

**BOARD OF EDUCATION MEETING**  
**January 25, 2011**  
**Alameda High School Cafeteria**  
**Corner of Walnut and Central**  
**Alameda, CA**

**ADOPTED MINUTES**

**REGULAR MEETING:** The regular meeting of the Board of Education was held on the date and place mentioned above.

**CALL TO ORDER:** The meeting was called to order by President Mooney at 5:30 PM.

**PRESENT:** McMahon, Mooney, Sherratt, Spencer

**ABSENT:** Tam

**PUBLIC COMMENT ON CLOSED SESSION TOPICS:** None at this time.

**ADJOURN TO CLOSED SESSION in the Superintendent's Conference Room** By President Mooney at 5:30 PM to consider:

A-2a. Public Employee Discipline/Dismissal/Release – Pursuant to Subdivision 54957

A-2b. Conference with Labor Negotiators – Pursuant to Subdivision 54957.6 Agency designated representative: Danielle Houck, General Counsel  
Employee organizations: AEA, CSEA  
Unrepresented Employees: Management, Psychologists, Behavioral Specialists, Occupational Therapists, Confidential

A-2c. Conference with Legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9  
(1) Robles-Wong v. State of California, Case #RG 10515768

**RECONVENE TO PUBLIC SESSION in the Alameda High School Cafeteria:** By President Mooney at 6:32 PM.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE:** By Haight Elementary School Girl Scout representatives.

**INTRODUCTION OF BOARD MEMBERS AND STAFF:** Board Members and staff present introduced themselves.

**MODIFICATION(S) OF THE AGENDA:** The Board pulled item E-4 and moved the BASE agenda item after F-2.

**APPROVAL OF MINUTES:** The minutes of the regular meetings of December 14, 2010 and January 11, 2011 were considered.

**MOTION: Member Sherratt**

**SECONDED: Member McMahon**

That the Board approve the minutes with the submitted name correction by Member Spencer.

**AYES:** McMahon, Mooney, Sherratt, Spencer

**NOES:** None

**ABSENT:** Tam

**MOTION CARRIED**

**PUBLIC COMMENTS:**

*Patricia Sanders, AEA President*, addressed the Board regarding the sunshining of contract articles, noting that the sunshine reflects that teachers are 100% behind the parcel tax with only slight amendments to the MOU to tweak when provisions come into play. Teachers are looking to ensure that K-3 remains 25:1 and that there will be no further furlough days. Teachers support what's good for kids.

*Kim Chaney, teacher*, addressed the Board regarding revisiting the job sharing option and criteria, as it doesn't seem to be equitably approved or implemented district-wide. The current method is confusing, and there is a small team of interested

teachers who are willing to talk about this issue. Job-sharing may actually save money in the long-run, and these teachers are an investment.

*Alannah Jenkins, student*, addressed the Board regarding BASE and its many merits. Ms. Jenkins noted how she enjoys attending the school and having the ability to plan her own success. She urged the Board to approve the charter to ensure success for many future generations.

*Rudy Fierro, student*, addressed the Board regarding BASE and added he is now engaged in education and enjoys BASE's alternative atmosphere.

**WRITTEN CORRESPONDENCE:** None at this time.

**SUPERINTENDENT'S REPORT:** Superintendent Vital reviewed meetings, site visits, other news, and honored Dr. Margaret Harris, Principal of Haight Elementary School, for her years of service as she retires.

**REPORT OF STUDENT BOARD MEMBERS:**

Student Board Member Dietz of ASTI reported that the College of Alameda classes had started; School Site Council elections; ASTI information session on Thursday in the "F" building from 6:00 PM – 8:00 PM; motivational day on Friday; dance at EHS.

Student Board Member Singh of Encinal reported on finals; cash-for-college night; Dead Man Walking drama production; Seussical musical callbacks; rolling admissions; Winter Ball; spring sports; AHS vs. EHS basketball games.

**CALENDAR REVIEW:** President Mooney reviewed the calendar of events for Board Members.

**CLOSED SESSION ACTION REPORT:** No action was taken in Closed Session.

**ADOPTION OF THE CONSENT CALENDAR:**

**MOTION: Member McMahan**

**SECONDED: Member Spencer**

That the Board approve the consent calendar, pulling item E-4 and moving it to the public agenda, and moving the BASE agenda item after F-2.

