

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 McMahon at 5:04 PM.

PRESENT: Jensen, McMahon, Mooney, Spencer, Tam

ABSENT: None

PUBLIC COMMENT: None at this time.

ADJOURN TO CLOSED SESSION: By President McMahon at 5:04 PM to discuss Public Employee Discipline/Dismissal/Release; Conference with Labor Negotiator Laurie McLachlan-Fry: AEA, CSEA, ACSA; Conference with Legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9 – Beery v. AUSD, Case #RG 08-405984; Balde, *et. al.* v. AUSD, *et. al.* Case #RG 09-468037 (3 cases); Conference with Real Property Negotiator, Legal Counsel Danielle Houck and Superintendent Kirsten Vital: Property – Alameda Point

RECONVENE TO PUBLIC SESSION: by President McMahon at 6:36 PM.

CALL TO ORDER / PLEDGE OF ALLEGIANCE: Led by Paden Elementary students and Principal.

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

ADOPTION OF AGENDA/APPROVAL OF CONSENT CALENDAR

MOTION: Member Mooney

SECONDED: Member Spencer

That the Board of Education adopt the agenda with the following changes: pull E-6 and E-9 (policy 5121); move E-11 to public session.

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 these minutes):

+Certificated Personnel Actions: The Board of Education approved 2 appointments (Chiu, Histon); and 1 leave of absence (Hoffman).

+Classified Personnel Actions: The Board of Education approved 5 appointments (Catchings, Felipe, Lev, White, Smith).

+Approval of Bill Warrants and Payroll Registers The Board approved warrants numbered 879637-879810, 879811-879865, 879918-879943, 879944, 879945-879967, 879968-879988.

+Resolution No. 09-0068 Approval of Budget Transfers, Increases, Decreases +Proclamation:
America Recycles Day

+Approval of One Time Site Discretionary Budget Proposals – Island High School
+Approval of Board Member Nomination to California School Boards Association (CSBA) 2010
Delegate Assembly
+Approval of Board Policies: 6146.1 – High School Graduation Requirements; 4119.21 –
Professional Standards; 4154 – Health & Welfare Benefits; 5145.9 – Hate-Motivated
Behavior; 6120 – Response to Instruction and Intervention; 5131.62 – Tobacco
+Donations

APPROVAL OF MINUTES: Minutes from the October 27, 2009 meeting were considered.

MOTION: Member Mooney

SECONDED: Member Tam

That the Board of Education approve the minutes as presented.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

COMMUNICATIONS:

Written Correspondence: An e-mail from Pam Arneson dated Monday, November 9 regarding support for the Academy of Alameda; an e-mail from Alaina Stewart dated November 6 regarding Master Plan feedback; an e-mail from Georgia Wood dated October 31 regarding K-3 class size.

Superintendent's Report: Superintendent Kirsten Vital reviewed a follow-up item from the last Board meeting, explaining the difference between the reported Nea out-of-district students number and the number provided directly from Nea. She reminded the community about the last community workshop scheduled for November 17 at Alameda High School's cafeteria. SEE REPORT

Oral Communications: *Heather Figueroa, teacher and parent*, addressed the Board regarding out-of-district placement for her daughter at Ruby Bridges. She noted teachers and parents have written the Board in support of teachers having their children enrolled at the schools where they teach, residents or not. Ms. Figueroa noted she has spoke with the Alameda County Office of Education's legal liaison who stated AUSD's policy does not take into account situations like hers. Ms. Figueroa noted the possibility of bumping transfer students is a serious flaw in this policy and the Board should consider revising it.

Patricia Sanders, AEA President, addressed the Board in support of Ms. Figueroa's situation and noted she thinks we can work together to find solutions that benefit everyone. Teachers give so much to the district, the Board should consider this request seriously.

Member Jensen asked the Superintendent to follow-up on more information about the numbers of employees who have transfer students in AUSD. Superintendent Vital noted the current Board policy gives residents preference and we are at capacity. Member Mooney asked for clarification on how an employee can have a student with an intradistrict vs. an interdistrict transfer.

Board Oral Communications: None at this time.

Student Board Member Comments: Student Board Member Mooney from Encinal High School regarded on recognition of teachers and the October tie for staff member of the month – Mr. Johnson and Mr. Stahl; America Recycles Day – leadership class doing a lot to increase recycling efforts on campus.

Student Board Member Gamalinda from Island High School reported there are 210 current students with 43 on the waiting list; 22 participants in the CalSafe program with a waiting list; afterschool program for workplace skills and training; leadership holding a canned food drive for the Alameda Food Bank.

