

**BOARD OF EDUCATION**  
**March 9, 2010**  
**Alameda City Hall 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 5:03 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 5:03 PM to discuss:

- A-2a. Student Discipline/Expulsion/Re-admit (4 cases)
- A-2b. Public Employee Discipline/Dismissal/Release – Pursuant to Subdivision 54957  
Resolution No. 10-0029 Non-Reelection of Probationary Certificated Employees  
Resolution No. 10-0030 Approval of Release/Reassignment of Certificated Administrators
- 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  
Beery et. al. v. AUSD, and Borikas, et. al. v. AUSD consolidated Case #RG 08-405984  
Balde, et. al. v. AUSD, et. al., Case #RG 09-468037  
Kerry Cook and Serena Dietrich v. AUSD, Case #RG 10-498999
- A-2e. Conference with Real Property Negotiators – Pursuant to Section 54956.8  
Property: Alameda Point  
Agency Negotiators: Danielle Houck, General Counsel and Kirsten Vital, Superintendent  
Negotiating Parties: SunCal, Inc.  
Under Negotiation: price, terms of payment
- A-2f. Public Employee Performance Evaluation – Pursuant to Section 54957  
Title: Superintendent

**RECONVENE TO PUBLIC SESSION:** By President Mooney at 6:33 PM.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Led by Lincoln Middle School students.

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

**ADOPTION OF AGENDA/APPROVAL OF CONSENT CALENDAR:**

**MOTION: Member McMahon**

**SECONDED: Member Spencer**

That the Board of Education adopt the agenda with the following changes: pull E-4 and make F-11.

**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):

**+Certificated Personnel Actions:** The Board of Education approved 1 retirement (Russell); 2 resignations (Kruse, Paw).

**+Resolution No. 10-0028 Release of Temporary Employee(s)**

**+Approval of Bill Warrants and Payroll Registers**

**+Resolution No. 10-0035 Approval of Support for the City of Alameda's Application to Participate in Google's Fiber for Communities Trial**

**+Season for Non-Violence: Daily Reading for March 9, 2010**

**+Approval of Board Policy Revisions: BP 3270 – Sale and Disposal of Books, Equipment and Supplies; BP 3280 – Sale or Lease of District-owned Real Property; BP 3580 – District Records; BP 6111 – School Calendar; BP 6145 – Extracurricular and Co-curricular Activities; Bp 6145.2 – Athletic Competition; BP 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities**

**+Approval of Board Policy 6173.2 Education of Children of Military Families**

**+Approval of Measure C Project (Adult School Windows)**

**+Approval of Alameda High School Music Department's Trip to Boston, April 8 – 11, 2010**

**+Approval of Lincoln, Wood, ACLC Close-Up Field Trip to Washington, D.C. , May 21 – 28, 2010**

**+Approval of Williams Uniform Complaint Quarterly Report**

**+Resolution No. 10-0029 Non-Reelection of Certain Certificated Employee(s)**

**APPROVAL OF MINUTES:** Minutes of the regular meeting of February 23, 2010 were considered.

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That the Board of Education approve the minutes of the regular meeting of February 23, 2010.

Member Jensen asked for clarification on the format of the minutes. General Counsel explained that the minutes are now compliant with Board Policy. Member Jensen requested that the Board Policy Subcommittee review the policy and consider revising the policy so that the minutes continue to reflect which Board Member made what statement. Member Spencer agreed.

Superintendent Vital noted this Board Policy will be placed on the agenda for the next Board Policy Subcommittee meeting on March 26.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam

**NOES:** None

**MOTION CARRIED**

**COMMUNICATIONS:**

**Written correspondence:** None at this time.

**Superintendent's Report:** Superintendent Vital noted the Special Board meeting on March 2 where the Resolution for a mail-in ballot was approved and the Board voted 4:1 to accept the Memorandum of Understanding with the Alameda Education Association; follow-up from the last Board meeting; a recap of site visits; and upcoming meetings.

**Oral Communications:**

*Judy Blank, community member,* addressed the Board on behalf of the Alameda Education Foundation to encourage community members to attend "Miracle in a Box" this Sunday, March 14 at Auctions by the Bay.

*Rosemarie McNally, part-time adult school teacher,* shared a letter written by Kelly Alterman and signed by 20 teachers and clerical staff at the adult school supporting and appreciating principal Tom Orput's efforts.

