

BOARD OF EDUCATION
June 22, 2010
City Council Chambers
2263 Santa Clara Avenue
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 5:02 PM.

PRESENT: Jensen, Mc Mahon, Mooney, Spencer, Tam

ABSENT: None

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

ADJOURN TO CLOSED SESSION: By President Mooney at 5:02 PM to discuss:

- A-2a. Student Discipline/Expulsion/Re-admit (1 case)
- A-2b. Public Employee Discipline/Dismissal/Release – Pursuant to Subdivision 54957
- A-2c. Conference with labor Negotiators – Pursuant to Subdivision 54957.6
Agency designated representatives: Laurie McLachlan-Fry, Chief Human Resources Officer and Danielle Houck, General Counsel
Employee organizations: AEA, CSEA
Unrepresented Employees: Management, Psychologists, Behavioral Specialists, Occupational Therapists, Confidential
- A-2d. Conference with Legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9
 - (1) Balde, *et. al.* v. AUSD, *et.al.*, Case #RG 09-468037
 - (2) Robles-Wong v. State of California, Case # RG 10515768
- A-2e. Conference with Real Property Negotiators – Pursuant to Section 54956.8
 - (1) Property: Woodstock Child Development Center and Island High School
Agency Negotiators: Danielle Houck, General Counsel and Kirsten Vital, Superintendent
Negotiating Parties: United States Navy
Under Negotiation: Conveyance Agreement
- A-2f. Public Employee Performance Evaluation – Pursuant to Section 54957
Title: Superintendent

RECONVENE TO PUBLIC SESSION: By President Mooney at 6:38 PM.

CALL TO ORDER/PLEDGE OF ALLEGIANCE: Led by President Mooney and Board Members.

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

ADOPTION OF AGENDA/APPROVAL OF CONSENT CALENDAR:

MOTION: Member Spencer

SECONDED: Member McMahon

That the Board of Education adopt the agenda with the following changes: item +E-1 will be moved to the public agenda.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

CONSENT CALENDAR: The Board of Education approved the following consent items (such items are identified by a plus (+) mark in the body of the minutes):

+Classified Personnel Actions: The Board of Education approved 77 appointments (Knox, Sanchez, Chu, Bonino, Delendeck, Smith, Grissom, Bechanan, Jones, Rauen, Stewart, Garcia, Medina, Chakib, Freeman, Knox, Robinson, Tolentino, Rutherford, Pasol-Karonblum, Jones, Duvernay, Moyer, Leonard, Garcia, Weinreb, Agron, Cortez, Flores, Cohn, Nieves, Lau, Mirts, Miller, Brooks, brooks-Allen, Thorton, Sablan, Nipay, Dass, Santos, Fradella, Ramirez, Honnibal, Simon-Harris, Coakley, Chang, Carreon, Reynado, Hord, parker, Missaggia, Brassmassery, Llanos, Reyna, Bruno, Wafula, Presco, Augustine, Richard, Landry, Dagucon, Cox, Estes, Jacobs, Payopay, Cantoria, Barrett, Hsu, riddle, Pardini, Shiro, Jones, West, Maharjan, Fierro, Young, Keegan; 1 resignation (Kahuanui-Johnson); 1 termination (Driscoll); 61 changes of status (Carreon, Chang, Forbes, Lau, Li, Nieves, Allison, Anderson, Arac, Awayan, Bailey, Barbosa Jr., Barrie, Barnes, Bekele, Brown, Bruland, Cayabyab, Cintron, Crisolo, Easley, Evans, Fernandez, Fuentes, Geyer, Griffin II, Griffin, Griffin, Hegler, Hill, Ibarra, Jeandebien, Jones, Koneffklatt, Lan, Lim, Lopez-Ayllon, Macias, Maia, Mercado, Milstead, Moody, Moore, Neal-De-Stanton, Nichols, Ogbulie, Ortiz-Lactason, Padilla A., Padilla L., Rith, Robinson, Rodriques, Shaw, Sims, Soukhamthath, Takeda, Tutwiler, Bang, Wilson A., Wilson R., Young.

