

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 5:33 PM.

PRESENT: Jensen, McMahon, Mooney, Spencer, Tam

ABSENT: None

PUBLIC COMMENT: None at this time.

ADJOURN TO CLOSED SESSION: By President McMahon at 5:33 PM to discuss Student Discipline/Expulsion/Re-admit (1 case); Public Employee Discipline/Dismissal/Release; Conference with Labor negotiator Laurie McLachlan-Fry: AEA, CSEA, ACSA: Conference with Legal Counsel Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 549569 (2 cases); Conference with Real Property Negotiators William F. Scheutz, Jr. and Community Learning Center Schools, Inc. Nea Charter School (Sites: 2437 Eagle Avenue, Alameda, CA 94501; 500 Pacific Avenue, Alameda, CA 94501; 1900 Third Street, Alameda, CA 94501)

RECONVENE TO PUBLIC SESSION: by President McMahon at 6:34 PM.

CALL TO ORDER / PLEDGE OF ALLEGIANCE: Lincoln Middle School led the Pledge of Allegiance.

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

ADOPTION OF AGENDA/APPROVAL OF CONSENT CALENDAR

MOTION: Member Spencer

SECONDED: Member Tam

That the Board of Education adopt the agenda as submitted with the following change: move items F-5 and F-9 to 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 these minutes):

+Certificated Personnel Actions: The Board of Education approved 2 appointments (MacDonald, Quezon); 2 resignations (Braun, Cohn); and 5 leaves of absence (Bailey, Blume, Kinsey, Otieku, Villalba).

+Classified Personnel Actions: The Board of Education approved 10 appointments (Antiporda, Aquino, Day, Hathaway, Llanos, Moore, Ramos, Sacro, Griffin, Serna); 13 changes of status (Abapo, Abapo, Awyan, Catambay, Cayayaba, Fernandez, Garrett, Hung, Natali, Nicols, Padraquilla, Padraquilla, Soukhamthath).

+Approval of Bill Warrants and Payroll Registers: The Board approved warrants numbered 799384-799499m 851201-851206m 851207-851289m 851290-851400, 851401-851517.

+Resolution No. 09-0010 Approval of Budget Transfers, Increases, Decreases

+Appointment of Summer School Principals

+Revision to Administrative Regulation AR 6146.5 Elementary and Middle School

Promotion/Standards of Proficiency

+Approval of Donations

President McMahon noted that one of the agenda items being considered tonight is the formal adoption of the protocol discussed at the last meeting, rearranging the order of business. As such, the Superintendent's Report will be moved up to this point.

Superintendent Kirsten Vital she attended the DELAC meeting and talked about how to help students at home. Superintendent Vital thanked Suzanne Bryant and her staff for facilitating a wonderful meeting with families. Superintendent Vital added she also attended the PTA Council meeting and Lunar New Year Festival which was filled with wonderful activities. Alameda, Encinal, and Island high schools are all going through the WASC process; staff will be coming back to the Board with the WASC committee recommendations. The Boys & Girls Club held its annual auction last Saturday and continues to be very excited about the new West End structure. Superintendent Vital noted she continues to visit schools and walk with site leaders, looking at student work, and talking with teachers and students.

Superintendent Vital noted one of the follow-ups from the previous Board meeting was about the cost of negotiations. The last negotiations session was a year long and cost \$95K. This particular cost of the last contract included more items on the table for consideration, and the use of a more expensive law firm. This cost is for attorney fees only, but we are in the process of looking up the costs of other items.

With regards to the current contract, the dollar amounts are as follows: \$18K for Article 3; \$800K for prep time; \$100K for in lieu; \$400K for class size and another 4.4 in FTE. All of these add up to about \$1.3M.

A question was also raised about Executive Cabinet salaries: net pay for Superintendent is \$178,000; for the CFO it is \$156,000; and for the CHRO it is \$133,000. The net increase in executive cabinet salaries is \$6,300 = \$14,932 more for the new Superintendent than the previous, and \$8,632 less for the new CFO.

Board Member Spencer requested all information be posted on the website, including gross vs net salary information.

Superintendent Vital added this evening, we'll be presenting recommendations which are the best compromises to solve short-term overcrowding at the schools. This is not a long-term solution, but the best we can do right now. We fully expect families to fill these seats. The practice in this district is to divert families after the round-up and then keep a waiting list. We know that families have shared concerns – the Board policy gives preference over diverted students. We will work to prepare a timeline so diverted families know sooner – keeping by Board policy, but also so families will know the first week of September. This will be brought back to the Board.