*Patricia Sanders, AEA President,* noted the teachers did come to an agreement in the form of the MOU that was passed, but it did not change the underlying contract language. Cuts may not have to be permanent if the community joins us in keeping public education alive by supporting the parcel tax. Teachers want to see a solid, quality education in Alameda.

President Mooney thanked AEA and the teachers for supporting the MOU.

*Bhaani Singh, EHS student,* provided a report on activities in the absence of Student Board Member Mooney noting the spring musical "West Side Story" will be opening in March; 3/30 blood drive; 3/31 staff appreciation breakfast; 3/27 crab feed; AP fundraiser by selling coffee and hosting Otaez nights.

**Board Oral Communications:**

Member Jensen read the Season for Non-violence daily reading for March 9, 2010 and encouraged students to participate in the upcoming speech contest.

Member Spencer noted the Miracle League St. Patty's Day Dash this Saturday.

**Student Board Member Comments:**

Student Board Member Datuin from ASTI noted the scholarship dinner; annual spelling bee; WASC visit.

Student Board Member Gamalinda from Island noted the hex ends Friday; 18 new students on Monday; leadership working on spirit week; Tiki Times; in negotiations to produce “Grease”; audition dates to be announced later.

Student Board Member Inlow from Alameda noted the spaghetti feed; blood drive; club Olympics; SSC meeting; AP fees; junior prom; “Peter Pan” spring musical; Hawaiian Drive Thru fundraiser on 3/12; Diversity Committee.

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

**Closed Session Action Report:** President Mooney reported that the Board took action to approve Resolution No. 10-0029, Non-Reelection of Probationary Certificated Employees by a vote of 5:0 and Resolution No. 10-0030 Approval of Release/Reassignment of Certificated Administrators by a vote of 4:1 (Spencer).

### **Highlighting AUSD Schools –Lincoln Middle School**

Principal Nicole Williams-Browning and Assistant Principal Babs Freitas provided an overview of the comprehensive programs at Lincoln that serve all of their learners, including academics, ELA, art docent project, math, electives, band, lifelong guidelines, social activities, after-school support, enrichment, Close-Up, travel abroad, learning by doing, and preparing for college.

A Board Member requested to hear more about the specific anti-bullying activities and assemblies Lincoln has had at a future Board meeting.

### **Academy of Alameda Middle School Charter – Timeline Updates and Recommendations**

On December 15, 2009, the Board of Education approved the charter petition for the Academy of Alameda Middle School. On February 23, 2010, the Board also heard an update on the implications to the District related to the charter’s opening in the fall.

Debbie Wong, Assistant Superintendent of Education Services, provided more information on the Newcomer program, possible school closure, school attendance boundaries, K-6 model, and transportation in order to make decisions on the impact of the charter school. The corresponding PowerPoint presentation is available on the District’s website.

The Board discussed the Newcomer program enrollment and from what neighborhoods/areas the majority of the students reside and where the Newcomer program would be located in the future.

A Board Member asked about AAMS outreach to parents who still have not applied and asked about the certainty of applications already submitted. Staff noted that parents can pull an application at any time, but since the school is not fully enrolled, all students who have applied will be accepted.

A Board Member asked about how many students who have applied are inter-district students and how many current Chipman students are already inter-district students. Staff noted inter-district information has previously been provided, but would check to see if any information has changed. The Board Member requested a breakdown of inter-district students by grade level.

The Board discussed outreach to parents and whether or not parents were given the option to stay at Chipman if they did not want to enroll at AAMS. Was K-8 option considered for Washington or Paden? Board Members discussed surveying parent interest in a K-8 configuration at either Washington or Paden. Staff noted Washington could be a K-6, but the 6<sup>th</sup> grade would be in a self-contained classroom and different than traditional middle school.

A Board Member requested a breakdown of Newcomers, information on a K-8 at Washington with a Newcomer class, and further exploration of at least a K-6 option at Washington.

A Board Member noted Washington was a K-8 in the past, and there would be some tradeoffs necessary to make that work. Master scheduling, combo classes, and limited elective options are all complex issues that would need to be worked out.

Staff noted research will be done and it is not unreasonable to consider growing a 6<sup>th</sup> grade moving forward. Staff will do a survey on K-8 on the West End and outreach to parents.

