  
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. I also am very much aware of the investigation that is going on surrounding the charges. My concern is that there is no accountability at all. The board of directors are picked by Mr. Lopez and Ms Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area. If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where to go to get a fair hearing. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms Villa, that avenue is fruitless. The only recourse is to be fired or just to quit. Either way, that caused a "brain drain" at the school, and the ones hurt are the students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The site director is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is accountable. To have a board that is elected and accountable to the parents. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators. The school will fail because we will not be able to attract and retain good teachers. Unfortunately, it is the students that will bear the brunt of this disfunction. This schools' failure will reinforce the opposition to charter schools as a whole. We had a fantastic site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, these issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing. You can make a difference. Have the school district take over until new a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED] Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

# EXHIBIT F



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

1108 Bissell Avenue  
Richmond, CA 94801-3135

**Matthew Duffy**  
*Superintendent*

Telephone: (510) 231-1101  
FAX: (510) 236-6784

June 19, 2018

Dear Mr. Lopez and Members of the Amethod Public Schools Governance Board,

On May 8, 2018, the District sent correspondence that addressed concerns uncovered during the Annual Visit to John Henry High School, and other issues that had come to our attention. The following chart lays out results of submissions by the Amethod organization.

Information/ Document Request	Status	Possible Rectification or Results
Textbooks	In this correspondence, District requested a chart and/or documentation concerning textbooks. AMPS provided some, but not all of the requested information.	Provide proof of Board approval on all chosen books. Does the SpringBoard ELA book include work books, or the actual text? It appears that there are few or no US or World History, ELD, Geometry, or Algebra 1 texts—please explain. Although the Charter petition pledges to provide a range of AP choices to prepare students for college, there appear to be no AP English or Math textbooks. Please explain. The Spanish AP book does not include an ISBN—please provide. District requested dates of purchase—these have not been supplied.
Curriculum	Correspondence requested information on Curriculum. Inadequately addressed.	Please see page three, section two of the Document and Information request of May 8, 2018.
Laboratory Supplies and Facilities	Response is inadequate.	Please provide information requested.
Block Schedule	Block schedule is not in evidence in 2017/18 Bell schedule supplied.	Charter says the JHHS will use a double block for ELA and Math. This has not occurred in 2017/18, and for the upcoming academic year, it cannot be confirmed until the end of the Tolling agreement.
English Learner Development	There are no scheduled periods for ELD, and no curriculum provided.	Demonstrate through a bell schedule, appropriate curriculum, framework, and staffing that needs of ELD students will be met according to law.

Page 2  
June 19, 2018

<p>Investigation into Falsified Email</p>	<p>District concludes that investigation was mishandled, as it did not include interviews with any onsite staff members, or students. Interviews included only home office staff who were unlikely to have any knowledge of the event.</p> <p>While campus was under full video surveillance, at no time did investigation include video review. AMPS suggested that the organization did not have the original email—a proposal that has been disproven. Mr. Beaudoin’s attorney provided the AMPS organization this email as part of his wrongful termination law suit, and confirmed this to District staff.</p>	<p>Response was inadequate, and investigation was mishandled.</p> <p>No further action here. WCCUSD will monitor future complaints.</p>
<p>Response to Concerns</p>	<p>Response has been inadequate.</p> <p>Mr. Bortz’s letter and statements by multiple other teachers raise significant legal and ethical concerns regarding a training provided by the former CAO, proposed Regional Superintendent and wife of Jorge Lopez, Evelia Villa. During this training, five teachers allege that Ms. Villa recommended that staff conduct their own investigation into child abuse claims, rather than call Child Protective Services (CPS). During this training, she also failed to observe appropriate and legal student confidentiality requirements by identifying a student as an illustration of her own abuse “investigation”, referring to student by his first and last name.</p>	<p>Provide evidence of Child Protective Services training to leadership and staff for 2017-18 school year, and for 2018-19 school year.</p>

Thank you for your prompt attention to these matters.

Sincerely,



Dr. Linda Delgado  
Charter Oversight  
510) 307-7866

CC: Matthew Duffy  
Valarie Cuevas  
Pete Cordero  
Nicolas V. Vaca



**CONTRA COSTA UNIFIED SCHOOL DISTRICT**

1108 Bissell Avenue  
Richmond, CA 94801-3135

**Matthew Duffy**  
*Superintendent*

**Telephone: (510) 231-1101**  
**FAX: (510) 236-6784**

December 1, 2017

By U.S. Mail and Email:

Board of Directors, Amethod Public Schools  
c/o Jorge Lopez, Chief Executive Officer  
2101 Livingston Street  
Oakland, CA 94606

Re: John Henry High School- Letter of Concern

Dear Board of Directors of Amethod Public Schools:

Please accept this letter of concern from the West Contra Costa Unified School District (“District”) regarding the written complaint the District received from Mr. Jeff Clinton, a former Amethod Public Schools (“AMPS”) employee, alleging serious violations of law, policy, and the charter at John Henry High School (“JHHS”).

On November 6, 2017, Mr. Clinton emailed the District his (1) “Complaint Against Amethod Public Charter Schools” (“Complaint”) and (2) Letter of Resignation (“Resignation Letter”) (Both attached herein as Exhibit A). In these two documents, Mr. Clinton raises serious concerns regarding a number of aspects of JHHS’s operations, including but not limited to, JHHS’s special education program, disciplinary procedures, use of facilities, enrollment, and lottery procedures. Your prompt response to this letter of concern is sought as part of the District’s oversight role, and pursuant to Education Code section 47604.3, which provides in full:

A charter school shall promptly respond to all reasonable inquiries, including, by not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school’s chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries.

Please be advised that AMPS must provide a response to this letter of concern with the requested information and documentation on or before **Wednesday, December 13, 2017**.

**Information/Document Request:**

In order to adequately evaluate Mr. Clinton’s allegations, the District requests that AMPS provide the District with the following information and documents:

1. Provide a written response to the enumerated allegations raised in the Complaint.
2. Provide a copy of the JHHS's independent fiscal and operations audit report for the 2015-2016 and 2016-2017 school years.
3. Provide a copy of the Richmond Charter Academy's ("RCA") independent fiscal and operations audit report for the 2015-2016 and 2016-2017 school years.
4. Provide all documentation and notes prepared by JHHS/AMPS staff pertaining to the JHHS public admission lotteries held in 2016 and 2017, including any and all correspondence provided to families regarding the aforementioned lotteries.
5. Describe how preferences were implemented in the public admission lotteries held in 2016 and 2017. Did JHHS provide preference to students who previously attended RCA?
6. Provide the waitlist prepared *immediately* after the JHHS lotteries held in 2016 and 2017 (including the date the waitlist was generated), with the students' names, students' lottery numbers, and students' position on the waitlist.
7. Describe the order in which each student was accepted off the waitlist, including the name of each student and the date of enrollment for each student accepted off of the waitlist in the 2016-2017 and 2017-2018 school years. If a student did not enroll after being accepted off of the waitlist, indicate that they did not enroll, and the reason for not enrolling, if provided by the student/parent.
8. Provide the credential documentation for all teachers and administrators (including special education teachers and administrators) assigned to JHHS during the 2016-2017 and/or 2017-2018 school years, pursuant to Education Code section 47605, subd. (b)(5)(L).
9. For the 2016-2017 and 2017-2018 school year, describe (a) how many students received special education supports and services pursuant to an individualized education program ("IEP"), (b) the type of supports received by these students (i.e. occupational therapy, speech therapy, etc.), broken down by the number of students receiving each support, and (c) the names of the individuals/employees providing these supports and services.
10. In the Complaint, Mr. Clinton stated that at the beginning of the 2017-2018 school year, administrators were told that special education services would not be provided for the first two weeks of school. It is the District's understanding that this communication was transmitted via email. Please provide a copy of said email.
11. Provide the AMPS Method Manuals issued by AMPS in the 2016-2017 and 2017-2018 school years.
12. Describe how JHHS is complying with each term of Conditional Use Permit PLN16-071 ("CUP"). As part of this response, please also provide the following:

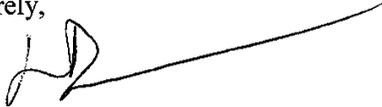
- a. Term 18. Provide a copy of the “reporting program” utilized by JHHS, including all of the monthly reports generated since January 19, 2017.
  - b. Term 19. Provide a copy of the “monitoring results” submitted to the City of Richmond’s Planning and Building Services Division.
  - c. Term 20. Provide a copy of the bell schedule provided to the City of Richmond’s Planning and building Services Division, along with an explanation as to the dates this schedule was implemented. Provide all documents provided to parents regarding the staggered schedules for JHHS and/or Richmond Charter Academy (“RCA”) at 1402 Marina Way South. Please indicate when these documents were created, when they were distributed, and the method in which they were distributed.
  - d. Describe where the CUP contemplates/allows RCA to operate at 1402 Marina Way South.
13. Provide a list of all employees assigned to JHHS classrooms (part time and full time) during the 2016-2017 and/or 2017-2018 school year, including the employee’s title and specific subject assignments.
14. Provide attendance records for all classes taught by employees without a preliminary or cleared credential during the first three months of instruction in the 2017-2018 school year. These attendance records should include, but are not limited to, the weekly attendance reports that require instructor signatures.
15. Describe JHHS policies and practices regarding “shaming” of students, and provide any written policy regarding “shaming” of students.
16. At the November 16, 2017 Sacramento City Unified School District Governing Board meeting, Mr. Jorge Lopez indicated that AMPS will be arranging a “third party investigation” into the concerns raised in the Complaint. Please provide the name of the individual conducting the investigation, the contract with the investigator, and any investigation notes and reports generated to date.
17. Provide the AMPS Talent Handbook issued by AMPS in the 2016-2017 and 2017-2018 school years.
18. Provide the AMPS Employee Handbook issued by AMPS in the 2016-2017 and 2017-2018 school years.
19. Any additional documents or information that AMP’s believes may be helpful in the District’s review of the allegations raised in Mr. Clinton’s Complaint and Letter of Resignation.