+Approval of Bill Warrants and Payroll Registers: The Board of Education approved warrants numbered 36411-36513, 36410-36410, 36356-36402, 36268-36354, 36355, 36262-36267, 35920, 35858, 35709, 36409.

+Resolution No. 10-0069 Authorization for Board of Education Secretary to Sign Orders Drawn on the Funds of the District

+Resolution No. 10-0070 Local Agreement for Child Development Services July 1, 2010 through June 30, 2011 CCTR-0001

+Resolution No. 10-0071 Local Agreement for Child Development Services July 1, 2010 through June 30, 2011 CSPP-0001

+Approval of District Parental Involvement Policy for 2010-2011

+Resolution No. 10-0072 Authorization for the Superintendent to Extend Offers of Employment During the Summer

+Approval of 2010/11 Consolidated Application for Funding Categorical Programs, Part I

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

+Approval of Waiver of 2009 Title I/Title I ARRA Requirements

+Approval of Revised Job Description for Administrative Assistant, Business and Legal Services

+Single School Plans for Student Achievement

+Resolution No. 10-0073 Acceptance of Bid for Bay Farm Elementary – Replacement of Fire Alarm System

+Resolution No. 10-0074 Acceptance of Bid for Modernization of Adult School – Replacement Window Project, Phase 4 and 5

APPROVAL OF MINUTES: Minutes of the regular meetings of June 8, 2010 and the corrected minutes of May 25, 2010 were postponed as requested by Member Spencer.

COMMUNICATIONS:

Written correspondence: An e-mail dated June 22 from Kemiko Talon regarding WCDC and an e-mail dated June 22 from Mary Gamble regarding Encinal High School.

Superintendent’s Report: Superintendent Vital reviewed follow-up items from previous meetings, site visits, other news, and introduced new administrators.

Oral Communications:

Kevin Gorham, Encinal High School Teacher, read a statement from Principal Mike Cooper about his change of status.

Several parents and students: Deisha Moore, Andy Huntoon, Elaine Spencer, addressed the Board regarding the change of status of Principal Mike Cooper from Principal at Encinal to Assistant Principal at Wood Middle School.

Calendar Review: President Mooney reviewed the calendar of events for Board Members.

Closed Session Action Report: There was no action taken in Closed Session.

CERTIFICATED PERSONNEL ACTIONS

This item was pulled from the consent agenda. President Mooney noted specifics of this item were discussed in Closed Session and those discussions must remain confidential. Public discussion and comments must be kept to a minimum in accordance with Board Bylaws and the law.

MOTION: Member Spencer

That the Board remove the change of status for Mike Cooper from Principal, Encinal High to Assistant Principal, Wood Middle School.

The motion failed due to lack of a second.

MOTION: Member McMahon

SECOND: Member Jensen

That the Board approve the certificated personnel actions as presented.

The Board discussed the concern expressed by the community members and thanked Mr. Cooper for his service at Encinal High School. The Board further discussed the meeting held at Encinal High School Monday evening and the feedback shared, as well as the increase in Encinal API scores from a 4 to a 9 in the similar schools ranking, the only high school in AUSD to have a 9. Amelia Earhart Elementary is the only other AUSD school to obtain a 9.

AYES: Jensen, McMahon, Mooney, Tam

NOES: Spencer

MOTION CARRIED

EMPLOYEE OF THE MONTH

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced the item. The employee recognition program is a district-wide program to promote a greater appreciation of District employees and to publicly honor special employees for outstanding service which directly or indirectly contributes to students in the Alameda Unified School District. Each month, at the Board of Education meeting, those employees selected will be recognized by the Board with a presentation by the President of the Board and the Superintendent of Schools. The persons so honored are:

Michael Haddon, Otis

Audrey Hyman, Otis

Sophie McClish, Otis

Victoria Varghese, Otis

Sasha Zeldin, Otis

Rose Jackson, Otis

Diana Kenney, teacher on Special Assignment – Technology Services

Ms. McLachlan-Fry introduced Principal Shirley Clem and Technology Director Jess Stephens who read the nominations for the employees.