Also this evening, we will be dealing with potential lay-off notices for staff. We have unprecedented budget cuts through the state, and due to contractual issues, we are forced to lay off certificated staff by March 15 according to Ed Code, but we won't get the final budget until May. Superintendent Vital added she personally knows what it feels like to be pink slipped as a teacher and an administrator. Our hope is to rehire staff based on the budget – we will be thoughtful and careful to make sure strategies and funds really support the achievement gap.

COMMUNICATIONS - ORAL:

Jerome Thomas, CSEA 860 Public Relations Officer, noted that CSEA 860 is the most diverse, yet most silent group. Mr. Thomas personally thanked Superintendent Vital on behalf of CSEA 860 for mandating that members be given e-mail access and training. This was a matter of equity and justice to be part of the communication loop in AUSD. CSEA 860 was the only group not connected and this new change has been received positively. Mr. Thomas added that he has seen the group change – from a size of well over 200 down to 110, 1/3 of them with part-time status. Their responsibilities have increased, along with the square footage they are responsible for. CSEA 860 was the only group whose numbers were not made whole in the layoffs. We all know there are a lot of changes ahead, but when you make your future budget funding decisions, CSEA 860 hopes the Board sees fit to hire more workers to do the actual physical work necessary to serve our students and community.

Patricia Sanders, AEA President, reminded the public that this is the week where layoffs are being finalized for certificated staff. CTA has already estimated 20,000 teachers have received layoff notices – with a few more to come from this Board tonight. Ms. Sanders urged the public to support Pink Friday, the last workday to be able to deliver pink slips. California seems to be racing to be dead last or at the bottom of funding for public education. We collective need to stop this. There will be a “Stand Up For Schools” protest rally in Walnut Creek on 3/11 from 4:00 PM – 6:00 PM. We are hoping to get as many people as possible to attend and support us.

Member Spencer asked if there were any local events in Alameda. Ms. Sanders noted that on Friday, it will vary site-by-site. Teachers may be standing out with signs before and after school, informing the public that this is what the state budget has done. We really need to understand that it is our legislators that need to be held accountable for what's happening right now.

APPROVAL OF MINUTES: Minutes of the regular meeting of February 24, 2009 and the special meetings of February 24, 2009 and February 11, 2009 were considered.

MOTION: Member Mooney

SECONDED: Member Tam

That the Board of Education approve the minutes of the regular meeting of February 24, 2009 and the special meetings of February 24, 2009 and February 11, 2009 as submitted.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

COMMUNICATIONS:

Written Correspondence: Since the last Board meeting of February 24, 2009, the Board received 7 e-mails in support of the proposed LGBT safe schools curriculum and 10 opposed, and 1 e-mail regarding Edison Kindergarten enrollment issues.

CALENDAR REVIEW: President McMahon reviewed the Board Calendar of Events. Member Spencer added on 3/21 the Miracle League will be hosting a St. Patty's Day Run at 9 AM at Crown Memorial Beach. Also, Assemblymember Sandré Swanson will host a Meet & Greet from 5:30 – 7:30

PM in Oakland on 3/20.

CLOSED SESSION ACTION REPORT: in Closed Session, the Board unanimously took action to non-reelect 6 employees.

President McMahon acknowledged the \$48,925.00 in community donations since the last Board meeting.

Student Board Member Reports

Student Board Member Ramos from ASTI noted they raised \$500 with the recent scholarship dinner; Spelling Bee finals are scheduled for 3/26; Prom Committee hosting movie night on 3/12; Leadership is hosting an Irish Pub on 3/17 with games and root beer floats; Leadership class will also have a small table at the Laney Flea Market and are collecting donation items to help raise money for a Southern California college tour trip.

Student Board Member Kesete from Island noted there have been 14 graduates; WASC visit 3/2 – 3/3 and the visiting committee was pleased and commended Island on their schoolwide action plan to address critical areas; the site principal was commended by students, parents, and district office staff.

Recommendation to Address Kindergarten Impacted Schools

Current kindergarten applications for the 2009-2010 school year exceed allocated spaces at five schools (Bay Farm, Edison, Franklin and Otis). This enrollment increase is complicated by classroom capacity, and budget cuts which limit our ability to create solutions allowing all students to attend their home school. To determine the best course of action in accommodating students, parents and school site staff, district office staff has reviewed data on allocated vs. current projected enrollment, facility space, program impact, cost, enrollment trends, impact of the new NCLC Charter School, and contractual issues. Parent forums were held with each school to clarify issues, answer questions and get input. As a result of this analysis several options were examined for each school. The costs, benefits, and concerns of each option were examined and recommendations made.