Conclusion

The information and documents requested above must be received on or before **Wednesday, December 13, 2017**. If AMPS fails to adequately respond on or before **Wednesday, December 13, 2017**, the District may seek remedial action under Education Code section 47607.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Dr. Linda Delgado  
Charter Oversight  
West Contra Costa Unified School District  
510) 307-7866  
[ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

CC: Matt Duffy, Superintendent  
Nia Rashidchi, Associate Superintendent, Educational Services



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**  
Office of the Associate Superintendent of PreK-Adult Educational Services  
1108 Bissell Avenue Richmond, CA 94801  
P: (510) 231-1130 F: (510) 620-2183

Matthew Duffy  
Superintendent

Nia Rashidchi  
Associate Superintendent

May 8, 2018

**By U.S. Mail and Email:**

Board of Directors, Amethod Public Schools  
c/o Jorge Lopez, Chief Executive Officer  
2101 Livingston Street  
Oakland, CA 94606  
Jlopez@amethodschools.org

Re: John Henry High School- Follow-up Letter

Dear Board of Directors of Amethod Public Schools:

Please accept this follow-up letter from the West Contra Costa Unified School District (“District”) regarding John Henry High School (“JHHS” or “Charter School”). On April 19, 2018, staff members from the District conducted an annual site-visit to JHHS, in compliance with the District’s statutory oversight obligations. During this site-visit, concerns were raised regarding certain aspects of the Charter School’s operation, including but not limited to concerns related to adequate textbooks, curriculum, laboratory supplies, and facilities. In addition, over the past month or so, the District has been made aware of similar concerns raised by both students and employees of the Charter School:

- District staff were made aware of a written demands made by JHHS students to the Charter School on April 9, 2018 (**Attachment A**).
- District staff received a written letter from a former employee, Michael Bortz, raising concerns regarding the Charter School’s operation (**Attachment B**).
- Eight Charter School employees approached District staff to discuss concerns they have regarding the Charter School’s operation. On March 2nd and March 5th, these employees met with District staff. A summary of their concerns is provided as **Attachment C**.

Concerns were also raised by District staff upon review of the Charter School’s March 30, 2018 Response to the Notice of Violations. Through this follow-up letter, the District: (1) provides the Charter School with an overview of the concerns raised by District staff, students, and Charter School employees; (2) provides the Charter School with an opportunity to review these concerns and remedy them; and (3) requests documentation and clarification regarding these concerns.

Your prompt response to this follow-up letter is sought as part of the District's oversight role, and pursuant to Education Code section 47604.3, which provides in full:

A charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries.

Please be advised that AMPS must provide a response to this follow-up letter with the requested information and documentation on or before **close of business on May 25, 2018**.

#### **Information/Document Requests**

The District requests that AMPS provide the District with the following information and documents:

1. Textbooks.

During the site-visit on April 19, 2018, District staff were greeted by the Charter School's administration, and guided through eight classrooms for observation. Of the eight classrooms, District staff observed that students in at least three of the classrooms (psychology, Algebra 1, and physics) did not have any textbooks assigned to them or available for use, and that 24 out of 25 students in a biology class were provided textbooks for class use only, and did not have books available to take home. Based on this site-visit and the aforementioned employee and student complaints, the District requests the following information:

- A. Please provide a chart and/or documentation that clearly identifies: (1) each class taught at JHHS-broken down by period; (2) whether there was a complete set of textbooks<sup>1</sup> available and used by students for that specific class period from the start of the 2017-2018 academic school year through the date of this letter; (3) the name and year of the textbooks used in each class; (4) whether students were notified that they could take the textbooks home; and (5) whether there is a "teachers" edition of the relevant textbooks available to each teacher.
- B. To the extent that there are any class periods that did not have a complete set of textbooks, please indicate the class and the time frame in which this occurred.
- C. To the extent that there are any class periods that did not have a complete set of textbooks, please identify when the Charter School became aware of this, and what steps the Charter School has taken since that time to ensure that this concern was remedied.

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<sup>1</sup> A "complete set of textbooks" means that each student enrolled in every classroom is provided a textbook for use in that classroom, with the ability to take the textbook home to complete required homework assignments.

2. Curriculum.

- A. Please provide a copy of the relevant curriculum/ framework provided to the teacher of each subject at the beginning of the 2017-2018 school year.
- B. To the extent no curriculum/ framework was provided to a teacher, please identify the subject, the teacher, and the method in which curriculum has been developed over the academic school year. Please provide a copy of the written curriculum implemented for these classes, describe how the curriculum was created, and who, specifically developed the curriculum.
- C. What's the professional development plan for teachers regarding implementation of their curriculum?

3. Laboratory Supplies and Facilities

During the site-visit on April 19, 2018, District staff observed insufficient laboratory supplies and facilities. For example, District staff noticed that there was no science equipment available for physics class, and only a very limited amount of laboratory equipment available for biology and chemistry (no sinks in the classroom, no eye wash facilities, no lab tools etc.). Based on this site-visit and the aforementioned employee and student concerns, the District requests the following information:

- A. Please provide a description of the laboratory facilities at JHHS.
- B. Please provide a chart and or documentation that clearly identifies: (1) each science class taught at JHHS-broken down by period; (2) whether the class has a "laboratory" component; and (3) a description of how JHHS fulfills this laboratory requirement on a weekly basis for that class, including what supplies the students use, and what particular laboratory that class uses.
- C. To the extent that any class periods did not have the appropriate access to laboratory facilities, please indicate class and the time frame in which this occurred.
- D. To the extent that any class periods did not have the appropriate access to laboratory facilities, please identify when the Charter School became aware of this, and what steps the Charter School has taken since that time to ensure that this concern was remedied.

4. Block Schedule.

In its March 30, 2018 Response to the Notice of Violations, the Charter School provided an updated bell schedule. After review of the bell schedule, and consistent with District staff's observations on April 19, 2018, District staff are concerned that the Charter School is not implementing a block schedule, as promised in AMPS's charter petition for JHHS.

- A. Please identify whether a block schedule has been implemented for the 2017-2018 school year, as promised in AMP's charter petition for JHHS.

5. English Learner. In the April 9, 2018 student demand letter, there was a demand for “ESL classes.”

A. Please describe the Charter School’s English Learner program, including specific times where targeted instruction is provided, and who is providing the instruction.

6. Investigation into “Doctored” Email.

In early March, District staff were notified of a “doctored” email circulating the JHHS campus. (**Attachment D**). This “doctored email” modified an “original” email that was sent from a JHHS parent to Dr. Linda Delgado, discussing concerns with AMPS administration. (**Attachment E**). The “doctored” email was infused with inflammatory, racial remarks. In response to concerns raised by a JHHS parent regarding the safety of the students, District staff visited JHHS, and asked the Charter School’s administration to provide a detailed written timeline describing all actions taken, and that will be taken, to ensure the safety of all students in response to the “doctored” email. AMPS subsequently provided District Staff with a “Safety Plan Timeline.” District staff were also assured that Amethod would open an investigation into the source of the “doctored” email pursuant to their Internal Resolution Service investigation process.<sup>2</sup> However, in his written statement, Mr. Bortz indicates that the JHHS site administrator (Erik Becker) went to multiple classes and told students that “there was not [*sic*] point in mounting an investigation into which letter was fake.”

A. Please describe the investigation that the Charter School conducted into this matter, and the results of the investigation.

B. Please describe how the Charter School implemented the Safety Plan Timeline provided to the District and complied with the “on-going” steps detailed therein.

7. Response to Concerns.

A. Please provide a detailed response and explanation to demand # 1, 4, 5, and 6 provided in the Student Demand Letter (**Attachment A**), and describe the status of the Charter School’s investigation into these concerns.

B. Please provide a detailed response and explanation to the concerns raised in Mr. Bortz’s Letter (**Attachment B**).

C. Please provide a detailed response and explanation to the concerns raised in **Attachment C**.

### Conclusion

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<sup>2</sup>The District understands that Amethod’s counsel was provided a copy of the original email in mid-December from attorney Richard Bowles, counsel for former administrator Gregory Beaudoin. For ease of reference, the District provided a copy of the original email to Amethod on March 12, 2018.

