

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 6:00 PM.

PRESENT: McMahon, Mooney, Sherratt, Spencer, Tam

ABSENT: None

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

ADJOURN TO CLOSED SESSION by President Mooney at 6:00 PM in the Superintendent’s Conference Room to consider:

- A-2a. Conference with Labor Negotiators – Pursuant to Subdivision 54957.6 Agency Designated Representatives:
Danielle Houck, General Counsel and Tom Rust, Director of Human Resources
Employee organizations: AEA, CSEA
Unrepresented employees: Management, Psychologists, Behavioral Specialists, Occupational Therapists,
Confidential
- A-2c. Conference with Real Property Negotiators – Pursuant to Section 54956.8
(1) Property: Emma Hood Swim Center and Encinal Swim Center
Agency Negotiators: Danielle Houck, General Counsel and Kirsten Vital, Superintendent
Negotiating Parties: City of Alameda
Under Negotiation: Joint Use Agreement
- A-2d. Public Employee Performance Evaluation – Pursuant to Section 54957
Title: Superintendent

RECONVENE TO PUBLIC SESSION: By President Mooney at 6:36 PM in the 3rd Floor Conference Room.

CALL TO ORDER / PLEDGE OF ALLEGIANCE: Board Members led the Pledge of Allegiance.

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

MODIFICATION(S) OF THE AGENDA: Item D-1 will move to the end of the public agenda; item D-2 will not be voted on. Member Spencer clarified that all Human Resource items on the public agenda should be action as noted on the agenda.

Written Correspondence: None at this time.

Superintendent’s Report: None at this time.

Public Comments:

Diane Alexander, teacher, thanked the community for supporting Measure A and noted she is speaking on behalf of herself and other teachers concerned about the criteria to determine the layoff order. In particular, Ms. Alexander noted they have an issue with #3 – AUSD Title 1 experience.

Report of Student Board Members: None at this time.

Closed Session Action Report: No action was taken in Closed Session.

Adoption of the Consent Calendar:

MOTION: Member McMahon

SECONDED: Member Sherratt

That the Board of Education adopt the consent agenda with the previous modifications.

AYES: McMahon, Mooney, Sherratt, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 11-0016 Non-Reelection of Certain Certificated Employees

Tom Rust, Director of Human Resources, introduced the item. California Education Code Section 44929.21 requires that the Governing Board notify each probationary employee in a position requiring certification qualifications of the Board's decision to not reelect the employee to such a position for the succeeding school year.

Board Members discussed the number of positions and the option to resign instead as opposed to PARI 2. Board Members asked whether or not the positions were full time and what they were. Mr. Rust noted that he couldn't reveal that information as it would identify employees.

MOTION: Member McMahon

SECONDED: Member Sherratt

That the Board of Education approve Resolution No. 11-0016 Non-Reelection of Certain Certificated Employees.

AYES: McMahon, Mooney, Sherratt, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 11-0017 Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2011/12 School Year

Mr. Rust introduced the item. California Education Code Sections 44949 and 44955 set forth dates and procedures by which the Governing Board of Education must express its intent to reduce and/or discontinue particular kinds of services now being offered by the District and give notice to affected certificated employees that their services may not be required for the ensuing school year.

The estimated cost savings of a reduction of \$1,747,491.52 based on 52.45 FTE. The 10.40 FTE for ROP is funded directly to the JPA and results in no cost savings to AUSD.

Board Members discussed how the numbers were determined and whether or not elementary class sizes would stay the same even with the passage of Measure A and the Board direction to go with the more fiscally conservative approach.

Superintendent Vital added that we are definitely committed to 25:1, but until we have more certainty, we are trying to be as fiscally prudent as possible. Our intention is to bring teachers back as quickly as possible as soon as we have more certainty.

Mr. Rust also explained that middle and high schools are put together because of teacher certification requirements, not specific positions. This is an overall reduction in service. Mr. Rust also clarified that this is not about transferring students from one site to another, but possibly reduction the number of sections at a site. These do not equate to full, round figures of FTE.