Jeff Knoth, Student Affairs & Compliance Officer, presented the recommendation.

Edison Elementary School

Staff recommendation: Add 1 Kindergarten by moving computer lab into media center and dividing daycare portable into two rooms (4 total = 80 students)

Cost: \$30,000 construction

Benefits: Accommodates K Roundup wait list, more cost effective than adding a portable

Concerns: Ongoing enrollment increase needs to be addressed by a Master Plan

Otis Elementary School

Staff recommendation: Add portable for ongoing enrollment, add 1 Kindergarten class by adding a portable (5 total = 100 students)

Cost: \$200,000 for 2 portables

Benefits: Accommodates K Roundup wait list, and 6 additional enrollees

Concerns: Ongoing enrollment increase needs to be addressed by a Master Plan

Member Spencer asked if we add a 5th Kindergarten to Otis this year, how many more classrooms would have to be added down the line to support more kids going through the higher grades. Mr. Knoth replied Otis would have to have 3 additional classroom spaces for 1st, 2nd, and 3rd grades with 5 Kindergarten classes. As 3rd grade goes into 4th, we would have to make some accommodations.

Superintendent Vital reiterated that these are short-term solutions. We're not suggesting that we have 5 Kindergartens in perpetuity, but this is what we've come up with in the short-term until a Master Plan to address the long-term solutions can be completed.

Bay Farm Elementary School

Resolution: Add 1 Kindergarten using an existing classroom (4 total = 80 students)

Benefits: Accommodates K Roundup waiting list and 7 new enrollees at no cost

Concerns: Ongoing enrollment increase needs to be addressed by a Master Plan

Franklin Elementary School

Resolution: Maintain 2 Kindergartens = 40 students

Divert students to another school

Concern: Diverting students to another school

Summary

- Recommendations accommodate most K Roundup wait listed students, while staying with 20.44:1 class size ratio
- If enrollment changes significantly, AUSD reserved the ability to consolidate classes (collapse class and divert students to other schools)
- Staff will revise and clarify Board of Education Policies and Administrative Regulations regarding over and under enrollment
- AUSD has sunshined to negotiate class size with AEA
- Staff clearly recognizes the need to create a comprehensive, long-term Master Plan

Superintendent Vital clarified that in K-3, we have class sizes of 20.44 and we will continue that ratio. In some classrooms, because it's an average, there may be 20 or 21, but in no way will we depart from the 20.44 average. Member Jensen thanked Superintendent Vital for that clarification as there is some concern in the community that we're going to disregard class size reduction at some sites.

Member Spencer asked if there would be further discussion regarding the facilities fund and how much money we are talking about that could be going to other things in the district. Superintendent Vital responded that these funds have come from reserves – from the redevelopment fund that are unallocated at this point, almost \$1M. In addition, we will be reallocating monies from the City of about \$450K to be used directly for facilities costs.

Member Spencer asked if these funds were earmarked for the schools that are overenrolled, or for facilities improvements throughout the district. Member Mooney suggested agendaing a separate topic regarding facilities to discuss further. Superintendent Vital noted staff will bring a Measure C projects list to the Board at a future meeting.

Superintendent Vital added there are a lot of facilities needs across this district. Tim Rahill, Chief Financial Officer, is just beginning the RFP to do the Facilities Master Plan because the district is in critical need of one in order to document site-by-site needs. We can bring back specifically what trade offs there will be, but there will always be trade-offs because there are more needs than there are funds.

Member Spencer asked if there were any available classrooms at any of our sites across the island that are not being used. Are there empty classrooms, perhaps that we could put a Kindergarten class at any of our

elementary schools. Mr. Knoth noted there is classroom capacity at other sites. There are classrooms that are not currently dedicated to teaching – after school programs, counselors, etc. In tight times, those facilities can be used, but staff would have to do a specific analysis. Washington, for instance, has no classrooms available for Kindergarten because the law prohibits Kindergarten students from being house upstairs.

A parent noted he is wait listed at Edison and thanked the administration for their work to reach out to the community in pursuing thoughtful solutions.

Another parent noted appreciation for Mr. Knoth's synopsis of the problem, but added confusion by the CSR comment.

A parent asked the Board to resolve this issue tonight, noting there are 3 problems: capacity gap, money gap, and a credibility gap. The credibility gap is due to past mistakes – things like not accepting a portable that was offered for free, and promising to come up with solutions in 2007.

A parent added concern about the increasing enrollment and long-term effect. Students going to their neighborhood schools is a huge positive. However, dumping 2 large portables at a school, taking up space, is just a short-term band aid. Solve the problem with a long-term Master Plan so we don't have to do this again next year.