The information and documents requested above must be received on or before **close of business on May 25, 2018**.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Nia Rashidchi  
Associate Superintendent, Educational Services  
West Contra Costa Unified School District  
(510) 307-7866

CC: Matt Duffy, Superintendent  
Dr. Linda Delgado, Charter Oversight

# ATTACHMENT A

April 9, 2018

To Whom It May Concern:

As students of John Henry High School, where "students are first," we do not feel like we are put first, and we are not happy with the way the school is currently operating. We understand that the school is fairly new and that not everything will be perfect. However, we believe that our basic needs are not being met. We have tried to talk to the administration on many occasions, but we were always dismissed. This has led us to feel ignored and we have decided to take action, in a peaceful, respectful, and responsible way, as stated in the student handbook (pg. 39-40).

Coming into John Henry, students and parents expected a rigorous curriculum that would push pupils to go above and beyond, something that not any school can provide for students. From what has happened throughout the year, very little of these promises have been kept. Students are not provided with enough materials they need to learn, they have teachers coming in and out, and they are not receiving complete transparency from those above. Our families chose JHHS because of its established core values, and we care deeply about them. Therefore, we came up with a few demands that would make the school more challenging and beneficial to all students, compared to regular public schools, as included in the school's charter, and as promised by the administration. We are simply asking for the adults above us to follow the values they have claimed are important. Our education is not only significant to us, but to our families as well and we are not willing to jeopardize it. Our demands are not outrageous and we know that the administration should easily be able to resolve them.

The demands are as follows:

1. Enough textbooks for psychology, calculus, conceptual physics, world history, and conceptual physics classes
2. Non at-will contracts for teachers
3. Parent and Student Involvement in Board of Directors and Decision making
4. ESL classes
5. Adequate classrooms for science class (lab room)
6. Enough classrooms for ALL teachers

We hope you see where we are coming from and try to help us better our education, as that is all we want. We are willing to negotiate, but if we do not like the answer given to us we will proceed with our agenda. Unfortunately, if our demands are not met, or at least discussed, we will have no other choice but to follow with what we think are right consequences for this altercation.

Sincerely,  
Students of John Henry High School

# ATTACHMENT B

To whom it may concern,

I, Michael Bortz, was and Amethod public schools employee from August 2016 until March 29th 2018. During my time there I witnessed the following events occur.

-During a professional development meeting Evelia Villa addressed a group of teachers openly admitting to not having called child services after receiving information that a student was being abused. In her narrative she described hearing a teacher report that the student said his parent had beat him. During this narrative she used explained how she dealt with the situation by referring specifically to the boy using his first and last name. Rather than calling the proper authorities she had a conference with both the boy and his parents, in which she had the boy remove his shirt to show that his parents were not beating him, as evidenced by the lack of bruises on his torso. She advised the educators present in the room to follow similar practices and follow our instincts when we faced similar situations, rather than rely on government authorities .

-One day the students were given a letter written by the mother of one of the two caucasian families who attended John Henry High School, addressed to WCCUSD employee Linda Delgado. The letter in question contained highly racist ideology insinuating that Amethod public schools had fired an administrator because of his race. The letter also contained phrases suggesting that Black and Latino students "do not understand the value of education" and that the latino students were only guests in America (A photograph of this letter can be provided). The students were given copies of this letter at lunch time by an unknown person and they had circulated around the school by dismissal time. The next morning another teacher (Who we will call Ms. X for her privacy) and I were discussing the fact that the letter seemed to have two distinct writing styles. Ms. X asked the site director (Erik Becker) about her thought that it seemed as if the letter had been written by two different people, to which Mr. Becker replied that in fact there was another copy of the letter that contained no racist language, where he got this letter from I do not know. When we expressed our concern that two girls of the mother who wrote the letter might be in danger, from the student body that was severely angered by the letter, he said he would handle the situation. So after several teachers independently worked out a schedule to watch and protect the two girls (with no support from administration) Erik Becker put a different plan into action. He went to several (although to the best of my knowledge not all) first period classes and informed students that there were in fact two copies of the letter. He then stressed that it was impossible to tell which one was a fake and since he was not a "forensic investigator" there was no possible way to verify which letter was real, therefore there was not point in mounting an investigation into which letter was a fake.

Michael Bortz

# ATTACHMENT C

On March 2, 2018 and March 5, 2018, 8 employees from Amethod approached Dr. Linda Delgado to express concerns with the operation of John Henry High School. A summary of these concerns is provided below:

- Multiple teachers were instructed through Amethod special education administration to change the grades of one Special Education student. The student failed to complete most assignments, spent the school day in the common areas on his cell phone, and attended class less than 10% of the time. With this and other students, teachers were instructed to add percentage points to the students grades so that they would pass.
- The teachers were instructed to continue teaching class although they were improperly credentialed, but if visitors come to the school they are to put the credentialed substitute at the front of the room, and that person will continue the lesson. Students were told to confirm, if asked by District visitors, that the aide in front of the class was the teacher.
- Multiple teachers reported a training event (called "Summit"). Ms. Villa was describing the way that things are done at AMPS, and gave two troubling examples. The first concerned a child who had related that he was beaten by his parent. Rather than call Child Protective Services (CPS), Ms. Villa advocated for conducting an in-house investigation. She claimed to have had the child remove his shirt so that she could check for marks from what the child had described as having been beaten with an extension cord.
- Teachers had a number of experiences surrounding the falsified email that [REDACTED] was supposed to have sent to Linda Delgado. Several teachers said that Mr. Becker made a perfunctory statement that left the option open that either email may have been real. Teachers were concerned that the tepid announcement failed to calm the students, and left two vulnerable students with scant protection from the anger of their peers. Teachers were dismayed that CMO leadership made more effort to protect the student who was thought to disperse the message than the two girls who would suffer the wrath of their peers. During a staff meeting at the end of the day, leadership did not address the event until the teachers initiated the discussion and planning to insure student safety.
- In an effort to find how the email was released, and possibly better judge the veracity of the contents, Ms. Sanchez and a teacher attempted to review the video footage that was known to be continuously collected. Mr. Lopez came to the site, and moved the monitor from its previous placement on the desk at the front office. It is also unknown if the videotape of the site was viewed when Amethod was investigating the distribution of the falsified email.
- Several teachers expressed dismay at the lack of support for entry level teachers, relaying that they were left to write and deliver curriculum without adequate text books. At least one teacher relayed that he/she had no supplies after Mr. Clinton left, resulting in the need to purchase supplies out of pocket. Teachers relayed that they were frequently unfavorably compared by CMO leadership with the Oakland schools, resulting in student and teacher moral falling.

# ATTACHMENT D

----- Forwarded message -----

From: [REDACTED]  
Date: Sun, Dec 10, 2017 at 9:51 PM  
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, thank you for talking with me. Again, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. He brought a sense of order and agreed that we need more non Latino students in the school. I met with him several times and we had plans for broader recruitment of kids (not Latino) from El Sobrante to add more diversity. I also am very much aware of the investigation that is going on surrounding the charges of racism and discrimination against Mr. Clinton and Bedouin. It is false and only cause they are white! My concern is that there is no accountability at all. The board of directors are Latinos, picked by Mr. Lopez and Ms. Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. If a teacher or parent has an issue with Mr. Lopez or his wife, there is nowhere to go to get a fair hearing. Look I have no issue with Latinos, I live among them and they are guests in this country, but Mr. Clinton and Mr. Bedouin brought the right sense of order. They were like a father figures to my children. Either way, their removal caused a "brain drain" at the school since the JHHS teachers, who are the best in the amps system want to leave and the ones hurt are the parents and students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. The problem is that the entire school are Latinos and Blacks and so they do not understand the importance of education let alone college so no one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the smart parents know it. The sight director who is great is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, but here we go again with another Latino, and her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what I am suggesting to remedy this. If it were up to me, they would be replaced by someone who is smart, accountable and understands the American education system. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators, but what should we expect from these types of people. The school will fail because we will not be able to attract and retain smart teachers with strong traditional American values. Unfortunately, it is the teachers that will bear the brunt of this disfunction. We had a fantastic traditional site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, there issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing about making America great again. You can make a difference. Have the school district take over until a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED]. Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]

# ATTACHMENT E

From: [REDACTED]  
Date: Sun, Dec 10, 2017 at 9:51 PM  
Subject: John Henry High School  
To: [ldelgado@wccusd.net](mailto:ldelgado@wccusd.net)

