

<b>ALAMEDA UNIFIED SCHOOL DISTRICT</b>  <b>BOARD AGENDA ITEM</b>	<b>EXHIBIT</b>  <b>F-9</b>
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**Meeting Date:** January 11, 2011

**Item Title:** Resolution 11-0004 to Amend the Nea Charter to Extend Charter Term from Three to Five Years

**Item Type:** Public Hearing / Information

**BACKGROUND:** Community Learning Center Schools, Inc. (CLCS) operates the Nea Community Learning Center (Nea) charter school. CLCS had initially requested a five year term from AUSD when the Nea charter was approved at the November 25, 2008 Board of Education meeting. Nea received a three year initial charter that CLCS now requests AUSD extend until June 30, 2014. The Board of Education granted initial five year terms to three other charter schools in Alameda. This requested change in terms of the charter is considered a material revision and requires Board approval. Material revisions are governed by same standards and criteria that apply to new charter petitions as set forth in Education Code 47605.

The Nea Community Learning Center is now deemed by AUSD staff to be meeting the criteria for a successful charter school. Nea is clearly demonstrating academic success with an Academic Performance Index (API) score of 839. Numerous site visits have been conducted, and meanwhile AUSD representatives have attended multiple Nea Governing Board meetings. Nea has demonstrated itself to be an effective and viable school organization, facilitated by a strong governing board that is following all required guidelines necessary to meet AUSD expectations. Nea also demonstrates fiscal accountability, and the school is meeting the terms of its charter as initially approved by the Board of Education in 2008.

In adherence to their charter, Nea Community Learning Center's curriculum model depends upon a central learning center. Nea teachers are referred to as facilitators, and Nea students are referred to as learners. Core to Nea's instructional program is development of independent learners using student-centered classroom instruction. Facilitators develop lessons based on California State Standards with a variety of instructional strategies used to encourage and support high levels of engagement. Technology is a crucial element of the Nea instructional model, and all learners have access to laptop computers in the central learning center. Learners choose from a variety of elective courses taught by the Nea facilitators in the afternoons, giving learners opportunity to make choices and explore individual interests.

AUSD staff finds the Nea Community Learning Center school administration and governing board consist of individuals experienced in managing organizations and knowledgeable of California charter school law. In her role of monitoring Alameda charter schools, AUSD Director of Educational Options Laurie McLachlan Fry has attended multiple board meetings of Nea as well as whole school retreats involving teachers, administrators, students and families. Nea and CLCS work closely with the EdTec organization to ensure Nea adheres to its charter's fiscal policies and to ensure that financial resources are directly related to the school's mission.

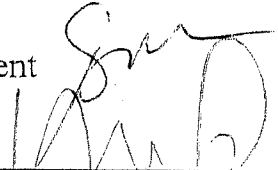
**FISCAL IMPLICATIONS:** There are no significant fiscal implications to extending the Nea Community Learning Center charter for an additional two years.

**RECOMMENDATION:** It is the recommendation of staff that the resolution is approved so Nea Community Learning Center's Charter is extended to June 2014.

**Alameda Unified School District Guiding Principle:** 1. All students have the ability to achieve academic and personal success. 2. Teachers must challenge and support all students to reach their highest academic and personal potential. 3. Administrators must have the knowledge, leadership skills and ability to ensure all students succeed. 4. Parental involvement and community engagement are integral to the success of all students. 5. Accountability, transparency and trust are necessary at all levels of the organization. 6. Allocation of funds must support our vision, mission and guiding principles.

**Submitted by:** Sean McPhetridge, Assistant Superintendent

**Approved for Submission to Board of Education**

  
Kirsten Vital, Superintendent

**FIRST AMENDMENT TO THE CHARTER OF  
COMMUNITY LEARNING CENTER SCHOOLS, Inc. FOR THE Nea COMMUNITY  
LEARNING CENTER CHARTER**

and

**FIRST AMENDMENT TO THE  
MEMORANDUM OF UNDERSTANDING  
by and between  
ALAMEDA UNIFIED SCHOOL DISTRICT  
AND COMMUNITY LEARNING CENTER SCHOOLS, Inc.**

This First Amendment to the Charter of Nea Community Learning Center and to the Memorandum of Understanding by and between Alameda Unified School District and the Nea Community Learning Center (the "Agreement") is executed between the Alameda Unified School District (the "District") and the Community Learning Center Schools ("CLCS"), a California nonprofit public benefit corporation which operates the Nea Community Learning Center Charter School ("Nea").

**I. RECITALS**

- A. The Alameda Unified School District is a school district existing under the laws of the State of California.
- B. Community Learning Center Schools, Inc. is a non-profit public benefit corporation that holds and operates Nea Community Learning Center Charter School, a public charter school existing under the laws of the State of California and under the supervisory oversight of the District.
- C. The District is the sponsoring district of Nea Charter School.
- D. The District approved the charter proposal from Community Learning Center Schools, Inc. on November 25, 2008 ("Charter"). A copy of the Charter is attached hereto as Exhibit "A." The Charter was approved for a period of three years and expires on June 30, 2012.
- E. The District and CLCS entered into a Memorandum of Understanding ("MOU") on March 10, 2009 that set forth the expectations of both parties concerning the policies, procedures and practices of the District and CLCS throughout the term of the Charter. A copy of the MOU is attached hereto as Exhibit "B." The MOU states the term of the charter is from July 1, 2009 through June 30, 2012.
- F. On October 24, 2010, CLCS submitted a request for a material revision to its charter to extend the charter term to June 30, 2014.