Another parent noted that providing space for daycare should not take precedence over providing space for students to go to school. Daycare is a privilege and every parent has to struggle with finding before and after school care. With 19 kids on the waiting list for Edison, their right to an education should be considered first and daycare space second.

Several parents voiced their support of the staff recommendations and urged to Board to take action this evening.

Another parent noted issues to consider in the long-term: the impact of increasing the number of students at site – have you considered what this does to the students already there? You are taking away playground space and increasing the number of kids who will be occupying the remaining space. Also, what about the ability of the school population to fit into the multi-purpose room for an assembly or other events that build community? What about the location and availability of music classes or other uses of space?

Karen Kenney, Executive Director of Girls, Inc., stated they provide childcare at 7 school sites and has been asked by parents to clarify issues about capacity at the sites being discussed. With the additional Kindergarten recommended, which Girls, Inc. supports, there will be an expected increase in need for childcare. At all sites, there is a waiting list at the beginning of the year and all sites are currently full. Edison is currently full; Otis is at capacity; Bay Farm has 60+ students at any one time. Staff is confident we can find solutions, and Ms. Kenney added she appreciates parents, staff, and the district working together.

Superintendent Vital clarified that one agreement made as a Board and Superintendent is that we don't answer specific questions or interact with speakers, but we do write down information. When the Board has deliberations, they may raise your issues for discussion. Around CSR, that may be a conversation when we talk about long-term planning. However, it is a negotiated bargaining item with the teachers' union, along with AM/PM Kindergarten. We want to celebrate and honor smaller class sizes, which is part of our parcel tax, but the item is on the table for discussion in negotiations. We want to work collaboratively through this process. Also, yes, we want to make sure we work on the daycare issue and

honor those families that need before and after school care.

President McMahon added there are no more public speakers, so Board deliberations may begin.

Member Mooney thanked the Superintendent and staff for the report and recommendations, noting at the bottom line of every slide noted the Master Plan. Member Mooney urged everyone in the audience and those who have previously addressed the Board regarding this issue to remain engaged throughout the Master Plan process as well.

Member Tam echoed Member Mooney's comments, adding that we need to change the way we do business.

Member Jensen noted while there may be some scheduling issues in combining space, this is a good resolution overall and it makes sense to have the computer lab and media center co-located to facilitate learning. Member Jensen added the demographic report predicted this would happen.

Member Spencer clarified that when she asked if there were classroom spaces available at other sites, she was not specifically asking that East end students be diverted, however, that needs to be part of a future conversation. Member Spencer asked if the portables at Otis would be taking up more playground space. Mr. Knoth noted that the impact on the yard would be insignificant – the loss of 1 tetherball pole. Member Spencer noted the prior Board was asked about adding a portable and that possibly Alameda Island Kids was going to help pay for that.

Member Spencer asked why the idea of adding a portable to Edison was not being proposed. Wouldn't this negatively impact the day options at Edison? Mr. Knoth noted that the recommendations are the most cost effective, short-term solutions. It is not necessary to add a portable at Edison, whereas Otis must have a portable added. Daycare current space will be reduced, but they have considerable space and we are having ongoing conversations about how to accommodate students by shifting where we can. Member Spencer added she would like a future agenda item to consider adding a portable at Edison to avoid diverting. Based on staff numbers and the demographic study, indications are that we may very well have a greater need at some sites where the numbers are already very tight right now. We need to compare instead of having to do this again year after year. Member Spencer made a motion to add an agenda item to discuss the addition of a portable at Edison Elementary School, but the motion died on the floor for lack of a second.

MOTION: Member Mooney

SECONDED: Member Jensen

That the Board of Education accept the recommendation to address Kindergarten at impacted schools as presented.

President McMahon stated the problem is the same but the faces have changed. Once this problem gets solved for this group, the next impacted group will show up next year – we understand that. However, we will have to figure out a super site plan that can expand and contract based on the movement patterns of housing turnover. That's typically what happens in districts – you have large turnover that bring a huge influx of parents, then we have bubbles. We will do our best to engage individuals to ensure you participate in this process. We're talking about solutions – increasing capacity at sites, but on the other hand, sites can't support more kids. It's going to take a much higher order of thinking to solve this problem, and regardless of what we come up with, there will be a lot of unhappy people. Please continue to be engaged and to advocate for whatever interest you have to keep us aware.