Hello Ms. Delgado, my name is [REDACTED] and I am writing you because I am very concerned about the school that both my daughters attend, John Henry High School. I see the school in crisis and I do not believe that the current director cares. I actually believe that he is the cause of it. Things on the surface were going well as long as our former site director was there, Mr. Clinton. I am fully aware of why he left and about the charges made. I also am very much aware of the investigation that is going on surrounding the charges. My concern is that there is no accountability at all. The board of directors are picked by Mr. Lopez and Ms Villa, and in return, they are voted or appointed as director(s). Mr. Lopez and his wife are therefore free to basically do what they want. If they have an issue with someone, they can make life miserable for that staff member as to push them out, as in the case of Mr. Clinton, or outright fire them, as in the case of Mr. Beaudoin. We have lost many good teachers, and as you know, teachers are not easy to come by in the Bay Area. If a teacher or parent has an issue with Mr. Lopez or his wife, there is no where to go to get a fair hearing. No one knows how to get in touch with the board, and since I have already mentioned that they are appointed by Mr. Lopez and his wife Ms Villa, that avenue is fruitless. The only recourse is to be fired or just to quit. Either way, that caused a "brain drain" at the school, and the ones hurt are the students. Mr. Lopez and his wife are so disorganized that they caused several seniors to miss deadlines to apply for college. This was a basic function, and they now these kids are out of luck, and again there is no one to hold them to account. All he said in a meeting about it was that "yeah, I realize that and we'll do better next year". If it were my daughter affected, I would be beyond upset, but it comes back again that there is no accountability. No one ever holds them accountable. I suggested that at least 3 parents could be elected to the board so that we can have a voice and have some accountability, but it was rejected out of hand. Our school is in chaos, and the parents know it. The site director is only temporary and Ms Villa said that she is thinking of taking that position. Not only is she not qualified to fill that position, her husband is her boss. Really? No teacher or staff member will have a chance of having a voice. If you reading this with the seriousness that I hope you do, a question to me is what am I suggesting to remedy this. If it were up to me, they would be replaced by someone who is accountable. To have a board that is elected and accountable to the parents. I am sure that Mr. Lopez and Ms Villa are nice people and like rainbows, but they are lousy managers and poor administrators. The school will fail because we will not be able to attract and retain good teachers. Unfortunately, it is the students that will bear the brunt of this disfunction. This schools' failure will reinforce the opposition to charter schools as a whole. We had a fantastic site manager in Mr. Clinton, and an excellent Dean of Students in Mr. Beaudoin. I am very concerned that if not addressed, these issues will only get worse, and many kids's lives and dreams will fall victim to people like you in high places, doing nothing. You can make a difference. Have the school district take over until new a new director can be found, and have the board, appoint a new director immediately along with new reforms, like elections and more accountability. My phone number is [REDACTED] Please feel free to call me and I can better articulate my position. Thank you. [REDACTED]



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

Office of the Associate Superintendent/Chief Academic Officer  
Educational Services  
1108 Bissell Avenue Richmond, CA 94801  
P: (510) 231-1130 F: (510) 620-2183

Matthew Duffy  
Superintendent

Dr. Gracie Guerrero  
Associate Superintendent/  
Chief Academic Officer

**LETTER OF INQUIRY**

October 18, 2019

Dear Mr. Lopez,

This Letter of Inquiry focuses on four issues: properly credentialed teaching staff, multiple changes in the leadership structure for Benito Juarez Elementary and Richmond Charter Academy, failure to provide special education services to at least one student, and a noncompliant policy for delinquent meal charges.

**Staffing**

The following positions are advertised on the Amethod website for schools serving WCCUSD students.

School	Unfilled positions (total)	Core Teacher positions	Leadership positions	Sped support	Other	ELD
BJE	6	3 (K, 1 <sup>st</sup> , 5 <sup>th</sup> )	1 (Dean)	1 (para)	1 (PE)	N/A
RCA	5	3 (ELA, math, Science)	1 (Dean)	1 (para)	N/A	N/A
JHHS	3	2 (Math, ELA)	N/A	N/A	N/A	1
<b>TOTALS</b>	<b>13</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>

Please provide a current chart indicating all classrooms taught by uncredentialed teachers properly credentialed teachers for all WCCUSD Amethod schools, plus steps taken to solve this violation of the charter petition and law and provide copies of any information to parents concerning the staffing issue.

**School Leadership Structure**

Ms. Aberle appears on the Amethod website as Site Director for both BJE and RCA and is described as such by Mr. Lopez on the Amethod website. More recently the former “Richmond Regional Superintendent” has been shifted to the site lead at one of the Richmond Schools. Please update the District concerning the leadership structure for the 2019-20 academic year listing roles and responsibilities for all leadership staff at Richmond Amethod schools. Also be aware that changes may necessitate a Material Revision one or both charter schools.

**Failure to Provide Special Education Services**



On Tuesday, October 8, 2019 Ms. Hernandez sent an email to multiple recipients including Mr. Stephan, Ms. Villa, and Dr. Guerrero disclosing that her son has not had the required Occupational Therapy (OT) services for the entire school year. The District understands that a provider has been secured. Please share a plan to provide the minutes of service owed, including dates on which the AMPs organization will provide updates. Also notify the District concerning the date for the IEP, and plans to locate the missing SEIS and any hard copies the school may have misplaced.

**Free and Reduced Price Lunch (FRL)**

The Amethod organization is out of compliance with SB250 for failing to notify parents of their eligibility within 10 operating days of receiving a FRL application, allowing parents to accrue negative debt without endeavoring to directly certify students, and then failing to proactively provide parents with a second application. Further, Amethod Public schools' written policy\* states that families with a FRL debt may suffer consequences such as withholding a report card, or disallowing students from participating in year-end special activities and field trips—all violations of the law.

Please provide:

- The updated Amethod policy for compliance with SB250.
- Proof of notification to all West Contra Costa Unified School District families enrolled at BJE, RCA and JHHS concerning the updated policy.
- A plan to repay any parents who were eligible but paid for meals prior to the organization's filing the required form.
- Journal entries demonstrating that payments were made to families, and funds moved from the General ledger to the restricted cafeteria fund.

As a reminder, an update on progress for the John Henry High School is due.

Please provide a response including all requested information by 4:00 PM on Wednesday, November 6th, 2019.

With Regards,

A handwritten signature in blue ink, appearing to read "A. Guerrero", written over a horizontal line.

Dr. Gracie Guerrero, Associate Superintendent

Cc: Dr. Linda Delgado, Director

\*The policy was accessed on the Amethod website on October 10, 2019 at:

[https://bje.amethodschools.org/apps/cross.jsp?wREC\\_ID=4839&crossPath=/apps/pages/index.jsp%3FuREC\\_ID%3D361216%26type%3Dd](https://bje.amethodschools.org/apps/cross.jsp?wREC_ID=4839&crossPath=/apps/pages/index.jsp%3FuREC_ID%3D361216%26type%3Dd)



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## NEWS AND ANNOUNCEMENTS

### CEO Welcome Message for the 2019-20 School Year

AMPS CEO, Jorge Lopez, provides important updates for the 2019-20 school year. Items include organizational strategy, new opportunities and the introduction of instructional leadership personnel.

Dear Students, Parents, Families, and Communities:

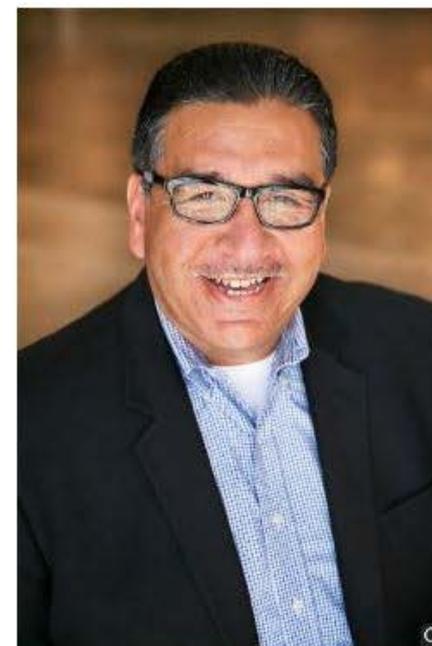
The start of every school year brings the promise of fresh new beginnings and endless possibilities. It is an exciting privilege for me to witness the opportunities for students to learn, build lifelong relationships, serve our community, and grow into young adults who are equipped to be productive citizens.

As we look back, there were many notable achievements accomplished during the 2018-2019 school year, such as the collective average college acceptance rate of 95% by over 100 AMPS students from both Richmond and Oakland. John Henry High School's soccer team earned a BACSAC championship that created a strong sense of team and family and a tangible excitement and a deepened sense of pride throughout our community. Both Oakland Charter High School and John Henry High School (Richmond) received glowing marks from the Western Association of School Accreditation (WASC). Both schools received the highest honor of six year accreditations.

The start of the year also brings the reality of key changes. This year, we have continued to roll out our organizational strategic plan focused on the work we began 20 months ago as part of the AF Charter School Accelerator group based in New York. Through participation in this national program with other high performing charter school systems, the AMPS team was able to focus on instructional priorities and set focused targets for the upcoming school year. Our emphasis on the key areas of; strengthening our core instructional program, building community partnerships, and a commitment to restore the original organizational focus on internal growth rather than external expansions. As the state implements a new accountability system to more effectively assess, identify and monitor student achievement, we are positioning ourselves to ensure our students have the most talented, effective leaders in schools and teachers in classrooms. As such we have brought on new and fresh faces to lead the regional academic teams. We are very happy to announce the new additions.

#### New Additions to Instructional Team

In the Richmond region, we are happy to introduce Ms. Soo Jin Kim, the new Richmond Regional Superintendent who will be working with the leaders and staff in the marina. We also are happy to announce the addition of Ms. Kim Aberle who has been a teacher and dean with the AMPS organization in Oakland over the past six years who will serve as the Building Director for 1450 Marina Way South, locations for BJE and RCA. We also are happy to announce the additions to the BJE Administration Team including Mrs. Erendira Flores and David Zelaya; who comes via John Henry High School. In the Oakland region we are happy to introduce Mr. Stephen Ajani who will be serving as the AMPS Oakland Regional Superintendent and will be working together with the Oakland team. We are also happy to announce that former History and Social Studies Mr. Felix Cabrera will be serving as the Dean of Instruction at OCHS, while at our flagship school Oakland Charter Academy (OCA), Dr. Phil Ellingberg will be transitioning out of his former Dean role and will now be serving as the Vice Principal of OCA.