- G. This Agreement is intended to amend both the Charter and the MOU. CLCS desires to amend both the MOU and Charter to extend the terms of the charter.

## II. AGREEMENTS

- A. Recitals are Correct. The recitals above are true and correct.
- B. Term of Agreement. The term of this Agreement shall be coterminous with the term of the Charter and the MOU.
- C. Term of MOU and Charter. Recital 5 of the MOU and the term of the Charter are hereby amended in full as follows:
1. **In the event CLCS fails to seek renewal of its Charter, or in the event CLCS seeks a renewal and the District denies the renewal petition, the MOU and Charter shall expire on June 30, 2014.**
  2. **In the event CLCS seeks a renewal of its Charter and the District grants the renewal of the Charter for a five year term beginning on July 1, 2015, the MOU and existing Charter shall expire on June 30, 2014. In the event the Charter is renewed, the parties agree to enter into a new agreement regarding facilities and services to be provided by the District, if any, consistent with the petition for renewal and the pending Proposition 39 Request.**
- D. Amendment. Recital 5 of the MOU is amended to read in full as follows:
- The Charter School commenced operation at the beginning of the 2009-1010 school year. The length of the term of the charter is from July 1, 2009 through June 30, 2014.**
- E. Conflict in Terms. All other provisions of the MOU and Charter shall remain in full force and effect and are reaffirmed. If there is any conflict between this Agreement and any provision of the MOU or Charter, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, the Parties have, by their duly authorized representatives, executed this Amendment on the date first above written.

**DISTRICT**

ALAMEDA UNIFIED SCHOOL DISTRICT

By \_\_\_\_\_  
Ron Mooney, Board President

APPROVED AS TO FORM:

By *Danielle Houck*  
Danielle Houck, General Counsel

**CLCS**

COMMUNITY LEARNING CENTER  
SCHOOL, INC.

By \_\_\_\_\_  
Paul Bentz, Executive Director

APPROVED AS TO FORM:

By \_\_\_\_\_

# ALAMEDA UNIFIED SCHOOL DISTRICT

## RESOLUTION NO. 11-0004

### Resolution Of The Board Of Education Of Alameda Unified School District To Extend The Terms Of The Nea Community Learning Center Charter From June 30, 2012 To June 30, 2014

**WHEREAS**, The Alameda Unified School District (“AUSD”) is a California public school district existing and operating under the laws of the State of California and is the authorizing agency of the Nea Community Learning Center Charter School; and

**WHEREAS**, Community Learning Center Schools, Inc. (“CLCS”) is a 501c(3) tax exempt non-profit public benefit corporation that operates the Nea Community Learning Center; and

**WHEREAS**, AUSD and CLCS had executed a Memorandum of Understanding (“Agreement”) on the 10<sup>th</sup> day of March, 2009 with the Board of Education, Alameda Unified School District, 2200 Central Avenue, City of Alameda, County of Alameda, State of California; and

**WHEREAS**, The length of the initial term of the Nea Community Learning Center charter is from July 1, 2009 through June 30, 2012 in accordance with action by the Board of Education to approve the charter; and

**WHEREAS**, CLCS requests material revisions to its Charter to extend the charter to June 30, 2014; and

**WHEREAS**, Material revisions are made only with Board approval and shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605; and

**WHEREAS**, The Nea Community Learning Center is currently meeting the AUSD-established performance criteria of 1) academic success (evidenced by an Academic Performance Index of 839) and 2) operation as an effective and viable organization that is faithful to the terms of its charter;

**NOW, THEREFORE, BE IT RESOLVED**, In consideration of agreements herein set forth, AUSD and CLCS do hereby agree as follows:

1. Effective Date and Renewal: This agreement shall become recognized on the date upon which it is executed by duly authorized representatives of both parties and upon ratification and approval by the AUSD Board of Education and the CLCS Board of Directors. The provisions of this Agreement are hereby incorporated into the MOU and Approved Charter.
2. Term: The term of this agreement is from effective date of this agreement through the end of the 2013-2014 school year, thus providing the Approved Charter a five year term. In addition, nothing in this agreement affects the District’s ability to revoke the approved charter in accordance with California Education Code Section 47607 before the end of the term of this agreement.

**BE IT FURTHER RESOLVED**, That all other agreements in the Memorandum of Understanding approved and ratified on the 10<sup>th</sup> day of March 2009 by the CLCS Board of Directors and the Board of Trustees of the Alameda Unified School District shall remain the same.

ADOPTED, SIGNED and APPROVED by the Board of Education of the Alameda Unified School District on the 11<sup>th</sup> day of January 2010, by the following vote:

AYES:

NOES:

ABSTENTIONS:

\_\_\_\_\_  
President of the Board of Education of the  
Alameda Unified School District

Attested to:

\_\_\_\_\_  
Secretary of the Board of Education of the Alameda Unified School District