**AYES:** McMahan, Mooney, Sherratt, Spencer

**NOES:** None

**ABSENT:** Tam

**MOTION CARRIED**

**Approval of Audit Report for Fiscal Year Ended June 30, 2010**

Each year, a school district is required by law to review at a public meeting the annual audit of the school district's financial records for the prior fiscal year.

The audit examines the District's compliance with state and federal standards and procedures in order for the District to implement sound fiscal management practices for the most effective and efficient use of public funds.

Attached is the District's Audit Report for the Fiscal Year ended June 30, 2010. A representative from the audit firm Christy White Accountancy Corporation presented the audit and answered questions.

Board Members asked for clarification about school site funding. Nicole Lash from Christy White explained that donations can be spent on anything. ASB funds, however, have very strict rules as to what they can spend their money on. Chief Business Officer Robert Shemwell noted that donations and scholarship funds designated for particular school sites and/or programs are received by the District and deposited into the correct corresponding account.

**MOTION: Member Spencer**

**SECONDED: Member McMahan**

That the Board approve the Audit Report for Fiscal year ended June 30, 2010 as submitted.

**AYES:** McMahon, Mooney, Sherratt, Spencer

**NOES:** None

**ABSENT:** Tam

## **MOTION CARRIED**

### **Highlighting Alameda Schools: Haight Elementary School**

Principal Margaret Harris introduced the item. Henry Haight Elementary attracts a wide and diverse student body of young learners. This diversity includes students of various ethnicities, socioeconomic status, and social and learning challenges. With the recent decrease in API, Haight still exceeds the state's API threshold of 800. However, Haight's overall performance in math shows 63% of students scoring at or above proficient in the 2010 CST STAR math standards. This 4% growth from 2009 is credited to the District's focus on math coaching and professional development for teachers and the principal.

Board Members thanked Ms. Harris for the presentation; congratulated her on her retirement; and noted the great participation from students and families for the annual Walk & Roll to School event.

### **Staff Report on Resolution No. 11-0006 Bay Area School of Enterprise (BASE) Charter Renewal**

Sean McPhetridge, Assistant Superintendent, introduced the item. On November 23, 2010, the Board of Education received a charter renewal petition from the Bay Area School of Enterprise (BASE). The Board is required by law to grant or deny the petition within 60-days of the Public Hearing held on January 11, 2011 or within 90-days with consent of the petitioners and the Superintendent.

Superintendent Vital thanked staff for their work on building a stronger support system and infrastructure with greater accountability.

Mr. McPhetridge reviewed the very specific reasons why a Board could deny a charter, noted some items of concern that BASE itself raised, and recommended approval at the next regularly scheduled Board meeting.

Board Members discussed the term of the charter renewal; thanked BASE for their presentation at the last meeting with many parents and students addressing the Board about the unique program offered; any specific timeline to review meeting concerns brought up in WASC and in the application.

Patricia Murillo, BASE Executive Director, acknowledged staff and noted having recently gone through WASC, BASE staff was familiar with the process of assessing their academic program. BASE does have a school-wide action plan to address issues and concerns raised and does have a timeline for course corrections.

Mr. McPhetridge thanked the Ed Services Educational Options, Student Services, and Curriculum team for their collaboration on this item in working with BASE.

### **Report on Governor's Budget Proposal for Fiscal Year 2011/12**

Robert Shemwell introduced the item. Governor Jerry Brown unveiled his State Budget Proposal on January 10, 2011. His budget proposal outlines a plan to close a budget deficit of more than \$25 billion.

The proposal to close the most recently projected budget deficit involves both spending cuts and a 5-year extension in taxes. The proposed tax cuts are to go before the public in a special election to be held in June 2011. While the Governor has emphasized that he intends to protect education from any further cuts, much depends on voters approving this increase in taxes.

As always, the Governor's proposed budget is but a starting point for negotiations with the Legislature, and modifications will take place as part of the annual Budget process.

Staff presented information from the January 14<sup>th</sup> School Services Governor's Budget Conference held in Sacramento, including general fund expenditures by major program area, and apportionment deferrals for LEAs.

The Board discussed the timing of the Governor's proposed ballot measure and challenges around a special election; local media coverage comparing 2010/11 to 2011/12; May Revise; the District's contingency planning; Prop 63 – mental health

services; flex options continuing; Tier III categorical flexibility continuing; K-3 class size reduction extending through 2015/16; significant cuts to child care and the impact to WCDC; a suggested workshop with the WCDC community to help resolve any potential impacts; local efforts to pass the replacement parcel tax.