Member Spencer thanked Mr. Knoth for his commitment and time in presenting to various school sites in

a short timeline. Member Spencer also thanked parents and families for attending and sharing their concerns. The Board is trying to make the best decisions for all students and we understand we need a long-term plan. Member Spencer referenced a previous speaker and apologized on the credibility gap issue raised, adding that this new Superintendent and Board are trying very hard to work with the community.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Approval of Memorandum of Understanding Between Community Learning Center Schools, Inc. (CLCS) Nea Charter School and the Alameda Unified School District

Debbie Wong, Assistant Superintendent, introduced the item. On January 8, 2009, the Board of Education provisionally approved the Community learning Center Schools, Inc. (CLCS) Nea Charter School application pending an approved Memorandum of Understanding (MOU) by January 31, 2009. Both parties have been working in good faith and the Board of Education agreed to postpone the approval until March 10, 2009 while we work through the remaining special education and governance provisions.

Staff received feedback and direction from the Board of Education during the discussion at the February 10, 2009 Board meeting. These included the following items to address or strengthen in the MOU:

- Special Education provisions for “search and serve”
- Special Education pre-Kindergarten and adults 18-22
- Add to annual report students denied admission and disenrollment data
- Audit findings
- School visitations
- Volunteer Requirements
- Notice to Cure and Revocation Process
- Employees and union membership
- Other negotiated changes

Staff shared the changes made.

Member Jensen noted the application submitted stated they would be part of the El Dorado SELPA. What is the status of their application? Ms. Wong noted that El Dorado did tell Nea they would strongly consider them, and a lot of the language in the application came from El Dorado SELPA, but a final decision will not be known until June.

Ms. Wong added the CLCS Board has already approved this final document.

Superintendent Vital noted that with regards to Nea’s Prop 39 request, the District has made a preliminary offer, and the item will come back at the March 24 Board meeting as we need to make a final offer by April 1. By May 1, the Board will need to approve the Facilities Use Agreement.

Member Jensen asked that on page 11, under 8.15, it should state specifically who is held harmless. Although it is clarified later, it should be included in the first sentence as well. Paul Bentz from CLCS added that the word “have” should be inserted on page 19 in “in addition the District shall responsibility”.

Member Spencer asked that the word “reasonable” be inserted on item #14, page 15 in “audit acceptance and deficiencies shall be resolved to the *reasonable* satisfaction of the District.”

Superintendent Vital added this language is in the charter law and both attorneys have agreed to it. We need to be cautious about changing words that may have a larger impact. This agreement has already been approved by the CLCS Board.

Member Spencer thanked Debbie Wong and Paul Bentz for working collaboratively on this, noting Nea will be a strong addition to Alameda.

MOTION: Member Mooney

SECONDED: Member Spencer

That the Board of Education approve the Memorandum of Understanding Between Community Learning Center Schools, Inc. Nea Charter School and the Alameda Unified School District.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 09-0014 Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2009-2010 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, noted teachers do understand that the state budget crisis is driving this train, but by the end of this evening, we are looking at 1/6 of AEA employees being noticed. These are very uncertain times and there is a loss across the state – we would hate for AUSD to lose any valuable employees because we wasted time bringing them back, so the faster the Board can make its decision once the budget is known, the more quality educators we will be able to retain.

Judy Goodwin, ACSA President, added that due to the categorical funding cuts, we also have several administrators who are in a similar position.

Member Spencer asked how the number of 11 elementary teachers were calculated. Ms. McLachlan-Fry replied that we have categorically funded teachers who are tenured, permanent staff members. Part of this was the potential effect of them needing to return. This would reduce the number of probationary teachers because the permanent teachers would have rights to those positions. Between the potential enrollment that might change and also the permanent teachers that we must have a place to go back into – the total equals 11. Superintendent Vital added that we are expecting a decline in enrollment, and in addition we are unclear about the impact of Nea Charter School. We know there will be an additional reduction from district schools, but we do not know the exact number at this point.

Member Spencer asked about realigning middle and high school courses. Ms. McLachlan-Fry replied that we can't reduce secondary services the same as elementary – we have to be very specific about the courses that may be reduced.

Superintendent Vital added that as a district, it's very difficult to say we're going to cut 20%. What

districts do in terms of the process is layoff all categorically funded employees, and then look at how we're investing our categorical monies. We have to lay off current categorical folks in order to make the 20% reduction, and will also be able to think about our theory of action moving forward to determine if these are the right strategies for us. You only have the chance to lay people off now and then hope to rehire. We are hoping for more money through the stimulus package, but the conversation has to be whether or not we are using these funds as best we can to close the achievement gap.