Board Members thanked the employees for their service.

APPROVAL OF RESOLUTION NO. 10-0075 TO ADOPT A REVISED CATEGORICAL FLEXIBILITY FOR FISCAL YEAR 2009/10

Robert Shemwell, Chief Business Officer, introduced the item. The 2008/09 California State Budget authorizes school districts to use funding received from the state for Tier III programs for any educational purpose, to the extent permitted by state law. The flexibility to transfer funds from these programs is authorized from the current year through 2012/13 by Education Code 42605.

Education Code 42605(a) cites with few exceptions the authority for school districts to use the formerly Restricted State funding sources for “any educational purpose.” In turn, these apportionments in 2008/09 and continuing through 2012/13 will be provided with an unrestricted designation and are to be deposited into unrestricted revenue accounts.

Education Code 42605(c)(2) indicates that, as a condition of receiving these funds, the Governing Board shall conduct a public hearing and “shall take testimony from the public, discuss, and approve or disapprove the proposed use of funding and make explicit the purposes for which the funds will be used.”

The enacted 2008/09 California State Budget reduces funding to education. Education Code Section 42605 provides school districts the flexibility to transfer funds from Tier III programs to other education programs for any educational purpose as deemed necessary.

At two prior Board of Education meetings, the Board held a Public Hearing to “flex” funds from the 2008/09 and 2009/10 Tier III programs. Staff seeks to *flex* all 2008/09 and 2009/10 Tier III categorical. Categorical funds for 2009/2010 have been allocated by their intended use per Board adopted on May 12, 2009.

Board Members discussed how the funds would be spent and accounted.

President Mooney opened the Public Hearing at 7:20 PM . Hearing no public comment, President Mooney closed the Public Hearing at 7:20 PM.

MOTION: Member Jensen

SECOND: Member Tam

That the Board approve Resolution 10-0075 as submitted.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

APPROVAL OF RESOLUTION NO. 10-0076 TO ADOPT CATEGORICAL FLEXIBILITY FOR FISCAL YEAR 2010/11

Mr. Shemwell introduced the item. The 2008/09 California State Budget authorizes school districts to use funding received from the state for Tier III programs for any educational purpose, to the extent permitted by state law. The flexibility to transfer funds from these programs is authorized from the current year through 2012/13 by Education Code 42605.

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The Board now holds a Public Hearing to accept the funds and use the flexibility provision for the 2010/11 Tier III categorical funds. Categorical funds for 2010/11 have been allocated by their intended use.

The Board discussed carryover amounts, clarified 9th grade class size reduction, explained acronyms and explained PAR, TIIG and SLIG programs, the allocation to school sites, and funding formulas, the elimination of the CBET and GATE programs. The Board further discussed the mission of supporting K-12 education. The Board discussed the impact to Adult Education if funds were used to cover the GATE program at a cost of \$65K.

President Mooney opened the Public Hearing at 7:45 PM. Hearing no Public Hearing, President Mooney closed the Public Hearing at 7:45 PM.

MOTION: Member Jensen

That the Board approve Resolution 10-0076 with the following change: reduce the amount allocated to the adult school to \$555,248 in order to retain the GATE program at \$64,886.

The Board discussed the professional development allocation, and programs which provided direct assistance to K-12 education.

Mr. Shemwell clarified that the Resolution only agrees to flex the entire dollar amount; specific cuts will be covered in the next agenda item.

Member Jensen withdrew her motion.

MOTION: Member Spencer

That the Board approve Resolution 10-0076 as presented.

SECOND: Member McMahon

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

APPROVAL OF RESOLUTION NO. 10-0077 TO ADOPT FINAL BUDGET CUTS FOR 2010/11

Mr. Shemwell introduced the item. Education Code 42127(a) and (b) requires that school districts file an adopted operating budget for all funds with the County Superintendent of Schools by July 1 of each fiscal year and that a Public Hearing be held prior to the adoption of the budget.

At the June 9th Board meeting, staff presented a third interim update and a preview of the multi-year projection and proposed cuts for the 2010/11 budget year.

The Board discussed previously Tier III cuts, elimination of programs, and furlough days.

President Mooney opened the Public Hearing at 7:59 PM. Hearing no public comment, President Mooney closed the Public Hearing at 7:59 PM.

MOTION: Member Jensen

SECOND: Member Spencer

That the Board approve Resolution 10-0077 with the following change: reducing the Adult School allocation by \$64,885 to retain the GATE program.

Board Members discussed other possible tradeoffs to retain GATE program other than decreasing the Adult School allocation, the “tipping” point for the Adult School budget, professional development funding, the elimination of 9th grade class size reduction, and math initiative program funding.

Mr. Shemwell noted the Board could pass the Resolution with instruction to staff to look at ways to restore GATE funding.

Member Jensen amended her motion:

MOTION: Member Jensen

SECOND: Member Spencer

That the Board approve Resolution 10-0077 with the Superintendent’s program recommendations and retaining the GATE program with funds from the Adult School program, as long as the Adult School program can remain successful.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

MEASURE E PRELIMINARY REPORT ON ELECTION RESULTS

President Mooney shared preliminary results of Measure E. Unfortunately, although a super-majority of Alameda residents support Measure E, it does not meet the 2/3 majority vote requirement. We are at 65.4%. The arcane 2/3 vote rule is difficult to surpass, particularly in these tough economic times.

President Mooney added the Board and Superintendent placed the Measure on the ballot to ensure that every step was taken to prevent the budget cuts we’re talking about right now and will be in the immediate future. The State of California has put us all in this lifeboat together.

President Mooney and Superintendent Vital thanked all the community volunteers for their efforts and work on the campaign.

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION 860 RATIFICATION OF FURLOUGH

Ms. McLachlan-Fry introduced the item. CSEA 860 and AUSD have agreed to a Memorandum of Understanding (MOU) which reflects the “Budget Reductions” for the 2010/11 fiscal year, if Measure E does not pass in the June 22nd elections.

In the event Measure E does not pass, for the fiscal year 2010/2011 only, in lieu of implementing unit-wide partial layoffs, bargaining unit employees shall be required to take up to eight (8) unpaid, non-work “furlough” days with specific days to be identified and mutually-agreed upon between the District and CSEA 860.

MOTION: Member Spencer

SECOND: Member McMahon

That the Board approve the CSEA 860 ratification of furlough item as presented.

Board Members thanked CSEA 860 for their cooperation and support during these trying economic times and discussed keeping the 8 days from impacting the instructional time for students as much as possible.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION 27 RATIFICATION OF FURLOUGH

CSEA 27 and AUSD have agreed to a Memorandum of Understanding (MOU) which reflects the “Budget Reductions” for the 2010/11 fiscal year, if Measure E does not pass in the June 22nd elections.

In the event Measure E does not pass, for the fiscal year 2010/2011 only, in lieu of implementing unit-wide partial layoffs, bargaining unit employees shall be required to take up to eight (8) unpaid, non-work “furlough” days with specific days to be identified and mutually-agreed upon between the District and CSEA 27.

MOTION: Member Spencer

SECOND: Member McMahon

That the Board approve the CSEA 27 ratification of furlough item as presented.

Board Members thanked CSEA 27 for their cooperation and support during these trying economic times.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

RATIFICATION OF MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ALAMEDA EDUCATION ASSOCIATION (AEA) REGARDING EAST BAY REGIONAL OCCUPATION PROGRAMS (EBROP)

Ms. McLachlan-Fry introduced the item. Negotiating teams for the Alameda Unified School District and the Alameda Education Association (AEA) have negotiated a Memorandum of Understanding (MOU) regarding Career Technical Education effective July 1, 2009 – June 30, 2012. The District is no longer providing Career Technical Education (CTE) to high school students through a Regional Occupational Program (ROP) and that the District has instead, consistent with the requirements of California law, contracted with the East Bay Regional occupational Program (East Bay ROP) to provide CTE opportunities for District high school students. East Bay ROP is a Joint Powers Authority between the District and Oakland Unified School District.

These negotiations have resulted in a tentative agreement which the Alameda Education Association unit members (AEA) have ratified.

Patricia Sanders, AEA President, addressed the Board and expressed appreciation for the negotiations process and importance to AEA members.

Board Members discussed program offerings, and rights/protections of teachers for specific programs.

MOTION: Member Spencer

SECOND: Member McMahon

That the Board approve the Ratification of MOU with AEA Regarding EBROP as presented.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

MEASURE C MODERNIZATION/CONSTRUCTION UPDATE – EXPENDITURES

Mr. Shemwell introduced the item. Measure C was passed in March 2004. A comprehensive listing of facility needs and tentative facility projects by site was provided and staff provided a report to inform the Board and the community of the current status of the program.

Robbie Lyng, MOF Director, introduced Judge Bartalini, member of the Measure C Oversight Committee, who provided the report.

The Board discussed seismic retrofitting of AHS and state growth funds.

APPROVAL OF RESOLUTION NO. 10-0078 INTENT TO LAYOFF AND/OR REDUCE CLASSIFIED EMPLOYEES

Ms. McLachlan-Fry introduced the item. California Education Code Sections 45117 sets forth dates and procedures by which the Board of Education must express its intent to reduce or discontinue particular kinds of services and give notice to classified employees that their services may not be required for the 2010/11 school year.

Board Members discussed the state funding issue, providing services to children currently enrolled in WCDC, the possibility of flexibility from the state based on funding, and working with Special Ed for special needs students.

Carol Barton, WCDC Director, explained that full-day preschool for 3-4 year olds would still be funded. Programs may need to be moved directly out to the school sites in order to provide services.

Board Members asked about participant income levels, age groups, program components, state qualifications, pay scale, service to special education students and WCDC as the sole service provider for families in this income bracket.

MOTION: Member McMahon

SECOND: Member Tam

That the Board approve Resolution No. 10-0078 as presented.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

RESOLUTION NO. 10-0080 – INTENT TO DISMISS CERTIFICATED (WCDC) EMPLOYEES DUE TO REDUCTION IN LACK OF WORK AND/OR LACK OF FUNDS FOR THE 2010/11 SCHOOL YEAR

Ms. McLachlan-Fry introduced the item. California Education Code Section 8366 set forth procedures by which the Governing Board of Education must express its intent to layoff any employee required to have a child development permit at any time during the school year for lack of work or lack of funds and give notice to affected certificated employees that their services may not be required for the ensuing school year.

The May State Budget Revision proposes major cuts to many state-supported child care programs as part of the elimination of the California Work opportunities and Responsibility to Kids (CalWORKs), but federal funding for child care, state and federal funding for preschool programs are not proposed for cuts. Under the Governor’s proposal, the funding is completely eliminated in some cases and programs survive in other cases, but at greatly reduced levels based on support from federal funding. These layoffs are a necessity for pending state budget adoption or legislative action.

MOTION: Member Spencer

SECOND: Member McMahon

That the Board approve Resolution No. 10-0080 as presented.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

BOARD MEMBER REPORTS

President Mooney noted he attended the graduations and enjoyed participating.

ADJOURNMENT

President Mooney adjourned the meeting at 9:05 PM.