Student Board Member Datuin from ASTI reported recruitment efforts are underway and January 28, 2010 will be ASTI's first Information Night for prospective students; first annual PTSA silent auction gala will be December 5 from 6:00 PM – 8:30 PM.

Student Board Member Inlow from Alameda High School reported on Native American Month activities; Senior Banquet on 11/21; blood drive yesterday; assembly 12/11; auditions 11/17 and 11/18; poetry slam in Little Theater this Friday, 11/13; food fair on 11/20; leader of the month is Hilary Freeman.

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

Closed Session Action Report: No action was taken.

President McMahon acknowledged the donations from the community.

Employees 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 first Board meeting of the month, those employees selected will be recognized by the Board with a presentation by the President of the Board and the Superintendent of Schools. The person so honored this month is Resource Specialist, Carmel Zimmerman from Alameda High School.

Ms. McLachlan-Fry introduced Nanette Gray, Special Education Coordinator, to read the nomination.

Highlighting Alameda Schools: Paden Elementary School

Principal Tom Rust introduced the item and 2 teachers who were in attendance, Amanda Garnica and Marie McCord. Mr. Rust presented information about CST success and 2 consecutive years of double-digit API growth. Although Paden didn't make all of its AYP, they did meet 20 out of the 21 AUP criteria. This year, Paden is focusing on the Socio-Economically Disadvantaged (SED) students.

Mr. Rust spoke about SWAP – Switching With A Purpose, and its goal of significant growth in ELA/Math for AA, the Hispanic subgroup, SED, and ELD learners. Mr. Rust noted a huge parent component this year with many parent volunteers in the classrooms. Staff has also been doing a lot of work with roadshow meetings, PTA, SSC, etc. to make sure parents know what's happening and where we're headed.

Mr. Rust noted staff will be looking how assessments are used and looking for forms of assessment they can give every 3 weeks / 1 month to track progress.

Member Jensen asked about targeted title 1 versus schoolwide title 1. Mr. Rust noted the free and reduced number went from 38% to 44% and Paden is now meeting the threshold of critical mass. Teachers are doing targeted intervention and focusing on kids in need by adding support and intervention materials.

Mr. Rust noted the date for Circus for the Arts will be Sunday, April 18, 2010.

Superintendent Vital thanked Principal Rust for his leadership at Paden. Board Member Spencer commended Principal Rust for his efforts to serve all of Paden students. Member Mooney suggested taping some of the happenings at Paden for a future Monday Comcast show. President McMahon

suggested taping the morning ceremony as part of the Comcast show. Member Mooney suggested a future Board item with feedback about how the assessment process works.

Member Tam commended Principal Rust and the Paden staff for building a cultural collaboration.

Superintendent Vital added Paden is a good example of categorical funds going out to the sites and how the Principal and School Site Council and teacher leaders work together to figure out how to make it work.

PUBLIC HEARING: Academy of Alameda Charter Petition

Rob Siltanen, Director of Educational Options, introduced the item. The Academy of Alameda filed their petition at the last meeting, October 27. By state law, the district is required to have a public hearing within 30 days. Staff has begun to review the petition but hasn't fully completed an analysis, yet.

Following the recently passed Administrative Regulations, this Public Hearing has 4 purposes:

1. Provide the petitioners with the opportunity to speak on behalf of their petition
2. Public opportunity to comment on proposed charter
3. Allow for clarification for specifics of proposal
4. Enable Board/staff to understand sentiment

Ed O'Neill, President of the Academy's Interim Board, started the presented.

Why a Charter?

Chipman in 4th year of PI without adequate progress to date
Need restructuring plan and new approaches
Need to build on existing resources and successes
Better than any of the alternatives

Commitments

Serve traditional Chipman neighborhood
Align with broad strategic direction and challenges of AUSD
Create a program attractive to a full-range of student needs and ambitions
Foster creative approach that uses best practices to build on existing strengths ant Chipman
Operate within current fiscal constraints

Program Characteristics

Builds off of the best practices and evidence-based approaches developed over the past decade uses data to focus instructional and other resources on individual student needs for success
Provides opportunities for students across a continuum of needs
Builds high expectations and provides multiple pathways for success

Program Aims

Self-developed
Academically successful
Providing education for all students

Bill Schaff reviewed the financials. AUSD loses dollars when we lose students. Assuming the district loses 600 students, the net gain/loss would be a \$62,722 gain. The Academy Board is confident they will get both a charter school grant and charter school state loan.