**Alameda Unified School District Proposal to the Alameda Education Association (AEA) for a Successor Agreement**

Consistent with the relevant provisions of the Educational Employment Relations Act (Government Code Section 3540 *et seq.*), the District submitted its initial bargaining proposals to the Alameda Education Association (AEA) for a successor Agreement for the 2011/12 school year.

Superintendent Vital noted the District is working together with AEF in the spirit of collaboration to secure funding we need to continue the excellent education here in Alameda and thanked everyone for working together.

Tom Rust, Director of Human Resources, introduced the item and walked through the details.

PUBLIC HEARING: President Mooney opened the Public Hearing at 8:10 PM. Hearing no public comment, President Mooney closed the Public Hearing at 8:10 PM.

**Alameda Education Association (AEA) Proposal to the Alameda Unified School District (AUSD) as Reopener for the Final Year of the 2009-2012 Contract and MOU**

Consistent with the relevant provisions of the Educational Employment Relations Act (Government Code Section 3540 *et seq.*), the AEA proposes to amend the existing MOU agreed to by AEA and AUSD in march of 2010 to reflect changes in economic conditions.

AEA reserves the right to add, delete from, amend, or modify its proposals during the negotiation process.

PUBLIC HEARING: President Mooney opened the Public Hearing at 8:10 PM.

Patricia Sanders, AEA President, noted the MOU does allow the District and AEA to open some articles for sunshine purposes. Given the extraordinary times we're in, AEA really wishes we didn't have to bargain right now, but the sunshine is reflective of bargaining done previously and the passage of a parcel tax. With that in mind, some things in the MOU that AEA would like to address include: 180 days for students (with the furlough days this year, there is a 175 day calendar for students); assuming the passage of the replacement parcel tax, 3 professional development days that teachers would normally have – AEA would like those reinstated; 2 teacher work days that are on the chopping block – teachers need those days; maintain 25:1 in K-3 and no increases to that ratio any further. There may also be some minor tweaks but these are the major pieces.

Hearing no further public comment, President Mooney closed the Public Hearing at 8:14 PM.

**Resolution No. 11-0007 to Amend the Nea Charter to Extend the Charter Term from Three Years to Five Years**

Sean McPhetridge introduced the item. Community Learning 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 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 the 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 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.

**MOTION: Member Spencer**

**SECONDED: Member Mooney**

That the Board approve Resolution No. 11-0007 to Amend the Nea Charter to extend the term from three years to five years as submitted.

**AYES:** McMahan, Mooney, Sherratt, Spencer

**NOES:** None

**ABSENT:** Tam

**MOTION CARRIED**

Board Members congratulated Nea on the success of their unique program in serving a need in the community and noted personal knowledge of students and families who enjoy attending the school.

**Approval of resolution No. 11-0009 to Refinance the District's 2000 Certificate of Participation (COP)**

Robert Shemwell introduced the item. The District previously issued its 2000 Certificates of Participation financing ("the Prior Certificates") on June 22, 2000 in the amount of \$1,820,000. Currently \$1,185,000 of the Prior Certificates remains outstanding at an average interest rate of 5.76%.

The District may realize an economic benefit by refinancing the Prior Certificates. Savings would be generated for the District by replacing the higher interest rate Prior Certificates with a lower interest rate lease refinancing (the "2011 Lease Financing"). In the current interest rate environment, the District could refinance the Prior Certificates at a rate of 4.29%, saving an estimated \$120,000.

All financing costs would be contingent upon the successful issuance of the 2011 Lease Financing and would be paid from the financing proceeds, not the District's general fund. If the financing is not completed, there is no cost to the District.

**Approval of Contract – Keygent's RecoveryMax Benefits Review**

Robert Shemwell introduced the item. Keygent's RecoveryMax Benefit Eligibility Review ("RecoveryMax Review") provides school districts with consulting services to identify health care cost savings. The RecoveryMax Review verifies that the District is providing benefits only to those people eligible for coverage and confirms the accuracy of benefit-related reimbursements being made to the District through employee payroll deductions or manually written checks. The RecoveryMax Review is a cost-effective solution for school districts that are interested in reducing their benefit plan costs without cutting any employee benefits.