**Resolution No. 10-0031 Reduction in Work Year for Certificated Administrators and Certificated Unrepresented Employees**

Laurie McLachlan-Fry, Chief Human Resources Officer, 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 of Education has determined that the use of eight (8) furloughs 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 1<sup>st</sup> day of July, 2010.

The Board discussed which 8 days would be used. General Counsel noted the 8 days are not specified; they could be instructional or non-instructional days. The Board would have to take action to approve the specific days in the future.

**MOTION: Member Tam**

**SECONDED: Member Mooney**

That the Board of Education approve Resolution No. 10-0031 Reduction in Work Year for Certificated Administrators and Certificated Unrepresented Employees.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam

**NOES:** None

**MOTION CARRIED**

**Resolution No. 10-0032 Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2010/2011 School Year**

Laurie McLachlan-Fry, Chief Human Resources Officer, 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.

*Patricia Sanders, AEA President*, reminded the public how trying these times are and how many personnel actions are being considered this evening. This is an incredibly stressful time; parents and community members, please offer your support and reach out to teachers.

The Board discussed ROP teacher status, increasing class size, charters, and administrative services.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the Board of Education approve Resolution No. 10-0032 Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2010/2011 School Year.

**AYES:** Jensen, McMahon, Mooney, Tam

**NOES:** Spencer

**MOTION CARRIED**

President Mooney moved item E-4 to this point in the agenda for consideration.

**Resolution No. 10-0027 Criteria to Determine the Order of Termination Among Certificated Employees with the Same Date of Paid Service**

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced the item. The Board finds that to make effective release of employment decisions, objective criteria must be established. This will ensure that District employees are treated fairly and equitably. The purpose of adopting criteria for determining seniority for certificated employees who have the same date of initial employment in a probationary position is solely on the basis of the needs of the District and the students thereof, in compliance with Education Code Section 44955.

*Patricia Sanders, AEA President*, addressed the Board noting concern about being equitable and fair, as some criteria seems to have a certain amount of subjectivity and random chance related to it, which may wind up being a tie-breaker.

The Board discussed the criteria and how it is weighted based on different types of certification and experience. Staff noted we really do value the experience as outlined in the criteria; when you've taught at a Title 1 school, it is a different kind of experience in terms of the students you're working with and the work you're doing. We have identified this as a real asset in this District.

A Board Member expressed concern about granting points for Title 1 experience. This may encourage teachers to teach at certain schools and not others. EHS meets the population requirements for Title 1 designation, but the Board has decided to not designate it as such. So, awarding teachers points for teaching at only designated Title 1 schools is inconsistent. Also, you can have the same student demographic population, yet that teacher won't receive the tie-breaker point.

**MOTION: Member McMahon**

**SECONDED: Member Jensen**

That the Board of Education approve Resolution No. 10-0027 Criteria to Determine the order of Termination Among Certificated Employees with the Same Date of Paid Service.

**AYES:** Jensen, McMahon, Mooney, Tam  
**NOES:** Spencer

**MOTION CARRIED**

**Resolution No. 10-0033 Reduction in Work Year Due to Lack of Work/Lack of Funds of Classified Management, Confidential and Classified Unrepresented Employees**

Laurie McLachlan-Fry, Chief Human Resources Officer, 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 of Education has determined that the use of eight (8) furloughs or equivalent salary-related measures for all District classified management, confidential and classified unrepresented employees, is in the best interest of the Alameda School District, commencing as of the 1<sup>st</sup> day of July, 2010.

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That the Board of Education approve Resolution No. 10-0033 Reduction in Work Year Due to Lack of Work/Lack of Funds of Classified Management, Confidential and Classified Unrepresented Employees.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam  
**NOES:** None

**MOTION CARRIED**

**Amendment to Superintendent's Contract to Reduce Work Year**

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 the use of eight (8) furloughs or equivalent salary-related measures for all District certificated and classified management, confidential and certificated and classified unrepresented employees, is in the best interest of the Alameda School District, commencing as of the 1<sup>st</sup> day of July, 2010.

Article II of the Contract of Employment executed between The Alameda Unified School District and the Superintendent states that any adjustment to the Superintendent's salary shall be memorialized in an amendment to the Contract and effective upon mutual assent of the parties.

A Board Member noted that the Superintendent earns approximately \$200K per year and has a 3% automatic annual increase based upon satisfactory performance.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the Board of Education approve the Amendment to the Superintendent's Contract to Reduce Work Year.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam  
**NOES:** None

**MOTION CARRIED**

**Resolution No. 10-0034 To Adopt 2009/10 Second Interim Financial Report and Strategic Budget Reduction Recommendations**

Robert Shemwell, Interim Chief Financial Officer, introduced the item. The Alameda Unified School District is required to file two Interim Financial Reports. The First Interim was approved on December 8, 2009. The Second Interim is now being presented for approval.

On March 2, 2010, staff reported on the financial status of the District as well as shared scenarios to help maintain a positive ending balance across a three-year multi-year projection. In addition, staff reported on the need to put a parcel tax on the ballot in June to support the ongoing fiscal health of the District in the upcoming multi-year projections.

Mr. Shemwell reviewed the Multi-Year Projections and Assumptions, Funded Revenue Limit vs. Base Revenue Limit, Changes from the First Interim to the Second Interim, Components of the Fund Balance, Multi-Year Projections and Major Assumptions, Revenue and Expenditure, Multi-Year Projections with a Parcel Tax, Proposed Strategic Cuts (with Parcel Tax), Multi-Year Projections with no Parcel Tax, Proposed Strategic Cuts (with no Parcel Tax), Outstanding issues that could possibly impact the budget, and Current Parcel Tax Uses. The correspondence PowerPoint is available on the District's website.

The Board discussed the base revenue limit decrease and varying state funding levels, as well as clarifying language in the Master Plan regarding revenue actually received.

The Board asked for clarification around Tier 3 categorical balances (hard freeze). Staff noted these are dollars allocated to the sites and currently with a balance. We would institute a hard freeze immediately. That does leave us with money to support sites with those emergency items and critical items to get them through the end of the year.

A Board Member asked for information about what sites would be impacted. Staff noted all items will be brought back on May 10 for approval for the final cut list. This presentation outlines where these particular cuts could come from.

A Board Member asked for a list of stipends and what consultants the District has and how much they are paid. Staff noted the majority of consultants are funded out of categorical restricted dollars, which would be of no help to us in this particular scenario.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the Board of Education approve Resolution No. 10-0034 to Adopt 2009/10 Second Interim Financial Report and Strategic Budget Reduction Recommendations.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam

**NOES:** None

**MOTION CARRIED**

**Proposed Special Meeting Dates for Parcel Tax Review and Approval**



In order to ensure timely approval of a parcel tax resolution for placement on the ballot on June 22, 2010, the Board needs to determine how many special meetings to conduct between March 9 and March 23. Possible dates for special meetings include March 15, March 18, and March 22.

The Board discussed the timeline needed to get paperwork to the County should the Board approve placing a parcel tax on the ballot.

The Board committed to meeting on March 15, with March 18 as an additional backup date if necessary. Closed Session will be held from 5:00 PM – 5:30 PM with the public session at 6:00 PM. Documents will be posted by the preceding Friday.

### **Board Member Reports**

Member Jensen noted the Season for Non-Violence Speech Contest, Alameda Youth Speaks, site visits, reading in classrooms, Alameda Youth Basketball finals, Alameda Little League opening on Saturday, and joining the Board of the Alameda County Community Food Bank. Member Jensen reminded everyone to participate in the US Census this year.

Member Tam noted attending the AFS Board meeting, the Healthy Start grant received with the program beginning on March 22, MCCC film screening on 4/16, Library Arts Committee, and the disciplinary hearing.

Member Spencer noted Read Across America Day, parcel tax information night at Bay Farm, “Stand Up for Public Education” events at EHS and Haight, Youth Collaborative lunch, EHS PTSA meeting, Otaez fundraiser for EHS AP classes, and the St. Patty’s Day Dash on Saturday.

Member McMahon noted the BTSA meeting at ACOE last week and the potential proposed adoptions to the California Teacher Professional Standards.

Member Mooney added parcel tax informational meetings with community groups and “Stand Up for Public Education” events.

### **Student Discipline**

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That student #54718 be expelled from the Alameda Unified School District through March 11, 2011 as recommended.

### **ROLL CALL VOTE**

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam

**NOES:** None

**MOTION CARRIED**

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That student #65611 be expelled from the Alameda Unified School District through June 11, 2010 as recommended.

### **ROLL CALL VOTE**

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam  
**NOES:** None

**MOTION CARRIED**

**Adjournment**

President Mooney adjourned the meeting at 9:51 PM.