# RICHMOND CHARTER ACADEMY

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### LEADERSHIP TEAM



**Kimberly Aberle**  
Site Director  
University of Portland



# MEMO

November 6, 2019

Dr. Gracie Guerrero  
Associate Superintendent  
West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, CA 94801

**Re: Letter of Inquiry**

Dr. Guerrero:

Preliminarily, Amethod Public Schools, Inc. (“AMPS”) seeks clarification regarding the individual to whom it is responding. On September 6, 2019, West Contra Costa Unified School District (“WCCUSD”) sent AMPS a Notice of Concern (“Notice”) signed by you. AMPS responded to the Notice, and addressed its response to you. However, on September 17, 2019, AMPS received a letter that stated, in relevant part, “You are correct; the first point of contact should be a Letter of Inquiry. Pardon **my** error . . .” (Emphasis added), signed by Dr. Linda Delgado with a copy to you. I attach a copy of that letter. I am not clear why Dr. Delgado would state that it was her error, when the Notice was signed by you. Based on the September 17, letter, we can only conclude that Dr. Delgado is the author of the Notice. Is that a correct conclusion? Is she also the author of the current Letter of Inquiry, dated October 18, 2019 (“Letter”), and to which this letter responds? Furthermore, in my over 20 years of serving in charter and district schools, I have never heard of a Letter of Inquiry. Could you clarify what the difference is between this and a Notice of Concern?

With regard to the Letter, AMPS objects to the request that AMPS, “[p]rovide a response including all requested information by 4:00 p.m. on Wednesday, November 6, 2019.” This is a similar pattern our staff, students and families have had to deal with regarding notices of concerns right before a presentation for a charter renewal with one of the AMPS - WCCUSD authorized schools. In this case John Henry High School will be presenting on November 18.

Even though AMPS previously set forth in detail the procedure that should be followed regarding resolution of any dispute between itself and WCCUSD as set forth in the Operational Memorandum of Understanding between the West Contra Costa Unified School District and Amethod Public School, Inc. on Behalf of Amethod John Henry High School (“MOU”). Specifically, AMPS pointed out that Section 23 of the MOU states that any disputes

arising out of the interpretation or performance of the MOU requires that “The disputing party shall provide written notice of the dispute to the other party.” The MOU further states, “**Thereafter**, the Charter School’s Chief Executive Officer or designee shall meet with the District’s Superintendent or designee within thirty (30) days to attempt to informal (sic) resolution of the dispute.” (Emphasis added) It does not require a written response from AMPS, let alone a response by a fixed date. The MOU sets forth further steps that can be taken if the initial meeting does not resolve the dispute.

As stated previously, the MOU was drafted to address and resolve the very type of issues that WCCUSD raises in the Letter.

For the time being, and to stop the ongoing actions which at this point have reached a level of harassment, and to stop the spreading of inaccurate information from your staff, please note that John Henry High has zero vacancies, RCA does have two openings, and Benito Juarez has zero vacancies. In terms of job postings, like most districts in the state, including WCCUSD, they remain advertised throughout the year on multiple sites. Is it correct to say that WCCUSD also has job postings open year round? In regards to SB250 which deals with new regulations regarding Free and Reduced Lunch, on Tuesday October 15, three days before you sent this letter, we received an email from Linda Delgado (attached) stating that every school had an opportunity to respond to the inquiry regarding SB250, “Please provide this explanation within the **next two weeks**.”(Emphasis added) so can you clarify why this was an issue 3 days after the Ms. Delgado sent the request with a two week window? AMPS did reply and does conform to SB250.

I, or a designee, are prepared to meet with WCCUSD’s superintendent, or designee to resolve the issues raised in the Letter and most importantly, to address the continual avoidance of the negotiated process, and the continued harassment of our LEA by your staff. Ultimately this continued persecution affects the AMPS families, and they, like too deserve the right to be treated fairly just as everybody else in the WCCUSD. Please advise me if WCCUSD’s superintendent, or a designee, is also willing to meet with me, or a designee, to resolve the issues raised in the Letter.

Very truly yours,



Jorge Lopez, CEO  
Amethod Public Schools

Encl.



# MEMO

Dr. Gracie Guerrero  
Associate Superintendent  
West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, CA 94801

## Re: Notice of Concern

Dr. Guerrero:

This is in response to West Contra Costa Unified School District's ("WCCUSD") Notice of Concern dated September 6, 2019 ("Notice"). Preliminarily, Amethod Public School ("AMPS") objects to the issuance of the Notice. The Notice was issued in violation of Section 23 of the Operational Memorandum of Understanding Between the West Contra Costa Unified School District and Amethod Public Schools, Inc. on Behalf of Amethod John Henry High School, entered into on January 21, 2015 and effective until July 1, 2020 ("MOU")

Section 23 States:

Dispute Resolution. Any and all disputes arising out of the interpretation or performance of this Agreement shall be subject to the following procedure until a resolution is reached. Once the Parties have exhausted the procedures states in (a)-(c), below, each may pursued a remedy as entitled to them by law. Notwithstanding the foregoing, if any such dispute concerns facts or circumstances that may be cause for revocation of the Charter, the District shall not be obligated by the terms of this section as a precondition to revocation.

(a) The disputing party shall provide written notice of the dispute to the other party. Thereafter, the Charter School's Chief Executive Officer or designee shall meet with the District's Superintendent or designee within thirty (30) days to attempt to informal (sic) resolution of the dispute.

(b) In the event this informal meeting fails to resolve the dispute, both Parties or their designees, within sixty (60) days counting from the initial informal meeting date, shall identify two governing board members from their respective boards who shall jointly meet with the Charter School's Chief Executive Officer or designee and the District's Superintendent or designee and attempt to resolve the dispute.

(c) If this joint meeting fails to resolve the dispute, the District and the Charter School shall enter into a non-binding mediation before a mutually agreed upon mediator, with the costs of the non-binding mediation to be split evenly between the Parties. The format of the mediation shall be developed jointly by the District and the Charter School, and shall incorporate informal rules of evidence

and procedure, unless both parties agree otherwise. Notwithstanding the foregoing, the findings or recommendations of the mediator shall be non-binding, unless the governing boards of the Non-Profit and the District jointly agree to bind themselves. All timeliness and procedures in this section 23 may be revised upon mutual written agreement of the District and the Charter School.

This detailed provision in the MOU was included to address and resolve the very type of issues that WCCUSD raise in the Notice, and was clearly intended to allow the WCCUSD and AMPS to informally resolve any disputes covered by the MOU. AMPS stands ready to comply with the terms of the MOU and follow the procedure outlined in addressing each of the issues raised by the Notice. Please advise me if WCCUSD also intends to comply with the terms of the MOU in resolving these issues.

Very truly yours,

A handwritten signature in cursive script that reads "Jorge Lopez".

Jorge Lopez, CEO  
Amethod Public Schools

**Board of Education Regular Meeting  
West Contra Costa USD  
December 18, 2019 6:30PM  
LOVONYA DEJEAN MIDDLE SCHOOL 3400 MACDONALD AVENUE  
RICHMOND, CA 94805**

**A. CLOSED SESSION**

**Minutes:**

President Panas called the meeting to order at 5:05 PM. The Board recessed into Closed Session.

**A.1. CALL TO ORDER**

**A.2. DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION -  
(Government Code 54957.7)**

**A.3. RECESS TO CLOSED SESSION AS SCHEDULED**

**Quick Summary / Abstract:**

The Board will convene at 5:00 PM in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items. The Board will then adjourn to closed session and reconvene in open session to address the regular agenda at 6:30 PM.

**A.3.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Section 54956.8)**

**A.3.2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
[Government Code Section 54956.9(d)(1)]**

**Quick Summary / Abstract:**

**A.3.3. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED  
LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION [Government  
Code Section 54956.9(d)(2) or (d)(3)]**

**Quick Summary / Abstract:**

Six cases

**A.3.4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED  
LITIGATION/INITIATION OF LITIGATION [Government Code Section  
54956.9(d)(4)]**

**A.3.5. LIABILITY CLAIMS (Government Code Section 54956.95)**

**A.3.6. CONFERENCE WITH LABOR NEGOTIATORS**

**Quick Summary / Abstract:**

WCCUSD Negotiators: Associate Superintendent Tony Wold and Interim Assistant Superintendent Marci Williams for the following groups:

- a. Employee Organizations
  - Adult School Teachers United (ASTU)
  - UTR
  - School Supervisors Association
  - Teamsters Local 856
  - WCCAA
- b. Unrepresented Employees
  - Confidential and Management

**A.3.7. PUBLIC EMPLOYEE APPOINTMENT**

**A.3.8. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957)**

**A.3.9. STUDENT DISCIPLINE (Education Code Section 35146)**

**Quick Summary / Abstract:**

- One expulsion
- Two stipulated expulsions

**A.3.10. PUBLIC EMPLOYEE  
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT (Government Code  
Section 54957)**

**A.3.11. REPORT OF CLOSED SESSION ACTIONS**

**B. OPENING PROCEDURES (6:30 PM)**

**Minutes:**

President Panas called the Public Session to order at 6:35 PM with the Pledge of Allegiance.

**B.1. Pledge of Allegiance**

**B.2. Welcome and Meeting Procedures**

**Minutes:**

President Panas offered welcome and instructions to the public regarding the meeting.