President McMahon provided an update on the East Bay ROP. The current budget for EBROP is \$3.9M for both districts. The State of California has stated the overall budget needs to be reduced by \$500K for this school year. Unfortunately, the school year is almost over so we're not going to be able to recover any of that reduction in funds this year. Moving forward next year, there will be an additional \$150K reduction across the entire program for both districts for a total of \$680K. This is a guaranteed level of funding through 2013 – there will be no increases or any changes. The level of funding for this program has been permanently reduced through 2013 and approximately 20% less is available to educate or provide services under the ROP umbrella for the next 5 years. In order for us to deal with this new reality, staffs for all categorical programs are in fact attempting to re-engineer their programs in a way that will continue to deliver services at a level of funding substantially less.

Member Jensen added that several people have come up in the past and noted that Alameda ranks 8th in the county for student enrollment and 8th in the number of teachers. However, we have 32 fewer administrators than San Lorenzo, who has 1500 more students. We also have 10 fewer than San Leandro, who has 1500 fewer students. We appreciate we have to cut costs and that teachers are the backbone of the district, but we also need administrators. We hope we are able to bring people back – please realize that we have fewer administrators than any other district our size. With regards to salary, in 2002 we were 10th, and now we're 13th out of 16. If anyone would like more specific details, e-mail Member Jensen and she can forward the data.

MOTION: Member Mooney

SECONDED: Member Tam

That the Board of Education approve Resolution No. 09-0014, Recommendation to Reduce or Discontinue Particular Kinds of Services for the 2009/2010 School Year.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 09-0013 Release of Temporary Employees

Ms. McLachlan-Fry introduced the item. California Education Code Section 44954 allows 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.

Member Spencer asked about the rehiring process. Ms. McLachlan-Fry replied that it would be based on credentials – staff will come back in order they were hired. They don't actually have any seniority, but

should positions open up, we always look at temporary teachers before we go to any new hires.

MOTION: Member Mooney

SECONDED: Member Jensen

That the Board of Education approve Resolution No. 09-0013, Release of Temporary Employees.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 09-0011 Approval of Release of Certificated Administrators

Ms. McLachlan-Fry introduced the item. Most certificated administrators, except those whose employment rights are strictly prescribed by a contract, may be released to another administrative or non-administrative positive position at the end of the year. This requires a notice by March 15th. Strict service requirements apply to giving these notices. Certain certificated administrators on Management, Support, and Confidential Salary Schedules will be notified.

Member Spencer noted some of these people have been in our district for a long time and she acknowledged that they have brought a valuable service to our district. Ms. McLachlan-Fry noted that as we move forward, our goal is to always fill all positions and bring back people in areas where they are credentialed.

MOTION: Member Mooney

SECONDED: Member Jensen

That the Board of Education approve Resolution No. 09-0011 Approval of Release of Certificated Administrators.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Island High School Close-Up Field Trip

Member Spencer pulled this item from the Consent Calendar. The social studies department at Island High School wishes to take approximately eight 11th and 12th grade students to Washington, D.C. for a weeklong academic program sponsored by the Close Up Foundation. This trip would take place from May 11 – 17, 2009. The Close Up Foundation's Capital Experience program offers a unique combination of education and fun, bringing together the cultural and historical resources of Washington.

This Close Up trip is available to all 11th and 12th grade students who wish to participate. The trip is paid for by a combination of parental support, fundraising, and private donations. There are scholarship funds available for students wishing to use them. Students are individually responsible for getting homework assignments from teachers for the five school days missed; there will be no loss of ADA to the district. The attached field trip request from the teacher sponsors provides the details of the purpose for this trip.

Member Spencer commended Island for taking kids to Washington, D.C. for this wonderful opportunity.

MOTION: Member Mooney

SECONDED: Member Spencer

That the Board of Education approve the Island High School Close-Up Field Trip to Washington D.C. May 11-17, 2009.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Resolution No. 09-0015 Criteria to Determine the Order of Termination Among Certificated Employees with the Same Date of Paid Service

Ms. McLachlan-Fry introduced the item. The Board of Trustees 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.

MOTION: Member Mooney

SECONDED: Member Tam

That the Board of Education approve Resolution No. 09-0015 Criteria to Determine the Order of Termination Among Certificated Employees with the Same Date of Paid Service.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

2009/2010 Alameda Unified School District (AUSD) Budget Information Update – Categorical Program Reports

Superintendent Vital introduced the item and Debbie Wong, Assistant Superintendent, walked through the presentation. The Alameda Unified School District (AUSD) provides various programs that are funded by special purpose funds, better known as “Categorical Programs”. The Program Directors presented data on their programs to Executive Cabinet (EC), which includes the Superintendent, Assistant Superintendent, Chief Financial Officer, and the Chief Human Resources Officer. The Program Directors used Data Gathering Templates which provided narratives, costs and outcome data. A summary of the AUSD Categorical Programs was presented as information.

List of Categorical Programs

- California High School Exit Exam (CAHSEE)
- Pupil Retention Grant
- Supplemental Counseling
- Art & Music Grant
- Cal-Safe
- English Learner Programs
- Even Start
- McKinney-Vento Homeless
- Instructional Materials
- Professional Development
- Teacher Credentialing
- Facilities Routine Restricted Maintenance

Superintendent Vital added that this is Part 1, and Part 2 will be presented at the March 24 Board Meeting along with the school site budgets, including their allocations of any categorical monies. We will be using all of these materials to have a conversation with the community on April 2 as promised so everyone can see how we’re using every dollar. Staff will bring this back to the Board in early April/May with recommendations on how I think we should be using these categorical monies in order to close gap and look at data outcomes.

Member Spencer noted some of these amounts are allocated, can you tell us where we are as to how much is being spent currently? Some have carryover – why do they have carryover and for how long? Ms. Wong noted that some carryover amounts are quite large because some programs are new and were not able to fully implement all aspects of the programs, yet.

Superintendent Vital noted staff can provide spend rates in terms of categoricals. The other piece is around the carryover amounts. Staff looked carefully at carryover budgets that have not been used year-to-year and we are recommending taking advantage of categorical flexibility in lieu of budget cuts for the next 2 years.

Member Tam commended Superintendent Vital and staff in terms of providing data – there was a tremendous amount of time spent gathering this information, in addition to all your other responsibilities.

Member Mooney added this is a nice, fast report but wanted to look at more detail. Ms. Wong replied that for this presentation, information was compacted from a lengthier analysis. The backup documentation of this work will be provided. The slides serve as “snippets”. Superintendent Vital noted that staff used a data-gathering template and these will be shared at the next Board meeting.

President McMahon added this is the first time he’s been on the Board where he’s seen this level of effort and documentation. Once we’ve established a baseline, it is far easier to maintain the effort. This new Superintendent and Board shares a desire for transparency and a new level of accountability. As a Board, we need to provide direction to the Superintendent around areas of true issues of vision/principles/beliefs. We need to try to continue to grapple with bigger issues of equity and the achievement gap in order to provide direction as best we can.

2008/09 Second Interim Financial Report

Tim Rahill, Chief Financial Officer, introduced the item. AUSD is required to file two Interim Financial Reports. The 1st Interim was approved by the Board on December 9, 2008. The 2nd Interim is now being presented to the Board for approval.

The 2nd Interim includes major school funding reductions since the 1st Interim Report was filed. Those funding reductions are caused by the State Budget Crisis and the opening of the new Nea Charter School in Alameda. In the 1st Interim Report projections, AUSD was already planning for declining student enrollment and some increased operational costs, but in November the Nea Charter Proposal was approved (for Nea classes to start 9/09) and in January the Governor announced major state funding reductions for schools.

Just recently, on February 20, 2009, the Governor signed a 17-month State Budget as approved by the state legislature. The 17-month State Budget includes reductions to school funding for the current 2008/09 year and the following 2009/10 year. As approved, the state funding reductions were applied more on the district’s “special purpose” restricted funds, known as Categorical Programs, versus the reductions mainly applied to the unrestricted funds for general operations, as was proposed by the Governor in January. Since the unrestricted funds were not reduced as much as originally proposed, the 2009/10 On-Going net loss in unrestricted funds for AUSD is now projected to be about \$5M (versus \$7M using the January Proposal information).

In order to address the reduction in school funding, AUSD will utilize district reserves above the state-recommended 3% reserve (which is deposited in the separate special reserve Fund 17), Measure H parcel tax funds, and a new item called “Categorical Flexibility”. Categorical Flexibility allows a school district to use funding from certain restricted Categorical Program for general operations.

After using the information available at this time from the approved 17-month State Budget, AUSD submits the 2008/09 2nd Interim Financial Report, which includes multi-year projections and a cash flow analysis, with a Positive Certification.

MOTION: Member Mooney

SECONDED: Member Spencer

That the Board of Education extend the meeting time beyond 10:30 PM.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Member Mooney asked if programs already had plans for the monies being taken under categorical flexibility. Ms. Wong noted that there are always plans, but this is about priorities. Member Mooney noted that at some point, we need to take time at some point to go down line item by item. Superintendent Vital added that as part of the presentation on the 24th, we will look at what's exactly in these buckets. There will be trade-offs.

Member Spencer asked if taking \$800K from adult ed would impact the quality of the program. Mr. Rahill replied that based on some of the conversations we've had, it is a carryover reserve. It would currently be left at 100%. Superintendent Vital noted that when she was meeting with Ardella in transition conversations, staff was already working with Adult Ed around this issue. There are a lot of linkages and programs we could expand that we haven't to date.

MOTION: Member Mooney

SECONDED: Member Tam

That the Board of Education approve 2008/2009 Second Interim Financial Report as submitted and approve the projection columns as adjusted operating budgets.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Revision to Board Bylaw 9323.1 – Order of Business

President McMahon introduced the item. In reviewing the roles and responsibilities as Board Members, the Board needs to establish agreements regarding how they will conduct themselves. These agreements (protocols) cover a number of areas where the Board Members interact with the Superintendent, staff, parents and community. As time permits, the Board will discuss establishing agreements in various areas.

This agenda item deals with Board of Education meetings, particularly the Order of Business. While the Board has agreed amongst themselves to re-order certain items, the Order of Business is a Board Bylaw, and as such, requires an official vote by the Board to enact any change.

The proposed changes are to the communications portion – moving the Superintendent's Report prior to oral communications on non-agenda items and adding a new section for Board Members to make comments on consent items. Student Board Member reports were also moved up so they're no longer part of the regular agenda, and there are cosmetic changes – eliminating item categories.

MOTION: Member Mooney

SECONDED: Member Jensen

That the Board of Education approve the Revisions to Board Bylaw 9323.1 – Order of Business.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

California School Boards Association (CSBA) 2009 Delegate Assembly Election Vote

President McMahon reviewed this item. The CSBA Delegate Assembly is a vital link to the Association’s governance structure. The Delegate Assembly is made up of approximately 270+ Delegates who are elected by local board members in 21 geographic regions throughout the state, and ensures that the Association reflects the interest of school districts and county offices of education throughout the state.

Delegates serve two-year terms beginning April 1. They meet twice a year to conduct business, and may also meet with other Delegates and the Director within their region. Furthermore, they participate in CSBA events and they maintain contact with local boards in their region.

The Board must take action on the enclosed ballot material for election of a representative to the CSBA Delegate Assembly for our region. The Board as a whole may vote for up to the number of vacancies in the region or subregion as indicated on the ballot. Regardless of the number of vacancies, each Board may cast no more than one vote for any one candidate. The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided.

Ballots must be postmarked on or before Monday, March 16 with no exception. Election results will be available no later than Tuesday, March 31. If there is a tie vote, a run-off election will be held.

President McMahon noted due to a technical glitch, CSBA never received his delegate form approved by the Board and sent to Sacramento, so he is requesting that he be considered as a write-in candidate.

After a brief discussion, the Board also chose to endorse Nancy Riddle and Nancy Thomas.

MOTION: Member Jensen

SECONDED: Member Mooney

That the Board of Education approve President McMahon as a write-in candidate for the California School Boards Association (CSBA) 2009 Delegate Assembly.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

MOTION: Member Jensen

SECONDED: Member Spencer

That the Board of Education approve a vote for Nancy Riddle for the California School Boards Association (CSBA) 2009 Delegate Assembly.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

MOTION: Member Spencer

SECONDED: Member Mooney

That the Board of Education approve a vote for Nancy Thomas for the California School Boards Association (CSBA) 2009 Delegate Assembly.

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Board Member Reports

Member Tam noted he attended the DELAC meeting, which had a good turnout, and he also attended the Lunar New Year multicultural event.

Member Spencer stated she attended the PTA Council Meeting, art docent training, AHS Open House, Read Across America events; AUSD vs Beery court hearing; all Kindergarten overenrollment community meetings; Chipman’s Bring Your Parent to School day; AHS WASC reception; and the Police Chief’s community coffee.

Member Mooney noted he attended PTA Council, EHS WASC meeting, Chipman’s Bring Your Parent to School day, and 3 different schools for Read Across America day.

Member Jensen also participated in Read Across America day, the wellness committee meeting, and a recycling coalition meeting to discuss in depth our ability to recycle on site and how we educate our kids to recycle. There will be a meeting on Thursday at 3:30 at Edison to discuss issues around recycling at schools.

Member McMahon added he attended the EBROP meeting, which will be working over the next 3 months on the budget crisis and the challenge of creating a legally-compliant system.

Student Discipline

MOTION: Member Mooney

SECONDED: Member Spencer

That student #51709 be expelled from the Alameda Unified School District.

ROLL CALL VOTE

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

MOTION CARRIED

Adjournment

President McMahon adjourned the meeting at 10:57 PM.