Board Members continued to discuss the specific site levels and positions considered; possible middle school foreign language reductions; the need to do these layoffs that match the budget we submitted to the County, even though we will be resubmitting a revised budget on 3/30 and reapplying funds that will reduce much of these actions.

MOTION: Member McMahon

SECONDED: Member Tam

That the Board of Education approve Resolution No. 11-0017 Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2011/12 School Year.

AYES: McMahon, Mooney, Sherratt, Tam

NOES: Spencer

Member Spencer explained that she does not believe this serves our mission to effectively use our limited resources to ensure that every student succeeds and expressed concern about what will be offered, for instance, at Wood Middle School.

MOTION CARRIED

Resolution No. 11-0018 Criteria to Determine the Order of Layoff Among Certificated Employees with the Same Date of Paid Service

Mr. Rust introduced the item. The Board of Education finds that to effectively implement a reduction in particular kinds of service, pursuant to Education Code Section 44955, the District must establish objective criteria to determine the order of layoff for employees who first rendered service to the District on the same date. The Board shall establish criteria for determining certificated employees who have the same date of paid service in a probationary position based solely on the needs of the District and the students thereof.

Mr. Rust explained that last year, the tie-breaker criteria was a little different, but these express the same values. This is a change in the process of how it works. Statewide, there has been a movement to protect Title 1 schools which typically have a much younger staff, and to protect our most vulnerable students and learners in the District.

Board Members discussed last year's matrix-style point system vs. this year's system; whether or not this item needed to be considered at a special meeting tonight; the order to applied criteria; how many times the tie-breaking criteria was used per criteria (7-8 after applying the Title 1 criteria); where the language to create the criteria came from; and whether or not other districts use similar language.

Mr. Rust explained that this item is being brought forward tonight as part of the criteria used in creating the layoff lists the Board is voting on this evening in order to meet the Education Code guideline of March 15th notices. This is important mostly at the secondary level. With regards to the Title 1 tie-breaker, there were 18 teachers for that step with 8 being pulled off. The language came from a variety of different sources; Vallejo uses this kind as opposed to a total point spread.

Board Members discussed their preferred order of criteria, including moving #3 after #5. Joy Dean, Principal of Earhart Elementary, noted 2 specific teachers who would be affected. General Counsel Danielle Houck informed everyone not to use specific employee names in a public setting as this is a confidential, human resources matter. General Counsel Houck also cautioned Mr. Rust to not try to recreate and reformulate the tie-breaker from memory if he did not have the actual data in front of him.

Superintendent Vital clarified that the Board had a conversation around the notion of equity in our District and the churn that happens with staff with movement at Title 1 schools and the effects of that. We had a really horrible layoff at both non and Title 1 schools that was jarring and difficult; that was part of the conversation last year. Title 1 experience was identified as something we value and staff honored that in preparing these criteria for this year.

General Counsel Houck added that we do have the obligation within our ability in Ed Code to try to minimize the impact on Title 1 schools. This was staff's effort within those restrictions of seniority to look at the layoff with that lens.

Board Members continued to discuss the item, also adding a suggestion to consider national board certification to the list, which demonstrates teachers who are taking extra steps and who should be highly valued for it. Board Members questioned the timing of the item, noting the criteria should have been agreed upon in advance of its application to layoffs and applying the criteria anonymously rather than looking at specific names on lists.

Superintendent Vital noted staff will bring this back in December for next year so there is plenty of time for Board Members to discuss their preferred order and application for March 2012.

Member Spencer motioned to approve the item with reordering as follows:
#2 – CLAD, #4 – Year of District Teaching Experience, #5 – Overall Teaching Experience, #1 – Credential, #3 – Title 1, then #6 – Random Drawing.

The motion died due to lack of a second.

MOTION: Member McMahon

SECONDED: Member Mooney

That the Board of Education approve Resolution No. 11-0018 Criteria to Determine the Order of Layoff Among Certificated Employees with the Same Date of Paid Service with the understanding that moving forward, these criteria will be brought to the Board in December for the following March 15th notices.