**B.3. Roll Call**

**Minutes:**

Staff Present: Nick Berger, SELPA Director; Denise Cifelli, Senior Administrative Secretary; Linda Delgado, Executive Director Charter School Oversight; Matthew Duffy, Superintendent; Luis Freese, Associate Superintendent Maintenance & Operations; Gracie Guerrero, Associate Superintendent Chief Academic Officer; Joshua Herrera, Maintenance Supervisor; Roxanna Molina, Translator; Carolina Popocatl, Translator; Marcus Walton, Director of Communications; Marci Williams, Interim Assistant Superintendent Human Resources; Tony Wold, Associate Superintendent Business Services

**B.4. Annual Organization Meeting**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

Board Bylaw 9100 governs the dimensions of the annual organization meeting. At this meeting, the Board shall:

- Elect a president and a clerk from its members.
- Appoint a secretary to the Board.
- Authorize signatures.
- Develop a schedule of regular meetings for the year.
- Develop a Board calendar for the year.

In September 2015, the Board modified Bylaw 9100 in establishing a

process for the election of Board officers:

It is the intent of the Board that all Board members have an opportunity for Board leadership.

In order to fairly rotate the offices of the President and Clerk among the five members of the Board the following process is established:

1. *A newly elected Board member who is not an incumbent will serve a minimum of one year on the Board before qualifying as President.*
2. *The Board Clerk will replace the outgoing President. This member shall be one who previously has not served in office, unless all the Board's members elected at the same time have previously served in office.*
3. *The Board Clerk will be the member who has received the highest number of votes compared to other Board members elected at the same time. This process continues until all Board members elected in the same year have served as Board President.*
4. *An appointed Board member shall join the rotation only after first being elected.*
5. *Newly elected and re-elected Board members are added on to the existing order of rotation in the order of the number of votes received from the highest number of votes to the lowest.*
6. *When the only Board members who have not served as an officer are new to the Board, the Board may elect a Board Clerk who has served in office.*
7. *A Board member may decline to serve as Board Clerk. This will drop the Board member back one position in the rotation.*
8. *This format will be followed except in unusual or exceptional cases. The Board has the ultimate discretion to elect or not elect any Board member for any office.*

**Actions:**

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**Motion**

Election of President: Ms. Cuevas nominated Ms. Hernandez-Jarvis to the position of President of the Board. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Hernandez-Jarvis, Ms. Lara, and Mr. Panas voted yes, with no absences and Mr. Phillips abstaining. Motion

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

carried 4-0-1-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

<b>Motion</b> Election of Clerk: Ms. Cuevas nominated Ms. Lara to serve as Clerk of the Board. Ms. Hernandez-Jarvis seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Hernandez-Jarvis, Ms. Lara, and Mr. Panas voted yes, with no absences and Mr. Phillips abstaining. Motion carried 4-0-1-0. Passed with a motion by Valerie Cuevas and a second by Stephanie Hernandez-Jarvis.	<b>Vote:</b> <b>Yes</b> Valerie Cuevas. <b>Yes</b> Stephanie Hernandez-Jarvis. <b>Yes</b> Consuelo Lara. <b>Yes</b> Tom Panas. <b>Abstain</b> Mister Phillips.
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<b>Motion</b> A separate motion was taken to appoint the Superintendent as Secretary to the Board. Mr. Panas moved to appoint the Superintendent as Secretary to the Board. Ms. Cuevas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.	<b>Vote:</b> <b>Yes</b> Valerie Cuevas. <b>Yes</b> Stephanie Hernandez-Jarvis. <b>Yes</b> Consuelo Lara. <b>Yes</b> Tom Panas. <b>Yes</b> Mister Phillips.
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<b>Motion</b> A separate motion was taken to authorize the President to sign documents, and the Clerk to sign in the absence of President. Ms. Lara moved to affirm the authorization of the President to sign documents, and the Clerk to sign in the absence of President. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Consuelo Lara and a second by Tom Panas.	<b>Vote:</b> <b>Yes</b> Valerie Cuevas. <b>Yes</b> Stephanie Hernandez-Jarvis. <b>Yes</b> Consuelo Lara. <b>Yes</b> Tom Panas. <b>Yes</b> Mister Phillips.
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<b>Motion</b> A separate motion was taken to affirm previously adopted regular meeting dates for 2020. Mr. Panas moved to affirm the meeting dates for 2020. Ms. Cuevas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas	<b>Vote:</b> <b>Yes</b> Valerie Cuevas. <b>Yes</b> Stephanie Hernandez-Jarvis. <b>Yes</b> Consuelo Lara. <b>Yes</b> Tom Panas. <b>Yes</b> Mister Phillips.
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and a second by Valerie Cuevas.

**Financial Impact:**

None

**Minutes:**

Superintendent Duffy presented Mr. Panas with a plaque to commemorate his term as President.

**B.5. Report/Ratification of Closed Session**

**Minutes:**

Superintendent Duffy reported unanimous action taken in Closed Session to approve the following:

- Appoint Theresa Williams as interim principal at Bayview Elementary
- Expel a student for violation of Ed. Code 48915(c)(4), (a.5) and Ed Code 48900(k).
- Approve a stipulated agreement for expulsion based on possession of a controlled substance
- Approve a stipulated agreement for expulsion based on a violation of Ed Code 48915(a), 48900(a)(1)(2), 48900(k) and 4890.4.

**B.6. Review of Number of Requests to Address the Board For Comment On Individual Agenda Items**

**Quick Summary / Abstract:**

Review of the number of requests to speak and consider deferral of non-critical items if speaker count may limit agenda completion.

**Minutes:**

President Hernandez-Jarvis assessed the number of speakers signed up in consideration of adjusting the agenda.

**B.7. Agenda Review and Adoption (Public Comment)**

**Actions:**

**Motion**

Ms. Cuevas moved approval of the agenda as amended. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Minutes:**

Mr. Phillips pulled Item C.1 for discussion. Mr. Panas pulled Item C.9 and asked that Item F.2 be moved after Item B.8.

**B.8. WCCUSD Public Comment**

**Quick Summary / Abstract:**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** Individuals wishing to speak must submit a "WCCUSD Public Comment" form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendaized, but may refer these to staff for response and/or placement on future agendas.

**Minutes:**

Don Gosney, Jorge Lopez, Mariela Cuellar, Lauren Gibson, Dilan A. Pedraza

The Board moved to Item F.2.

**C. BUSINESS ITEMS - CONSENT ITEMS (7:00 PM)**

**Actions:**

**Motion**

Mr. Panas moved approval of Consent Items C.2 – C.8, C.10 – C.13. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Quick Summary / Abstract:**

Consent Calendar Items are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section F.

**C.1. Contracts**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Permission is requested of the Board of Education to approve the following contracts as detailed on the attached sheet dated December 18, 2019.

**Actions:**

**Motion**

Mr. Panas moved approval of Consent Item C.1 as amended. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no, with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Financial Impact:**

\$100,000	Central General Restricted
\$436,120	Site General Restricted

**Minutes:**

Mr. Phillips pulled the item and questioned the contract with Sylvan

Learning. Superintendent Duffy explained the Low Performing Student Block Grant and that Sylvan tutors were not placed where graduate tutors had been previously located. Mr. Panas requested removal of the Playworks contract.

**Attachments:**

1. Contract Summary 121819
2. Contracts Back-Up 121819

**C.2. Agreements for Nonpublic School/Agency Services**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Students who have been placed in non-public schools or receive special education services through nonpublic agencies have conditions requiring specialized instruction unavailable in district specialized programs. A thorough search of alternate public programs is made through SELPA prior to placement. Every effort is made to return students to a public program as rapidly as possible. All placements are reviewed regularly and progress reports are submitted by the non-public schools. Services and instruction are provided in accordance with the written Individual Education Program (IEP).

The Board previously approved forty four (44) Master Contracts between the District and the nonpublic school/agency services and estimated contract amounts at the June 26, 2019 Board meeting. Permission is requested of the Board of Education to approve the updates to the Master Contract list attached.

**Financial Impact:**

Total utilization of the \$14,665,658 general unrestricted funds originally estimated have been spent. Total contracts currently equal \$21,261,338.09.

**Attachments:**

NPA NPS Summary 121819

**C.3. Approval of Fund-Raising Activities**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

The planned fund-raising events for the 2019-2020 school year is summarized on the attached sheet dated December 18, 2019.

**Financial Impact:**

Additional revenue for the sites listed on the attached summary.

**Attachments:**

Fund Raising Summary 121819

**C.4. Summary of Payroll and Vendor Warrant Reports**

**Speaker:**

Dr. Tony Wold, Associate Superintendent Business Services

**Comments:**

Attached are the summaries of Payroll and Vendor Warrants issued during the month of November 2019:

Total of payroll warrants (November 2019):	\$
13,443,215	
Total of vendor warrants (November 2019):	\$
26,949,869	

**Financial Impact:**

\$40,393,084 in payroll and vendor warrants for the month of November 2019.

**Attachments:**

Payroll & Vendor Warrant Summaries 121819

**C.5. Resolution No. 47-1920: Certificate of Signatures**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

School districts are required to hold an annual organizational meeting in December to adopt a new Certification of Signatures Resolution. The effective period of the resolution should be the date of the organizational meeting.