The RecoveryMax Review uses proprietary applications to analyze employment, payroll and benefit data. Understanding that this data is personal and sensitive, precautions and security measures are taken to maintain confidentiality.

The RecoveryMax Review not only identifies savings that result in benefits to the District, but also to District employees, resulting from discrepancies in plan enrollment and/or payroll deductions.

This is a performance-based contract that requires payment only when savings are clearly identified. If the analysis shows that the internal processes of the District maintain very "clean" records and that we are not paying in excess of our liability, there will be no cost for the review.

The RecoveryMax Review is endorsed by the California School Boards Association (CSBA) as a cost-effective solution for public agencies that are interested in reducing their benefit plan costs without cutting any employee benefits.

Board Members discussed the term of the contract; whether or not the District has done this before; what the review covers; whether or not someone in HR or one of our health companies might be able to do this assessment; cost of the analysis; area of concern related to verifying college-aged students and whether or not they are attending school; and how long it will take.

Mr. Shemwell clarified that currently we do not have anyone within HR or our health insurance companies who could do this work. Health companies won't do this analysis on our behalf – there is no incentive. This is a good way to check our internal procedures to make sure all of our systems are in alignment. The pay is either 50% of any savings found or \$300 per hour. Typically this is a 4-5 month process in combing through all of the data.

Patricia Sanders, AEA President, noted the District went through something similar where employees had to bring in copies of marriage licenses and marriage certificates. This was done through American Fidelity, who also took advantage of the opportunity to sell further services to employees. Does this need to be done all over again?

Mr. Shemwell clarified that the American Fidelity audit is a very different one that what this will be auditing. This audit covers the District's internal procedures to make sure we have systems in place and are monitoring and maintaining accurate detail.

**MOTION: Member Spencer**

**SECONDED: Member Sherratt**

That the Board approve the contract for Keygent's RecoveryMax benefits review.

**AYES:** McMahon, Mooney, Sherratt, Spencer

**NOES:** None

**ABSENT:** Tam

**MOTION CARRIED**

**Board Member Reports**

Member Spencer noted she attended a disability commission film at the library over the weekend and found it very informative. She also attended the ACSBA dinner, youth collaborative meeting, and the AHS PTSA seminar about working with teenagers. Member Spencer encouraged families to participate in the seminar if the opportunity comes up again as it was very helpful.

Member McMahon noted he attended an OUSD region-wide strategic planning meeting to better understand how neighboring communities are trying to engage community members in the strategic planning process.

Member Sherratt added she has been meeting with individual community members and answering questions and attended the ASOS fundraiser – School House Rock. Member Sherratt thanked the community for participating in the very successful event on behalf of our schools.

**Adjournment:** Member Mooney adjourned the meeting at 8:40 PM in memory of Ron Benson, former AHS maintenance employee, and former School Board Member Berresford Bingham.

**BOARD OF EDUCATION SPECIAL MEETING**  
**January 25, 2011, 5:15 PM**  
**2200 Central Avenue**  
**Superintendent's Conference Room**  
**Alameda, CA**

**ADOPTED MINUTES**

**SPECIAL MEETING:** The special meeting of the Board of Education was held on the date and place mentioned above.

**CALL TO ORDER:** The meeting was called to order by President Mooney at 5:15 PM.

**PRESENT:** McMahon, Mooney, Sherratt, Spencer, Tam

**PUBLIC COMMENT ON CLOSED SESSION TOPICS:** None at this time.

**ADJOURN TO CLOSED SESSION:** by President Mooney at 5:15 PM to discuss:  
Conference with Labor Negotiators – Pursuant to Subdivision 54957.6 Agency Designated Representative:

Danielle Houck, General Counsel

Employee Organizations: AEA, CSEA

Unrepresented Employees: Management, Psychologists, Behavioral Specialists,  
Occupational Therapists, Confidential

Public Employee Discipline/Dismissal/Release – Pursuant to Subdivision 54957

Conference with Legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9

(1) Robles-Wong v. State of California, Case #RG 10515768

(2) Peter Hagberg v. AUSD, Case #RG 1050056

Conference with Legal Counsel Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9

(1) January 18, 2011 Letter from Attorney Barbara Thomas Representing Undisclosed  
Individuals

**RECONVENE TO PUBLIC SESSION / REPORT OUT:** By President Mooney at 5:30 PM. There was no action taken in Closed Session.

**ADJOURNMENT:** by President Mooney at 5:30 PM.