AYES: McMahon, Mooney, Sherratt, Tam

NOES: Spencer

Member Spencer explained that she is opposed to this item because she does not believe it is professional to bring the criteria forward for approval on the same night as the recommended layoffs. More advance notice should be given to the Board, staff and community for discussion and prioritization. Member Spencer expressed concern about the impact of these criteria on our teachers.

MOTION CARRIED

Resolution No. 11-0019 Release of Temporary Employees

Mr. Rust introduced the item. California Education Code Section 44954 requires the Governing Board to notify temporary employees in positions requiring certification qualifications of the decision to release said employees from their temporary employment contracts effective at the end of the school year and not to reelect them as employees for the succeeding school year.

Board Members discussed rehire rights and the number of temp contracts (40's) backing up our tenured teachers.

MOTION: Member Sherratt

SECONDED: Member Tam

That the Board of Education approve Resolution No. 11-0019 Release of Temporary Employees.

AYES: McMahon, Mooney, Sherratt, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 11-0020 Possible Release/Reassignment of Administrators

Mr. Rust introduced the item. The Board of Education may release or reassign certificated administrators, except those whose employment rights are strictly prescribed by a contract, provided that it serves the employee a notice by March 15th. The Board will provide certain certificated administrators with notice of possible release or reassignment.

Board Members discussed the number of administrators (13) and whether or not release and reassignment should be two separate items.

General Counsel Houck noted that administrators would receive the same notice regardless of whether it was for release or reassignment.

MOTION: Member Mooney

SECONDED: Member McMahon

That the Board of Education approve Resolution No. 11-0020 Possible Release/Reassignment of Administrators.

AYES: McMahon, Mooney, Sherratt, Tam

NOES: Spencer

Member Spencer explained that she disagrees with the decisions pertaining to this item and thus voted no.

MOTION CARRIED

Resolution No. 11-0021 Reduction of Work Year for Certificated Administrators and Unrepresented Employees

Mr. Rust introduced the item. As a result of the fiscal crisis for all California public schools, the Alameda Unified School District must take action to implement cost-savings measures designed to reduce the District's overall budget expenditure. The Board has determined that up to ten (1) furlough days or equivalent salary-related measures for all District certificated administrators and certificated unrepresented employees is in the best interest of the Alameda School District, commencing as of the 1st day of July, 2011.

Mr. Rust explained that this item is presented for approval at this special meeting because employees need to be notified by March 15th.

MOTION: Member McMahon

SECONDED: Member Sherratt

That the Board approve Resolution No. 11-0021 Reduction of Work Year for Certificated Administrators and Unrepresented Employees.

AYES: McMahon, Mooney, Sherratt, Tam

NOES: Spencer

Member Spencer explained that she believes leadership needs to start from the top and it is more appropriate to have this discussion with the Superintendent prior to bringing this item forward to the Board.

President Mooney responded that this is a \$200K savings, letters have to be issued by March 15th, and the Board has the ability to negotiate the Superintendent's contract. This is a discussion for Closed Session.

MOTION CARRIED

Resolution No. 11-0022 Reduction of Work Year for Classified Administrators, Confidential and Unrepresented Employees

Mr. Rust introduced the item. As a result of the fiscal crisis for all California public schools, the Alameda Unified School District must take action to implement cost-savings measures designed to reduce the District's overall budget expenditure. The Board has determined that up to ten (10) furlough days or equivalent salary-related measures for all District classified administrators, confidential and classified unrepresented employees is in the best interest of the Alameda School District, commencing as of the 1st of day July, 2011.

MOTION: Member Mooney

SECONDED: Member Sherratt

That the Board approve Resolution No. 11-0022 Reduction of Work Year for Classified Administrators, Confidential and Unrepresented Employees.

AYES: McMahon, Mooney, Sherratt, Tam

NOES: Spencer

Member Spencer reiterated that leadership starts from the top.

Superintendent Vital clarified that she took 8 furlough days this year just as every other employee did and will commit to taking the same number of days next year as every other employee, but that she expects to negotiate the terms of her contract in Closed Session with the Board.