**Financial Impact:**

None

**Attachments:**

Resolution 47-1920 Certificate of Signatures

**C.6. Classified Employee Ratification**

**Speaker:**

Marci Williams, Interim Assistant Superintendent Human Resources

**Comments:**

Routine personnel changes include actions to hire, promote, or terminate classified employees in accordance with appropriate laws, established policies and procedures.

**Financial Impact:**

None

**Attachments:**

Routine Personnel Changes - Classified

**C.7. Acceptance of Contracts for Placement of Student and/or Intern Teachers**

**Speaker:**

Marci Williams, Interim Assistant Superintendent, Human Resources

**Comments:**

Teachers in the district provide supervision and evaluation for student teachers seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual teacher.

The following higher learning institution is offering to enter into student

teaching and/or intern clinical affiliation placement agreements for the 2019-20 school year with the District: Emerson College.

Staff requests approval from the Board of Education to accept the agreements for placement of student/Intern teachers.

**Financial Impact:**

None

**Attachments:**

Colleges & Universities Agreement

**C.8. New Board Policy 5131.2 Bullying**

**Speaker:**

Marci Williams, Interim Assistant Superintendent, Human Resources

**Comments:**

It is important Board Policies are continuously updated to keep pace with new laws and regulations set forth by the State of California. The board policy in this packet, BP 5131.2 Bullying, has incorporated the new law AB 2291, mandating districts to adopt procedures for preventing acts of bullying including cyber bullying, recommendations provided by the California School Board Association (CSBA). The recommended new board policy is before the Board of Education as a second reading and for final approval.

**Financial Impact:**

None

**Attachments:**

New Board Policy 5131.2 - Bullying

**C.9. Board Bylaw 9322 Agenda/Meeting Materials Revision**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

The Governance Committee has considered revision to Board Bylaw 9322 Agenda / Meeting Materials. The revision is presented for Board consideration as a second reading.

The goal of the District is for information relevant to every board action item be available and posted with the agenda. This is the normal expectation for items to be considered by the board. To be responsible to the community we serve, the board is expanding upon the California School Boards Association recommended bylaw with this update board bylaw. It is understood that there may be timing issues that require an individual item backup to be presented after the posting of the agenda to ensure timely District operations, but this would be the exception. Moreover, any items being brought forward for board consideration should include the impact to the operating budget as part of the board backup to the greatest extent possible.

**Actions:**

**Motion**

Mr. Panas moved approval of Consent Item C.9 as amended. Ms. Cuevas seconded. Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Tom Panas and a second by Valerie Cuevas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**Yes** Mister Phillips.

**Financial Impact:**

None

**Minutes:**

Mr. Panas pulled the item and read the following: "The precis properly notes that the Board is expecting to see, on every item that is brought forward to the Board for consideration, the impact in the budget as part of the board back up to the greatest extent possible. However, text was not added to the updated Board Bylaw to reflect the Board's desire. I would suggest that we add the following text to the draft of revised Board Bylaw 9322 in the "Agenda Preparation" section, just before the paragraph that begins "Any Board action":

"Every item being brought forward to the Board for consideration should include the impact on the budget as part of the Board back up. The format of this disclosure should be the same as the format that the staff currently uses for construction-related items; this includes:

- The total amount to be spent by fund, including a clear statement regarding how much of the proposed spending is within the Board-approved budget and how much of the proposed spending is not within the Board-approved budget.
- A table of the account number(s) being charged, the amount(s) being spent, and the site(s) being impacted by the spending."

The Board moved to Item G.

**Attachments:**

BB9322 Revision 121819

**C.10. Acceptance of Contra Costa County Office of Education Annual Report for Williams Settlement Legislation**

**Speaker:**

Matthew Duffy, Superintendent

**Comments:**

As a part of the compliance requirements for the Williams Settlement Legislation, The Contra Costa County Office of Education has submitted its annual report for fiscal year, 2019-2020. This reports presents the results of school site visits within the fires four weeks of school.

**Financial Impact:**

None

**Attachments:**

Annual Williams Settlement Report

**C.11. Approval of Professional and Special Services Contracts**

**Speaker:**

Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

Contracts and amendments have been initiated by staff using previously procured and qualified consulting, engineering or architectural firms to assist in the completion of the referenced projects. Public contracting laws have been followed in initially qualifying and selecting these professionals.

**Financial Impact:**

Total for this action: \$332,098.00. Funding sources are General Fund Unrestricted (\$70,000.00), Fund 21 Building Fund (\$247,398.00), and Fund 25 Capital Facilities Fund (\$14,700.00).

The proposed amendments are within the Board approved budget.

The proposed expenditures are within the following budget account:

01-0000-5860-667-0000-7510-400100-0-0000	\$70,000.00	Project Management Central
21-9745-6201-123-0000-8500-400130-0-0000	\$3,156.00	Fairmont Elementary School
21-9745-5860-362-0000-8500-400130-0-0000	\$4,392.00	Pinole Valley High School
21-9745-6203-615-0000-8500-400130-0-0000	\$70,000.00	Project Management Central
21-9745-6217-615-0000-8500-400130-0-0000	\$45,300.00	Project Management Central
21-9748-5860-615-0000-8500-400130-0-0000	\$124,550.00	Project Management Central
25-9025-6217-615-0000-8500-400130-0-0000	\$14,700.00	Project Management Central
<b>Total</b>	<b>\$332,098.00</b>	

**Attachments:**

- 1 Professional & Special Services Summary
- 2 Amendments & Contracts

**C.12. Acceptance of the Work and Approval of the Notice of Completion for the Fairmont Elementary School Critical Needs, Project No. 1000003141**

**Speaker:**

Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

The West Contra Costa Unified School District ("District") contracted with A&E Emaar Company to perform the Work of the following project ("Project"):

**Fairmont Elementary School Critical Needs, Project No. 100003141**

Pursuant to applicable law and Board policy, the Governing Board must accept a work of improvement for construction projects upon completion prior to filing a Notice of Completion with the County Recorder or issuance of final payment for the Project. (Civ. Code § 9204; Board Policy 7470.)

The Project was completed on or about November 30, 2019, as determined by District staff upon notification from the Contractor. District staff is ready to file the Notice of Completion and then issue final payment for the Project accordingly. Therefore, District staff recommends that the Governing Board accept the Work of the Project and approve the Notice of Completion for filing.

**Financial Impact:**

None

**Attachments:**

Notice of Completion Fairmont Critical Needs

**C.13. Acceptance of the Work and Approval of the Notice of Completion for the Pinole Valley High School Campus Replacement Project, Project No. 100001929**

**Speaker:**

Luis Freese, Associate Superintendent Facilities, M&O, Bond

**Comments:**

The West Contra Costa Unified School District (“District”) contracted with Lathrop Construction Associates to perform the Work of the following project (“Project”):

**Pinole Valley High School Campus Replacement, Project No. 100001929**

Pursuant to applicable law and Board policy, the Governing Board must accept a work of improvement for construction projects upon completion prior to filing a Notice of Completion with the County Recorder or issuance of final payment for the Project. (Civ. Code § 9204; Board Policy 7470.)

The Project was completed on or about November 30, 2019, as determined by District staff upon notification from the Contractor. District staff is ready to file the Notice of Completion and then issue final payment for the Project accordingly. Therefore, District staff recommends that the Governing Board accept the Work of the Project and approve the Notice of Completion for filing.

**Financial Impact:**

None

**Attachments:**

Notice of Completion PVHS Campus Replacement

**D. COMMITTEE COMMUNICATION (7:15 PM)**

**Quick Summary / Abstract:**

(Education Code 35145.5; Government Code 54950 et seq.)

## D.1. Superintendent's Report

### Minutes:

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Superintendent Duffy provided a report of activities in the District.

## D.2. Standing Reports

### Comments:

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Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a "Request to Address the Board" form. Five minutes may be allowed for each subcommittee or group listed below:

Adult School Teachers United  
African American Site Advisory Team (AASAT)  
Bayside Council PTAs  
Board Budget/Audit Committee  
Board Facilities Committee  
Board Governance Committee  
Board Safety Committee  
Citizens' Bond Oversight Committee  
Citizens Oversight Committee for Parcel Taxes  
Community Advisory Committee for Special Education (CAC)  
District Local Control Accountability Parents and Students Committee  
Multilingual District Advisory Committee (MDAC)  
School Supervisors Association Local 21  
Teamsters Local 856  
United Teachers of Richmond  
West Contra Costa Administrators Association  
Youth Commission

### Minutes:

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Citizens Bond Oversight Committee. Don Gosney reported on the committee's recent elections and his reelection as chairperson for another year, and the loss of their co-chair due to outside obligations. He noted that only eight of the 17 seats on the committee were filled and requested the Board and community's help to increase participation. He stated the annual report would be finalized soon and commented on the revisions to BP 9322. He announced the next meeting scheduled for January 13, 2020.

United Teachers of Richmond. Demetrio Gonzalez congratulated the new board leadership. He commented on the dedication of the teachers and the incredible work to support all students, thanking the Board for its support of teachers. He talked about the signatures being collected for the Schools and Communities First initiative and support of the upcoming bond measure.