Member McMahon opened the Public Hearing at 7:39 PM. The public comments included:

- Chipman enjoys a multi-lingual population; over the years, staff has worked with creativity and dedication to make the school as successful as possible; after reading the application, I was impressed by the professionalism that it calls for; urge you to reward this effort by approving the charter
- Great confidence in entire team working on the petition; impressed with outreach and the attempt to collaborate and the commitment to designing a sound educational program
- Incredibly impressed with thought that went into the application – professionalism, research, finances, etc.; urge you to take serious consideration
- Excited about the opportunity this presents; proactive, progressive, and passionate; excited to send son to Academy next year
- Excited to attend the Academy
- Important vital resource in the west end
- Need to do some urban discovery before we start asking for help; do outreach to the outlying community; love to see a high-tech middle school
- Hope to be a teacher at the Academy once approved; see firsthand the inequities that students in Alameda are facing; need to provide opportunities of the highest caliber for all students, not just to bridge the service/achievement gap but to allow everyone to reach their highest potential
- Like the Academy to offer a cooking class – students would be very interested
- Think you should set a “B” average for students to get in
- Rigorous curriculum and outstanding learning can take place; urge your acceptance of petition
- Importance of being neighborhood school was top priority
- So many positive things at Chipman that work really well
- Is this charter going to be independent or dependent? What is the impact on teaching positions for teachers who do not continue? What procedures will be in place to help transition happen?
- Support this charter – urge you think about adding other educational choice to the district
- There could be as many as 1500 charter students in AUSD next year; think about magnets, too; offer Alameda families more choice
- California Charter Schools Association supports the Academy’s petition and educational choice; superlative group of people involved and impressed with the caliber they have brought to the process
- With so many people involved, leadership team is able to create a school to address the special needs of all students
- Best way to provide these students with the best educational opportunities

President McMahon closed the Public Hearing at 8:15 PM. President McMahon asked Board Members to provide broad comments, areas of concern, or questions they would like staff to follow-up on.

Member Jensen asked who wrote the educational plan. Mr. Schaff noted that Lori McDonald and Sylvia Kahn, in collaboration with all teachers, wrote that portion. Member Jensen asked if there were assurances that those teachers who helped write the plan will continue with the charter if approved. Mr. Schaff noted there are no assurances for schools in PI year 4. One issue is that Chipman would close and all the teachers would be laid off and rehired at the option of the charter’s Governing Board. However, the interim Governing Board is committed to the current teaching staff.

Member Jensen asked about assessments. Ms. McDonald responded that the charter talks about the use of assessments by students, which is a big change. Traditionally, assessments are done towards the end to let teachers know whether or not students have learned. This revision would use assessments by students during the process to inform them whether or not they’re meeting the standards. This is a more beneficial approach to both teacher and student.

Member Jensen asked about special education. Ms. McDonald noted that in this model, all teachers are trained in specific strategies and learning routines for a gamut of learners. Once professional development

occurs teachers will have the necessary tools and strategies.

Member Jensen asked about the advisory session. Ms. McDonald noted currently it reflects a group of 20, but the Academy is hoping for a ratio of 17:1. Currently in one of the master schedule models, it's an hour every Wednesday. Students will go to an advisory class and meet every Wednesday to work on different projects and discussions, etc. The advisor teacher would be an advocate for the student and a place where the student could bring issues. The advisor teacher would be a liaison between parents, school, etc.

Member Jensen asked about disciplinary action. Ms. McDonald noted the charter will be creating procedures and processes throughout the school, and some of the need to deal with discipline will be obviated. There will be a progressive discipline model adopted, but it hasn't been finalized yet.

Member Jensen asked about a required reserve. Mr. Schaff said the charter does plan on fulfilling that requirement but hopes to exceed the minimum with anywhere from 5-10%.

Member Jensen asked partnering with the Boys & Girls Club. Ms. McDonald noted the charter is not reliant on the Boys & Girls Club, just is excited about the potential partnership and their desire to work with the charter.

Member Mooney asked about outreach to the community. Mr. O'Neil noted the plan is to have a very intensive campaign, literally going door-to-door, house-to-house to make sure all the neighborhood families understand what needs to happen if they wish to enroll.

Member Mooney asked if there would be any pre-school services. Ms. McDonald noted the vision is to provide breakfast like Chipman currently does, and time and workspace for students to work on projects if necessary. The morning would be preparatory time for the school day.

Member Tam asked about the Newcomer Center. Superintendent Vital noted the Newcomer Center is a program that is part of AUSD and something that would need to be addressed.