MOTION CARRIED

Resolution No. 11-0026 to Support the California State Legislature’s Placement of a Revenue Extension Measure on the State-Wide Ballot

President Mooney noted the District was asked to approve a resolution in support of the revenue extension measure.

Governor Brown’s budget proposal provides for an extension of temporary revenues our students need and deserve. The Governor’s budget proposal also calls for deep cuts in special education, child development and mental health programs. All of these cuts harm students and their families, especially those most at risk.

With the passage of our local ballot measure - Measure A - this week, Alameda Unified will not be forced to close schools and make drastic program cuts. However, if these state measures are not placed on the ballot and approved by California voters, Alameda Unified will continue to be confronted with funding inequity, inadequacy and instability for the foreseeable future.

A vote to extend temporary revenues will help prevent further cuts to schools and students. The Legislative Analyst has prepared a budget scenario showing that, without this extension, K-12 funding could be cut an additional \$4.8 billion, or about \$800 per student.

Our community has also shown its commitment to K-12 education by overwhelming approving our local education parcel tax with more than 67% of the vote. Statewide, voters understand the importance of investing in education as the foundation of a strong economy and a well-educated workforce. According to a statewide Public Policy Institute of California poll, 82% of Californians oppose reductions in K-12 schools to fix California’s budget deficit.

We need great schools in California. Governor Brown says education is a priority. Alameda’s citizens have done their part to support education at the local level and we expect lawmakers to work with the Governor to protect schools from further cuts and to ensure the continued investment our students deserve.

MOTION: Member Sherratt

SECONDED: Member McMahan

That the Board approve Resolution No. 11-0026 to Support the California State Legislature’s Placement of a Revenue Extension Measure on the State-Wide Ballot.

AYES: McMahan, Mooney, Sherratt, Spencer, Tam

NOES: None

MOTION CARRIED

Ratification of Contracts Executed Pursuant to Board Policy 3300 and Resolution No. 09-0064

On October 27, 29009, the Board of Education delegated authority to enter into contracts on behalf of the Alameda Unified School District and to purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in Public Contract Code 20111 and Education Code section 17604 to the Superintendent of Schools, Chief Business Officer, Assistant Superintendent and the General Counsel.

Resolution Number 09-0064 further limited the delegation to expenditures of less than \$76,700 and required that the Board of Education ratify the contracts within sixty (6) days of incurring the expense.

The following contracts are presented for ratification:

- Professional Services Agreement Between Alameda Unified School District and Charles Clifford Solari
- Professional Services Agreement Between Alameda Unified School District GAP Technology, Inc.
- Professional Services Agreement Between Alameda Unified School District and Robert Hansen
- Professional Services Agreement Between Alameda Unified School District and Karen McMahan

Board Members asked about whether the HR work had already been completed; PTA funds paying for contracts; and math consultants.

Superintendent Vital clarified that the Solari and GAP work has been completed. With regards to the PTA funds, site PTAs and site administration make their own decisions as to how donation funds should be spent. Every school makes its own decisions about what they want to offer – some have music, art, science, etc. Each PTA is different.

Board Members questioned whether or not Title 1 funds can be used to purchase services and whether or not other sites have access to similar contracts. Board Members noted other sites should be made aware of this contract so perhaps they could observe these consultants in action to determine whether or not it's something that they themselves might be interested in.

Superintendent Vital noted that like PTA funds, categorical resources are sent to the sites. Site administration, School Site Councils, parents, teachers, and sometimes students decide how the funds will be spent. They are based on the values and theory of action at each school site and follow the single school plans.

Board Members noted they would like other school sites to be aware of what contracts are approved so that they might be able to observe or ask about specific consultants of interest in considering whether or not they would like to use them at their own sites.

MOTION: Member Mooney

SECONDED: Member McMahon

That the Board approve the Ratification of Contracts Executed Pursuant to Board Policy 3300 and Resolution No. 09-0064.

AYES: McMahon, Mooney, Sherratt, Spencer, Tam

NOES: None

MOTION CARRIED

Adjournment

President Mooney adjourned the meeting at 7:35 PM.