## D.3. In Memory of Members of the School Community

### Speaker:

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Matthew Duffy, Superintendent

### Comments:

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The District would like to take time to recognize the contributions of

members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Retired custodian Clyde Nelson recently passed away. Mr. Nelson worked for the district from 1973-2009 and retired as head custodian at Nystrom Elementary School. Mr. Nelson was the brother-in-law of Anitra Harper, custodian at Pinole Valley High.

Sharon Sanger, former program specialist at Cameron School, passed away. She was instrumental in the creation of Cameron. Ms. Sanger helped to create the Knolls Speech and Language Center (the former name of Cameron) in 1968. Ms. Sanger was as speech-language pathologist and program specialist for many years in the district. She retired in 2007, was a wonderful advocate for early intervention, and worked tirelessly to support students and staff at Cameron.

Retired Richmond High counselor, Edel Alejandre passed away. Mr. Alejandre dedicated over 48 years to students and families of the district and Richmond High. He began service in the district in 1970, retiring in 2018.

Maria Socorro Barnes also passed away recently. She served the district as an RSP/Learning Center teacher from 2000 to present. She worked at Lake, Hannah Ranch and Bayview Elementary schools.

Our thoughts go out to the family and friends in the loss of their loved one.

**Financial Impact:**

None

**Minutes:**

Superintendent Duffy recognized members of the community who have passed away and asked for a moment of silence.

**E. DISCUSSION ITEMS AND REPORTS**

**F. ACTION ITEMS (7:30 PM)**

**F.1. Decision Hearing for Aspire Richmond Tech Academy Charter Renewal**

**Speaker:**

Dr. Gracie Guerrero, Chief Academic Officer, Educational Services

**Comments:**

On November 20, 2019, the board held a hearing for Aspire Richmond Tech Academy Charter. Staff will present a recommendation to renew the charter petition for the Kindergarten through 5th-grade school that opened in 2015.

If renewed, the term would run from 2020 through 2025.

**Actions:**

**Motion**

Mr. Phillips moved to remove Item F.1 from the agenda. President Hernandez-Jarvis seconded.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie

Ms. Cuevas, Ms. Lara, Mr. Panas, Mr. Phillips and President Hernandez-Jarvis voted yes, with no absences and no abstentions. Motion carried 5-0-0-0. Passed with a motion by Mister Phillips and a second by Stephanie Hernandez-Jarvis.

**Financial Impact:**

Loss of ADA for students who attend the charter school.

**Minutes:**

This item was pulled prior to the start of the meeting.  
The Board moved next to Item C.1.

**Attachments:**

Aspire RTA Charter Renewal Review and Staff Recommendation 121819

**F.2. Decision Hearing for John Henry High School Charter Renewal**

**Speaker:**

Dr. Gracie Guerrero, Chief Academic Officer, Educational Services

**Comments:**

On November 20, 2019, the board held a hearing for John Henry High School Charter. The original charter was submitted in 2015, and if renewed, the new petition term would be 2020 through 2025.

**Actions:**

**Motion**

Ms. Cuevas moved to end discussion on this item. Mr. Panas seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Valerie Cuevas and a second by Tom Panas.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Motion**

Ms. Lara moved denial of the John Henry High School Charter Renewal. President Hernandez-Jarvis seconded. Student Representative Luke Shalz (advisory vote only), Ms. Cuevas, Ms. Lara, Mr. Panas, and President Hernandez-Jarvis voted yes, Mr. Phillips voted no with no absences and no abstentions. Motion carried 4-1-0-0. Passed with a motion by Consuelo Lara and a second by Stephanie Hernandez-Jarvis.

**Vote:**

**Yes** Valerie Cuevas.  
**Yes** Stephanie Hernandez-Jarvis.  
**Yes** Consuelo Lara.  
**Yes** Tom Panas.  
**No** Mister Phillips.

**Financial Impact:**

Possible positive impact if families chose to return to one of seven District high schools.

**Minutes:**

Superintendent Duffy introduced the team who presented findings on the renewal petition. Dr. Linda Delgado provided background and presented

findings on the inadequacies of the English Language Learner and Special Education Programs, governance and leadership resulting in staff's recommendation to deny the renewal petition.

Public Comment:

Christian Nickson, Emerson P., Sylvia Castro, Eimy Perez, Miguel Lopez, Francisco Cortes, Herly Saravia, Kimberly Castro, Valeria Zepeda, Angel Martinez, Erik Munoz, Joaquin Robinett, Adan Lopez, Enrique Cortes, Desinee Salazar, Francisco Cortes, Gabriela Camarena, Madelyne Lozada, Nyla Gonzalez, Jhoana Morales, Anissa Inthavong, Dulce Amezcua, Dayanna Perez, Azucena Macias, Eric Munoz, Khloe Peraza, Borie Forest, Gabriela Zaidivar, David Valdez, Joseph Anguiano, Adan Martinez, Diego Perez, Khloe Perez, Beatriz Garcia, Diana Franco, Letsa Cuellar, Martin Castillo, Sarah Fleischman, P. Kaur, Liani Dillon, Ryan Shaw, Philip Chong, Phillip Chong, Patricia Duran, Jorge Lopez, Karina Moreno, Isura Islas, Gustavo Godinez, Dulce Bernal, Ana Cervantes, Latrina Johnson, Veronica Alvarez, Yanira Torrecilla, Araceli Lopez, Araceli Ruiz, Edgar Quiroz, Don Gosney, Dulce Bernal, Eimy Perez, Natalie Garcia, Brett Robbins, Jeff Robinett, Letsa Cuellar, Martin Castillo, Mariela Cuellar, Silvia Castro, Dayanna Perez, Anselmo Ramirez, Desiree Salazar, Emerson Palencia, Alexia Garcia, Manuel A. Vasquez, Mitzi Cortes, Joanna Pace, Evelia Villa, Gabrielle Micheletti, Mitzi Perez-Caro, Bianca Forrester, Phoun Valladares

Board Comment:

Mr. Panas asked for the district's counsel Ed Sklar, to comment on the technical aspect of the findings. Mr. Sklar stated he was comfortable with legality and balance of staff recommendations.

Mr. Phillips asked staff to explain WASC accreditation. Dr. Guerrero responded advising that there were current high schools going through accreditation and briefly explained the process. Mr. Phillips questioned John Henry's dashboard and local indicators stating they met all standards and received maximum WASC accreditation, wanting to know why staff felt the programs would not be implemented. Dr. Guerrero explained how results were posted, information provided within the petition and how staff reached its determinations. Dr. Delgado went through the special population indicators from the presentation.

Ms. Lara wanted to know what areas populated John Henry and how returning students would be assigned. Dr. Guerrero explained the transfer process. Ms. Lara commented on the school's deficiencies she gleaned from the report based on leadership decisions.

President Hernandez-Jarvis asked Dr. Delgado to provide year over year SBAC scores. Scores were included in Dr. Delgado's presentation and she reiterated the results from those slides. President Hernandez-Jarvis was also interested in hearing reclassification rates. Dr. Delgado said that the rate was zero percent in 2018-19 compared to the district's rates, which varied between eight and thirty-five percent. President Hernandez-Jarvis

provided reasoning for her decision to not support the renewal.

Student Representative Luke Shalz commented on the positive things JHHS had accomplished, and then noted where he felt they fell short. He went on to provide his thoughts and support for public education.

Mr. Phillips asked Ms. Janelle Ruley, counsel for JHHS, to provide her legal opinion on staff's recommendation that the petition did not meet the minimum requirements of the law. Mr. Phillips asked attorney's Sklar and Ruley to go through each of the nine findings and state whether they were legally required to renew a petition. Mr. Sklar stated yes, Ms. Ruley no, with each explaining their positions.

President Hernandez-Jarvis called a short break at 9:12 PM. The meeting reconvened at 9:32 PM.

The Board moved to Item C.

Student Representative Luke Shalz left the meeting.

**Attachments:**

JHHS Renewal Staff Presentation

John Henry High School Findings and Staff Recommendation

**G. COMMENTS FROM THE BOARD OF EDUCATION AND FUTURE AGENDA ITEMS**

**Minutes:**

Ms. Cuevas wished everyone a restful winter recess with family and friends, coming back ready to tackle the work needed in 2020.

Mr. Panas echoed Ms. Cuevas' sentiments wishing everyone a great holiday. He provided a brief update of activities he was involved in over the past week, and expressed appreciation for the Trustee's support during his presidency.

Mr. Phillips also wished everyone a happy holiday season with family and friends.

Ms. Lara said she would be working on the bond campaign, as a private citizen, throughout the break.

President Hernandez-Jarvis expressed her gratitude for CSBA and its training, as well as the support of her colleagues. She said she looked forward to the challenges of 2020 with a board retreat. She expressed her gratitude.

**H. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

**Quick Summary / Abstract:**

Lovonya DeJean Middle School - January 15,  
2020

**Minutes:**

Lovonya DeJean Middle School—January 15, 2020

## I. ADJOURNMENT

### Quick Summary / Abstract:

At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

### Minutes:

President Hernandez-Jarvis adjourned the meeting at 10:13 PM.

### Disability Information:

Special Accommodations: 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 510-231-1101 at least 48 hours in advance of meetings.

### 12/18/2019 6:40:00 PM ( Original )

Present Valerie Cuevas

Present Stephanie Hernandez-Jarvis

Present Consuelo Lara

Present Tom Panas

Present Mister Phillips