

**AGENDA FOR REGULAR MEETING
OF THE BOARD OR TRUSTEES**

ENCINITAS UNION SCHOOL DISTRICT
101 South Rancho Santa Fe Road
Encinitas, California 92024



Welcome to the meeting of the Encinitas Union School District Board of Trustees!

CLOSED SESSION

The Board will meet in Closed Session to consider matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, or real estate negotiations authorized by the Brown Act. A report of action(s) taken in Closed Session will be presented as an item on the Public Session Agenda.

PUBLIC COMMENT

Members of the audience may address the Board of Trustees on items that are within the Board's subject matter jurisdiction. Speaking time is limited to three (3) minutes per speaker with a maximum of fifteen (15) minutes per topic. Persons wishing to address the Board should submit to the Executive Assistant to the Superintendent, prior to the meeting, a blue Public Comment card available on the information table.

If the item is on the Board Agenda, please place the item number on the blue Public Comment card. You will be called upon, when the item is addressed by the Board; or, if the item is not on the agenda, you will be called upon by the Board President during the Public Comment section. Please address the Board of Trustees from the podium by first stating your name and address.

In accordance with the Brown Act, no action may be taken by the Board on non-agenda items; however, the Board may 1) acknowledge receipt of the information; 2) refer the matter to staff for further study; or 3) place the item on a future agenda.

CONSENT ITEMS

All matters listed under consent are those in which the Board has previously deliberated or are considered routine items of business. An administrative recommendation for each item is contained in the agenda item description. There will be no separate discussion of these items prior to the time the Board of Trustees votes on the motion unless members of the Board, staff, or public request specific items to be discussed or pulled from the Consent Items.

To address an item on the consent calendar, please follow the procedure described under Public Comment.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Board of Trustees, please contact the Superintendent's Office at (760) 944-4300, Extension 1111. Notification 72 hours prior to the meeting will enable the District to make the necessary arrangements to ensure accommodation and accessibility to this meeting.

**AGENDA FOR SPECIAL MEETING
OF THE BOARD OR TRUSTEES**

May 5, 2008

ENCINITAS UNION SCHOOL DISTRICT
101 South Rancho Santa Fe Road
Encinitas, California 92024

CLOSED SESSION – 5:30 p.m.
PUBLIC SESSION – 5:45 p.m.

AGENDA

(A copy of the agenda is available online at www.eusd.net prior to the close of business on the Friday preceding the meeting. A printed copy may also be obtained at the District Office)

1. CALL TO ORDER

2. ROLL CALL: Mrs. Shannon Kuder
Mr. Bill Parker
Mrs. Catherine Regan
Mrs. Carol Skiljan
Mrs. Marla Strich

3. CLOSED SESSION

Conference with Legal Counsel: Potential Litigation (GC §54956.9)

4. RECONVENE – PUBLIC SESSION

(Courtesy reminder: Please set all cell phones to vibrate or turn off.)

5. OPENING FUNCTIONS

- a. PLEDGE OF ALLEGIANCE
- b. REPORT OF ACTION TAKEN IN CLOSED SESSION
Government Code 54957.1
- c. APPROVAL OF AGENDA

6. PUBLIC COMMENT – Non-Agenda Items

Members of the audience may address the Board of Trustees on items not on the agenda that are within the Board's subject matter jurisdiction. Speaking time is limited to three (3) minutes per speaker with a maximum of fifteen (15) minutes per topic. Persons wishing to address the Board should complete and submit, prior to the meeting, a blue Public Comment card available on the information table. (See agenda cover page for instructions.)