Member Tam noted the west end serves many transitional families, including military families who come in after the school year has begun. How would these students be accommodated? Kirsten Zazo, Chipman Vice-Principal, noted APC has 50 transitional units and 120 additional units have become permanent housing. The APC intake is about 1-2 families a month and depending on how many middle school students they had, it would be about 8-10 students per year.

Member Tam asked about the increase in the ESL population and how outreach to those families would be conducted. Ms. Zazo noted current the highest number of ESL speakers are Chinese. As the Academy moves forward, they will have translators involved in the outreach efforts. There are parents who have stepped up and are willing to help with translations and outreach.

Member Tam asked for district data that shows which schools have homeless students, and how many.

Member Spencer asked about the Academy's logo. Mr. O'Neil explained the logo is a laurel wreath around the torch of learning. Ms. Zazo added the mantra is "Do More. Be More."

Member Spencer asked about the expected volunteer hours for parents and what about families who cannot do it. Mr. Schaff responded that it is a stated goal, not an edict. It's an expectation for parents, but will not be mandatory. Mr. O'Neil added that the Academy believes if there are high expectations for students, there should be high expectations for everyone.

Member Spencer asked about the uniform component. Mr. Schaff noted the Academy will try to keep it as simple and cost effective as possible and will figure out a way to subsidize.

Member Spencer noted the application states there will be frequent updating on SchoolLoop and asked for more information. Ms. McDonald noted she hopes teachers would do daily updates, or as frequently as necessary.

Member Spencer asked about the school day. Ms. McDonald noted the school day hours will be the same for all students, but the after school component will be for enrichment and support.

Mr. O'Neil added that in terms of whether the Academy plans to be independent or dependent as asked by a previous speaker, the technical term is start-up charter. Although the Academy would be more independent from the district, it would align with the strategic direction of the district.

President McMahon asked for follow-up on what impact approving the charter application would have in terms of the Master Plan. What will the ripple effect be? President McMahon suggested using the Nea application as an example for enforcement of various issues around diversity, tracking students, maturation, etc.

President McMahon noted an initial presentation at the community workshop that showed a site budget of \$3.1M, but it wasn't clear whether or not that number took into account all factors. Also, where is the \$500K figure for special ed coming from? Do we assume that all currently enrolled special ed students will attend the Academy? Mr. Schaff noted yes, that is the expectation.

President McMahon added there are no guarantees around that, and if special ed parents don't believe the charter can adequately accommodate their needs, what is the impact to the district? Although, it does look like the Academy is making every effort to include every student.

Member Spencer asked if the Board would vote separately on whether to approve/deny the charter and if approved, to close Chipman Middle School. Superintendent Vital noted Chipman would potentially close, and what a charter would then open. This would entail two separate votes, one on the petition and another to close the school.

President McMahon explained that an additional Board meeting has been scheduled on December 15th and one of the reasons is in order to meet the approval/denial timeline for the charter application. There is a meeting on December 8th, but will it be possible for staff to put a presentation together that quickly about whatever analysis has been done at that point and to provide a status update?

Member Mooney asked for a "preteach" on the criteria the Board can use to approve/deny a charter application. Member Mooney requested a report on December 8th as described by President McMahon.

Member Jensen asked if the applications would be amenable to extending the decision deadline to January. Mr. Schaff noted that the decision is needed quickly because the Academy needs to get a CDE number in order to apply for grants.

President McMahon clarified it is his expectation that staff will present an update on the requirements and a sense as to whether staff feels the charter can be approved or not. Then the approval portion will come before the Board for action on December 15. We need a separate agenda item to address the fallout of approving the charter as it applies to the district in regards to how to deal with existing programs, school site, boundaries, personnel issues, etc. Then, the Board would need to vote on school closure.

The majority of the Board agreed for staff to present an update report at the December 8th meeting.

Member Jensen noted there seem to be a lot of very heavy items coming up for December, and asked whether or not either the Master Plan or the charter could be postponed.

Superintendent Vital agreed that staff can prepare a presentation for December 8, but it will not be a complete analysis. Member Mooney requested that staff provide the Board with the timeline for the possible closure of Chipman, change to boundaries, etc. Member Spencer added she would like as much information as staff can put together on December 8th, and expressed concern about the Board having to make a decision the next week on December 15.

PUBLIC HEARING: AUSD Proposal to AEA for a Successor Agreement for the 2009-2012 Contract

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced the item. Consistent with the relevant provisions of the Educational Employment Relations Act (Government Code section 3540 *et seq.*), the District desires to supplement its initial bargaining proposal to AEA, dated February 24, 2009, to include a proposal to amend Article 14.01 – Salaries, so to be able to implement any changes to Article 8 – Teaching Hours, consistent with the District’s February 24, 2009 proposal.

President McMahon opened the Public Hearing at 9:18 PM. Hearing no public comment, President McMahon closed the Public Hearing at 9:18 PM.

MOTION: Member Mooney

SECONDED: Member Jensen

That the Board approve the AUSD proposal to AEA for a successor agreement for the 2009-2012 contract.

AYES: Jensen, McMahon, Mooney, Tam

NOES: Spencer

Approval of Board Policy 3110 – Transfer of Funds

Fil Guzman, Chief Financial Officer, introduced the item. This policy incorporates and modifies information formerly contained in Administrative Regulation 3110 pertaining to temporary transfers and loans and permanent transfers between funds. The California School Board Association (CSBA) had recommended that school districts adopt this new policy to reflect new laws (SBX3 4 and ABX4 2) which grant districts flexibility to transfer funds for “Tier 3” categorical programs.

Consistent with the new laws, this policy requires that the Board first hold a Public hearing in order to hear testimony from the public, approve or disapprove the proposed use of the funding, and make explicit the purposes for which the funds will be used.

This policy also requires the Board to discuss the district’s goals for student learning during the hearing and requires the Superintendent to regularly report to the Board about the district’s exercise of flexibility.

Mr. Guzman noted last year, we had allowed flexibility to the amount of \$2.1M to be transferred from restricted programs to help supplant the unrestricted. At the time, this policy was not solidified. If approved, the policy comes into play to allow flexibility to take place.

President McMahon asked Members Spencer and Mooney, who met to review several policies, to explain why this one was brought back for discussion. Member Spencer noted she questioned the language stating that from 2008 through 2013, the Board has determined it is “in the best interest of the district” to use categorical flexibility. Member Spencer noted she did not feel comfortable saying the Board “has determined”, as it conveyed a feeling of predetermination.

Member Jensen suggested changing the language to read “the Board may determine it is in the best interest of the district”.

MOTION: Member Spencer

SECONDED: Member Jensen

That the Board approve Board Policy 3110 – Transfer of Funds with the suggested language change.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

Approval of Engagement Letter from Miller Brown and Dannis

In order to meet the specialized and diverse legal needs of the District, from time to time the General Counsel needs to consult with specialists in particular areas of school law. Consistent with Board Bylaw 9124, the General Counsel may engage outside counsel by entering into an agreement for legal services on behalf of the District and thereafter submit the agreement to the Board for ratification. All legal expenditures must remain within the General Counsel’s approved budget.

Miller Brown and Dannis is widely recognized as an education law firm with expertise in facilities, redevelopment, parcel taxes and charter schools.

Member Spencer noted the item states all legal expenditures must remain within the general counsel approved budget, and asked what that dollar amount was. Danielle Houck, General Counsel, noted the budget is \$540K, which includes the salary and benefits of the General Counsel position and all legal costs of the District.

Student Discipline

MOTION: Member Mooney

SECONDED: Member Tam

That the engagement letter from Miller Brown and Dannis be approved.

Board Member Reports

Member Mooney noted he has attended several meetings including roadshows, PTA, the EHS Alumni dinner, and the EHS spirit rally.

Member Jensen added she has been attending the roadshows as well. Member Jensen noted 2 incidents of school safety recently that were brought up at a roadshow, and reminded the community that we have neighborhood schools, many of which are accessible and open to the public. Unfortunately, this does allow for people to come on school campuses fairly easily. If anyone plans to visit a school site, please remember to visit the office first and check in. Member Spencer suggested making sure all school sites had visible signage pointing out where the office was and instructing visitors to sign in.

Member Tam noted he attended a ceremony for one of the disability commissioners who passed away. Member Tam also attended the Alameda Family Services board meeting and the Alameda Youth Collaborative meeting, and visited schools with the Superintendent. This Friday, the Alameda Multicultural Center will be screening a film at 7:00 PM discussing the Native American occupation of Alcatraz.

Member Spencer added she attended the Ruby Bridges PTA meeting and walkthroughs with the Superintendent. She also attended several roadshows, cross-country events at both AHS and EHS, and the Encinal athletic dinner. Member Spencer thanked the coaches, athletes, and alumni who attended for their continuing support of Encinal.

President McMahon stated last Thursday, he attended the BASE back-to-school night, noting there were over 100 students and parents in attendance. There were also several performances, and President McMahon acknowledged the fine work the students did in re-enacting President Obama's education speech in an interesting interpretation that was very well done.

Adjournment

President McMahon adjourned the meeting at 9:38 PM.