



Alameda Unified School District
Excellence & Equity For All Students

Superintendent's Office
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April 13, 2009

I'd like to thank everyone for their feedback on the February Superintendent's message and let you know that during the school year, I will keep you updated monthly on important issues facing our schools. As always, I welcome your comments, questions, and suggestions via email at kvital@alameda.k12.ca.us or by phone at (510) 337-7060.

This month, in addition to updates on the budget and Measure H, I feel it is important to take the time to talk about another important issue that AUSD is working to address: our responsibility as a school district, and as a school community, to ensure that all students and their families feel safe and welcome.

Update on Measure H

As you may know, in August 2008, two Alameda taxpayers brought separate lawsuits against the District to invalidate Measure H.

On March 17th, Judge Kenneth Mark Burr of the Alameda County Superior Court denied Plaintiffs' motion for summary judgment in the case of *Borikas et al v. Alameda Unified School District*. Plaintiffs in the *Borikas* case have been seeking to overturn Measure H, the parcel tax supporting Alameda schools that was passed by 66.9% of Alameda voters in June 2008.

In the March 17th ruling, the judge determined that the plaintiffs had failed to present evidence that Measure H violates Government Code section 50079, which governs how special tax rates are applied. Specifically, the ruling stated: "*The Court finds that Plaintiffs have not shown that the special tax imposed by Measure H violates the uniformity requirement of Government Code section 50079.*"

Judge Burr also determined that the plaintiffs had failed to demonstrate that exemptions for certain properties owned by seniors and persons receiving supplemental social security disability income are invalid. Specifically, Judge Burr stated, "*The provisions in Measure H imposing requirements on those seeking exemptions do not violate Government Code section 50079.*"

The plaintiffs had requested summary judgment to preclude a trial. The March 17th denial of summary judgment clears the way for the case to proceed to trial before the same judge.

Additionally, the judge consolidated a second lawsuit against Measure H, *Beery et al v. AUSD*, with the *Borikas* case due to the similarity of claims. The judge has set a September 17th trial date for the consolidated actions.

Information on the court cases can be found online. The link to the court website is at <http://apps.alameda.courts.ca.gov/domainweb/html/index.html>.

The case number for Beery is RG08405984. The case number for Borikas is VG08405316.

AUSD will continue to vigorously defend Measure H.

Budget Update

Our 2009-2010 multi-year projection is complete, with a gap of approximately \$5 million, which we project to close with funds from Measure H and by taking advantage of the flexibility that districts have been temporarily granted by the state to move funds between budget categories. Because of Measure H, drastic cuts have been averted, and there are no plans at this time to close schools.

However, it is important to note that the state budget will be subject to revision by the Governor in May under what is called the "May Revise." At that time, it is possible that further funding cuts may be made by the state. Because of the uncertainty this creates, we must prepare for the possibility of further cuts.

Unfortunately, due to a 20% cut in categorical funding from the state, on March 13 the District sent 103 layoff notifications to AUSD staff, including temporary and probationary teachers, administrators and categorically funded certificated positions, all for the 2009-2010 school year. The timing of the layoff notification was dictated by our obligation to provide a certain period of notice under state education code. However, it is our intention to rescind some or all of these recent notifications if the May Revise numbers permit. Ensuring adequate staffing under unreliable state funding is just one of the many challenges that we and other districts face, and even more so in a poor economy.

Additionally, the District has opened negotiations with AEA (Alameda Education Association, representing our teachers) to allow us the option of negotiating modifications in their current contract to allow us some flexibility due to the current funding concerns.

The final budget is scheduled to go before the Board on June 23rd. In the meantime, we will continue to meet with the community, staff, and school board to discuss and plan for any potential impacts of further cuts.

AUSD Master Plan Process to Begin

AUSD has made more than \$7 million in cuts over the last 7 years and each year, we find ourselves grappling with the challenge of providing quality education with greater funding challenges. It is time for the District to look at ways to become more financially sustainable. In addition, as evidenced by the current kindergarten enrollment numbers, it is also time for the District to develop a plan to address demographic changes. At the March 24th meeting, I proposed to the Board that we begin the Master Plan process, to be completed by this December to address curriculum, facilities and the district's financial stability. This will be a public process that will include community workshops and public input. I will let you know more details about this process as we move forward.

"Safe Schools" Curriculum: Addressing Issues of Sexual Orientation and Gender Identity

Achieving AUSD's goal of *Excellence and Equity for All Students* cannot be accomplished without providing a safe and welcoming atmosphere for all students. That includes protections against harassment of all kinds, including harassment based on actual or perceived sexual orientation and gender identity of our staff and our students, their families and associates. Studies show that this type

of harassment increases the risk for: lower attendance rates and grades, a higher dropout rate, increased alcohol and drug use, and suicidal thoughts in students.

Harassment of any kind has no place in AUSD. Students, their families, and staff have the right to feel safe and respected at school. Developing policies, procedures and curriculum to prevent, identify and address harassment is the right thing to do, and it is the law.

In addition to each student's constitutional right to equal protection, state laws passed in 2000 (AB 537—the Student Safety and Violence Prevention Act) and 2007 (AB 394—Safe Place to Learn Act) require public schools to protect students from discrimination and harassment based on actual or perceived gender, gender identity, and sexual orientation. School districts are responsible for developing their own plans for compliance and are subject to monitoring by the California Department of Education. Schools found to be out of compliance have been subject to lawsuits, monetary settlements, and consent decrees that require them to take corrective action.

In 2008, prior to my hiring, the district convened a task force to develop recommendations towards implementing policy and procedures to ensure our district is in compliance. The task force conducted research on lesbian, gay, bisexual, and transgendered (LGBT) bias and harassment in our schools and researched policies and curriculum.

Since January of this year, the task force held community meetings at Otis and Washington in February, and most recently at Bay Farm, Ruby Bridges and Earhart. At these meetings, options for the curriculum were presented and discussed, and feedback from the community was received. Many have also written directly to the district with comments and concerns about the curriculum. It is apparent to me that there needs to be clarification about the process of moving forward, and what the curriculum will and will not include.

Since the first two community meetings at Otis and Washington in February, working with the LGBT committee I revised the matrix of lessons and materials and eliminated some of the materials that were presented. More recently, I incorporated the additional input we received at the March community meetings and met with principals and teachers to refine the lessons further. (The draft proposed curriculum will be found on the AUSD website <http://www.alameda.k12.ca.us/> after Friday, April 23.)

First, it is my job as Superintendent to have staff draft the proposed curriculum. I will then ask the Board of Education to adopt my recommendation. The Board will have the option of accepting what I propose, or, they could vote to reject what I recommend and make recommendations to me on what they feel are appropriate alternatives. No curriculum will be taught without at least three things happening: 1. a public hearing on the proposed curriculum, 2. my recommendation on the curriculum, and 3. a board vote on that proposed curriculum, all of which will be publicly noticed. The following meetings are the next steps in the process, all of which will take place at regular board meetings:

- **April 28, 2009:** Update to the Board of Education on the work thus far and synthesis of the community feedback
- **May 12, 2009:** Information and Public Hearing on the Proposed Supplemental Adoption of Safe Schools Curriculum Addressing Sexual Orientation and Gender Identity
- **May 26, 2009:** Action by the Board of Education on the Proposed Supplemental Adoption

We have reviewed the feedback, held focus groups with principals and are about to begin focus groups with teachers. We are revising the lessons to reflect Alameda's community. In addition, I want to clarify that this will be the 9th lesson added to the Caring Schools Community curriculum at

Unlike ongoing subjects such as math or reading, the lesson will consist of no more than one single lesson for each grade level, for grades K-5. The lesson will be taught during the first three months of the school year as the 9th lesson of Caring Schools curriculum.

I appreciate the time that so many in the community have taken to provide input on the proposed curriculum and process, and I look forward to that continued dialogue as we move towards implementation.

Please be assured that in this process, I am looking for opportunities to achieve consensus. Where I find such opportunities, I am working towards facilitating agreement within the framework of meeting our responsibility of providing a safe and welcoming atmosphere and achieving legal compliance.

However, I am aware that many in the community have strong feelings about this issue, and not everyone is going to be pleased with the outcome of whatever policy is implemented. As we move forward, I ask everyone to keep in mind our responsibility as a district for providing a safe and welcoming environment for all students, and our obligation to develop policy and a curriculum that we believe best enables us to protect the rights of all our students, their families, and staff.

Once again, thank you for your continued interest in Alameda schools, and I welcome your feedback.

Sincerely,



Kirsten Vital
Superintendent