7. ACTION ITEMS

a. **Authorization to Issue *Notice to Remedy to Theory Into Practice (TIP)* Charter School**

The California Charter Schools Act requires the authorizing agency of a charter school to monitor and oversee the charter school and further provides that a charter may be revoked by the authorizing agency if it finds that the charter has, among other actions, committed a material violation of any of the conditions, standards or procedures set forth in its charter, failed to meet generally accepted accounting principles, engaged in fiscal mismanagement, and/or violated any provision of the law. Education Code §47607(d) requires that prior to revocation, the charter granting agency notify the charter school of any violation of the foregoing and give the school a reasonable opportunity to remedy the violation(s), unless the authority determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the pupils. If the charter fails to remedy a violation within the period specified, the chartering agency may commence revocation of the charter in accordance with the procedures prescribed in the Education Code.

7. ACTION ITEMS (continued)

a. **Authorization to Issue *Notice to Remedy* to Theory Into Practice (TIP) Charter School**

Action Recommended: Authorize the Superintendent to issue a *Notice to Remedy* pursuant to Education Code § 47607 to the Theory Into Practice (TIP) Charter School.

8. ADJOURNMENT

SCHEDULED BOARD MEETINGS (2008)
January 15, 2008
February 19, 2008
March 12, 2008
April 15, 2008
May 20, 2008
June 24, 2008
July 8, 2008
August 19, 2008
September 16, 2008
October 14, 2008
November 18, 2008
December 9, 2008

District Target: Legal Compliance – Charter Schools

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|---|
| <ul style="list-style-type: none">■ Action<input type="checkbox"/> Consent Calendar<input type="checkbox"/> First Reading<input type="checkbox"/> Information<input type="checkbox"/> Presentation<input type="checkbox"/> Public Hearing<input type="checkbox"/> Roll Call Vote Required |
|---|

Subject: Authorization to Issue *Notice to Remedy* to Theory Into Practice (TIP) Charter School

Background: The California Charter Schools Act requires the authorizing agency of a charter school to monitor and oversee the charter school and further provides that a charter may be revoked by the authorizing agency if it finds that the charter has, among other actions, committed a material violation of any of the conditions, standards or procedures set forth in its charter, failed to meet generally accepted accounting principles, engaged in fiscal mismanagement, and/or violated any provision of the law. Education Code §47607(d) requires that prior to revocation, the charter granting agency notify the charter school of any violation of the foregoing and give the school a reasonable opportunity to remedy the violation(s), unless the authority determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the pupils. If the charter fails to remedy a violation within the period specified, the chartering agency may commence revocation of the charter in accordance with the procedures prescribed in the Education Code.

On April 1, 2008, the district received a copy of a complaint filed with the State Superintendent of Public Instruction by a former board member of the TIP Charter School. The district received the document from the San Diego County Superintendent of Schools, who forwarded the document to the district as the authorizing agency for the charter school. An evaluation of the allegations contained in the complaint has been completed by the district and staff, and, while continuing to investigate the issues, has determined that it has sufficient cause to, and recommends, issuance of a *Notice to Remedy* to TIP Charter School pursuant to Education Code §47607(c)-(d) based upon its conclusions that the charter school has, among other things, violated state conflict of interest and corporate self-dealing laws, and has engaged in fiscal mismanagement as a result of these and other activities.

Staff believes that in addition to serious legal violations, TIP has failed to maintain the appropriate levels of transparency in its decision making, and has failed to seek requisite district approval to significant changes to its governance structure. It is possible that criminal violations have occurred with respect to payments made under unlawful contracts. Staff further recommends that given the significance of these violations, TIP Charter School be required to provide an adequate response and demonstrate its remedy of these violations by May 30, 2008, or face revocation of its charter. The district's investigation is ongoing as it obtains further information from interested parties as well as from TIP Charter School.

Attachments: None

Fiscal Impact: Undetermined

Recommendation: Authorize the Superintendent to issue a *Notice to Remedy* pursuant to Education Code § 47607 to the Theory Into Practice (TIP) Charter School.

Prepared by: L. McLean King, Ed.D., Superintendent

Submitted by: L. McLean King, Ed.D., Superintendent

MOTION BY:

SECONDED BY: