

**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 Schaff at 5:02 PM.

**PRESENT:** Forbes, Gibson, Jensen, McMahon, Schaff

**ABSENT:** None

**PUBLIC COMMENT:** None at this time.

**ADJOURN TO CLOSED SESSION:** By President Schaff at 5:02 PM to discuss Student Discipline/Expulsion/Readmit (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 54956.9 (1 case); Superintendent’s Evaluation

**RECONVENE TO PUBLIC SESSION:** by President Schaff at 6:31 PM.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE:** Wood Middle School students and Principal led the Pledge of Allegiance.

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

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

**MOVED: Member Forbes**

**SECONDED: Member Jensen**

That the Board of Education adopt the agenda with the following changes: revise item F-1 to note revised retirement effective date of 7/6/09 for Dan Dooha-Chambers.

**AYES:** Forbes, Gibson, Jensen, McMahon, Schaff

**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 1 appointment (Hansen); 1 revised retirement (Dooha-Chambers); 1 resignation (Scott); and 2 changes of status (Anderson, Yan).

**+Classified Personnel Actions:** The Board of Education approved 10 appointments (Jawad, Bailey, Polaski, Ruiz, Tench, Arbourel, Dixon-Weaver, Crvarich, Dickinson, Graves); 4 resignations (Anderson, Owens, Holtzman, King); 4 changes of status (Contaxis, David, Hobbs, Mitchell).

**+Proclamation: Family Literacy Day – November 1, 2008**

**+Approval of Bill Warrants and Payroll Registers** The Board approved Bill Warrants and Payroll Registers numbered 747942-747947, 747948, 747949-748074, 748075-7481925, 748193.

**+Resolution No. 08-0053 Approval of Budget transfers, Increases, Decreases**

**+Rejection of all Bids for Modernization of Encinal High School, Wood Middle School, Franklin Elementary School and Chipman Middle School, Phase 4 and 5**

**+Resolution No. 08-0055 Authorization to Solicit Bids for the Installation of Two Portable Buildings at Ruby Bridges Elementary School for the Before and After School Program – LEAPS Program**

**+Resolution No. 08-0056 Appointment of Authorized Agents for the Board of Education**

**+Resolution No. 08-0057 Designation of Authorized Agents to Sign School Orders for Payroll Tax/Deposit Fund**

**+Resolution No. 08-0058 Declaring Surplus Furniture and Equipment**

**+2008-2012 Local Plan for Career Technical Education Carl Perkins CTE Improvement Act of 2006**

**+Approval of Donations**

### **COMMUNICATIONS - ORAL:**

*Jeanette Freschou, WMS Teacher*, addressed the Board regarding the cell phone tower at Wood, citing several studies about magnetism and radio waves, and asked about safety reports.

*Susan Davis, Parent*, addressed the Board regarding her concern over the fiscal impact of the proposed Nea Charter School, urging the vote to deny the charter application if at all possible.

*Cyndy Wasko, Family Literacy*, also addressed the Board about the Nea Charter School, noting that the agencies currently located at Longfellow collectively serve many families in the area and bring in ADA. Housing these agencies and programs together allows them to serve a greater number of families, as most live within 1 mile. It also allows the agencies to work closely together to provide the best services possible. These programs are integral parts of the West End.

*Pam Chang & Brooke Briggance, PTA Council President and AEF Executive Director*, addressed the Board regarding the co-hosted School Board Candidates Forum held on October 6, which is on the AEF website at [alamedaeducationfoundation.org](http://alamedaeducationfoundation.org). Thanks to everyone involved and those who participated.

*David Howard, Parent*, noted the District has undertaken efforts to transfer funds from the City Development Services and applauded the effort to get money to the District where it belongs. Mr. Howard asked that the process remain transparent and asked for a list of capital outlay projects of how the money will get distributed.

*Roberta Ariaga, Parent*, noted her participation in the Family Literacy Program and what a difference it has made for her family – her children are succeeding in school, and the parents have learned how to be more involved and supportive of their students. It is wonderful to have these organizations and programs so close to home. Ms. Ariaga asked that the programs and services at Longfellow be kept open there.

Members Gibson and Jensen reminded the community that the charter school is an information only item this evening, and that the Board will be holding a special workshop on November 13 regarding Charter Schools. Interested parties are encouraged to participate.

*Vicki Smith, Family Support Services*, also addressed the Board about the programs and services currently housed at Longfellow Education Center. Ms. Smith noted she sees the gentrification of the West End, and questioned the charter school's "tagging" of Title 1 schools, which sends a message these students need help. Are we telling kids at Lincoln, Bay Farm, Otis, etc. that they're all fine and don't need help?

They're not listed in the application. Ms. Smith noted she was asked to sit on the AACLC Board because they could not keep kids of color and they didn't know year. She sat on the Board for a year. Family dynamics are very different and some kids don't have the resources that others do, which impacted whether or not kids were successful in the AACLC program. Ms. Smith noted she serves over 200 transitional families, and the after school program has 51 employees serving over 1000 students. No one from ACLC came down to Longfellow and spoke with the current housed programs or even looked at what was there. Ms. Smith encouraged the Board to review the charter application very carefully and to consider the impacts.

**APPROVAL OF MINUTES:** Minutes of the regular meeting of October 14, 2008 were considered.

**MOVED: Member Forbes**

**SECONDED: Member McMahon**

That the Board of Education approve the minutes of the regular meeting of October 14, 2008 as submitted.

**AYES:** Forbes, Gibson, Jensen, McMahon, Schaff

**NOES:** None

**MOTION CARRIED**

**COMMUNICATIONS:**

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

**Superintendent's Report:** Superintendent Ardella Dailey noted there will be a Charter Workshop on Thursday, November 13 at 6:30 PM at Haight Elementary School in the Multi-Purpose Room. There will be a panel presentation, and AEA has obtained a CTA representative to present some options available that have been used by other districts. Also, Alameda Meals on Wheels has started their holiday campaign for canned goods, and each school site will have bins available for donations. Schools will adopt a particular kind of food in order to get what is needed. Information will be going out to parents shortly.

Member Gibson noted that when a former employee passes away, the Board typically adjourns the meeting in his/her honor. Member Gibson took this time to read a statement regarding Myra Windmiller, a former district psychologist.

**CALENDAR REVIEW:** President Schaff reviewed the Board Calendar of Events.

President Schaff thanked the community for their generous donations.

**CLOSED SESSION ACTION REPORT:** There was no action taken in Closed Session.

**Student Board Member Installation**

The Board of Education believes it is important to seek out and consider students' ideas, viewpoints and reactions. In order to provide student input and involvement, the Board includes one Student Board Member from Alameda, ASTI, Encinal, and Island.

Student representatives from Alameda, ASTI, and Encinal High Schools were seated at the September 23, 2008 meeting. The process for selecting a student representative from Island High School has been completed, and the following student has been chosen as the Student Board Member: Hearmon Kesete, Island High School.

Superintendent Ardella Dailey administered the Oath of Office to Ms. Kesete, who was seated with the other Student Board Members.

### **Recognition of Teacher of the Year & Finalists**

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced the item. Each year, since 1988, the Alameda Unified School District has sponsored a Teacher of the Year program to recognize the outstanding contributions of AUSD teachers to our students, the district and the Alameda community.

The selection process included a community-wide call for nominations, submittal of a 2-page letter by the nominee, three letters of recommendation, classroom visits and interviews. The Teacher of the Year Selection Committee consists of the previous year's honored teacher; president of the AEA, president of the Alameda Chapter of ACSA; presidents of AEF and PTA Council, a representative of the Board of Education, and the Chief Human Resources Officer.

Together, this year's Teacher of the Year and Finalists represent the rich talent and diverse skills and expertise of the teachers of AUSD:

Brian Rodriguez, 2007/08 Teacher of the Year – Social Science Teacher at EHS  
Cindy Frankel, 2007/08 Teacher of the Year Finalist – Media Center Teacher at Lum  
Gray Harris, 2007/08 Teacher of the Year Finalist – Third Grade Teacher, Otis  
Susanne Sharpnack, 2007/08 Teacher of the Year Finalist – Second Grade Teacher, Paden

Brian Rodriguez represented AUSD in the County's Teacher of the Year program and was recognized with other Alameda County teachers in a ceremony held on Thursday, October 16 at Cal State East Bay.

Mr. Rodriguez thanked his fellow teachers for their outstanding work, as well, noting he is inspired everyday by his colleagues at EHS who have worked hard to build a great AP program over the last 9 years. EHS is using innovative programs to support students such as SIM, for example, which have helped to increase the number of students taking and passing the AP exams. Students are regularly accepted to Cal, Stanford, Brown, Penn, Harvard, and all UC's. Mr. Rodriguez added he wishes more Board Members could have attended the County ceremony, but was honored that Ron Mooney chose to attend, as well as Principal Mike Cooper and Superintendent Ardella Dailey. Mr. Rodriguez urged the next Superintendent and new Board Members to videotape teachers in the classroom and post on the web to create a video library for teachers to share with other teachers. Good educators need challenges of the new to stay fresh. Mr. Rodriguez also extended an invitation to attend the annual AP Songfest which will be held on December 10 at 6:00 PM in the EHS gym.

Brooke Briggance from AEF presented Mr. Rodriguez a check for \$500, and the other finalists with a check for \$250, and thanked all of them for their inspirational work.

Student Board Member Kelly Reed, from AHS, noted she had Mr. Rodriguez for sophomore and junior history and noted he is absolutely deserving of the honor.

Member McMahan added he has a student who went through Mr. Rodriguez's class, which prepares you with skills you will need to succeed by putting together a set of expectations that far exceed the norm. Mr. Rodriguez holds students accountable as well as provides additional characteristics to succeed in college-level classes.

Ms. Briggance added her son who graduated from EHS, is using the skills he learned currently at his ivy-league college, and thanked the teachers for preparing students to be competitive in good part because of

the AP programs at EHS.

### **Superintendent Search Update**

Superintendent Ardella Dailey will retire as of January 1, 2009. The California School Boards Association (CSBA) Executive Search Services was selected to conduct a search process for the Superintendent.

The application period ended at 5:00 PM on October 22, 2008. CSBA reports that there were 30 application packets received. CSBA staff will be screening the applications to determine the top candidates, begin reference checks, and prepare to report recommendations to the Board of Education at a Closed Session Special Meeting on November 5, 2008.

Member McMahan noted that 27 candidates will be moving forward for the screening process. Interviews will be conducted the weekend of November 15 and 16.

### **Student Board Member Reports**

Student Board Member Kesete from Island reported:

- Island is fully enrolled with over 200 students, and a waiting list for 25 students
- 59 students are on the honor roll with a GPA of 3.5 or higher
- After-school basketball team formed
- New math teacher
- New journalism class
- New “Cyber Eye” class online

Student Board Member Reed from EHS reported:

- Over 60 seniors will be working at the polls throughout Alameda and Oakland and Election Day
- WASC groups currently meeting
- More teachers trained on SIM strategies
- Football team still undefeated, last Friday won 41-14; other teams doing well
- Successful Homecoming last week – over 200 students participated in the wall decoration night and over 50% attended dance
- Leadership sponsoring a mock election on 10/29

Student Board Member Ramos from ASTI reported:

- BBQ cleanup day on 10/26
- 10/24 movie night fundraiser
- Haunted House Fri/Sat/Sun
- Canned food drive
- 11/21 motivational day
- Cultural Potluck 11/25
- Media Studies enrolled in Art of Dairy – winner gets \$20,000 for school, \$5,000 for student and \$5,000 for teacher
- Senior Portraits 11/7/08

Student Board Member Quach from AHS reported:

- Leadership wrapping up homecoming events
- 10/21 teen driving workshop
- ARPD Haunted House participation

- Food Bank collection bins in classrooms
- WASC reporting coming along nicely
- Senior Banquet on 11/1 – Commodore Yachts
- Panoramic picture on 11/6 at 11:15 AM in front of Kofman
- Food Faire 11/21 in courtyard

**Chipman Middle School Program Improvement (PI) Status Report**

Assistant Superintendent Debbie Wong introduced the item. Chipman Middle School has continued to make significant growth in their State Academic Performance Index (API) of +15 points, and has met growth targets in their Federal Adequate Yearly Progress (AYP) with the following subgroups:

English Language Arts: Filipino, White, Socio-Economically disadvantaged  
 Math: Asian, White

The school has been designated a Program Improvement School – Year 3, based on the Federal Adequate Yearly Progress (AYP) guidelines of not meeting the annual measurable objectives two years in a row in English Language Arts and Mathematics with our African American students. Program Improvement (PI) Year 3 requires that Chipman Middle School offer corrective action options, timely parent notification of PI status, public school choice transfer to other non-Program Improvement schools, transportation costs, supplemental educational services, revised school site plan, and Title 1 set aside funds for professional development and transportation costs. Staff will provide a review of the implications of these requirements and continual improvement plan. Jud Kempson and Kirsten Zazo will be presenting Chipman Middle School’s implementation plan for improvement in 2008/09.

Ms. Wong noted Chipman has really done tremendous work and effort designing, engaging, motivating, and educating. This is a true collaboration. Student Services is helping with choice, transfers; ELD & Categorical is helping interview providers and get brochures translated and printed; Wendy Ponder has worked closely with the leadership team, SSC, and administrators to ensure the instructional vision continues.

**Implementation of Corrective Action:**

- Create a District/School Liaison Team (DSLTL)
- With DSLTL, complete Year 3 Corrective Action Protocol
- Incorporate Corrective Action(s) in the SSP to ensure alignment with District/School needs
- Amend District plan & budget to reflect changes to support school

**Corrective Action Options:**

- Option 1: Replace the school staff who are relevant to the failure to make AYP
- Option 2: Institute & fully implement a new curriculum, including providing appropriate professional development for all relevant staff
- Option 3: Significantly decrease management authority at the school level
- Option 4: Appoint an outside expert to advise the school on its progress toward making AYP, based on its revised school plan
- Option 5: Extend the school year or school day for the school
- Option 6: Restructure the internal organizational structure of the school

**Collaborative work to meet Year 3 requirements:**

- DSLTL consists of School Site Council and Director of Curriculum & Director of ELD/Categorical Programs

- Implementation of California Department of Education’s recommended protocol to select corrective action option(s)

Principal Jud Kempson and Vice Principal Kirsten Zazo continued the presentation. Chipman has been working tirelessly forging a deeper focus on English Language Arts and Mathematics. To approach these efforts, the school is instituting school wide agreements to provide engaging & motivating integration of academics and citizenship.

For the past 10 years, there has been ongoing training on brain research, implementing consistent procedures throughout the school, and building consistent ideas that reach throughout curricular areas. Now there will be a focus on environmental stewardship and social responsibility. Each grade has a theme, and the Science Department has really led this effort.

SIM, which has been successfully implemented at EHS, will be implemented school wide by the core academic teachers, 4 of whom are potential professional developers. Staff has begun Courageous Conversations work, starting off with a 2-day retreat before the beginning of school which was attended by the majority of teachers. Staff has committed one meeting per month to continue the conversation.

This work is about race. The data is the same across the district – we are not serving our black and brown kids. Regardless of socio-economic differences, the gap remains. And the gap is apparent across all schools in the district, but more apparent at Chipman because there are more students of color. There is underlying racism in our community that ties into the perception of students and the students’ perceptions of themselves. A frequent comment noted the perception of our interdistrict students. However, interdistrict students are on a contract and are required to maintain a minimum GPA with no discipline issues. In reality, interdistrict students are some of our better performing students.

Specifically, there are 39 interdistrict students at Chipman, and 21 of them have a GPA of 3.0 or higher. 22 of them are from Oakland. 27 of them are black. This is a frequent question, and it speaks to ownership of this community that somehow our black and brown kids are “not ours” and they don’t belong here. It’s not a very open, honest conversation, but we’re talking about race. Internalized racism exists within the students, as well, who have commented they’re never going to be as good as Lincoln because Lincoln is “the white school”. Just the visuals of the middle schools are not equal.

What’s happening at Chipman is happening throughout the District. Now that there is an equity policy, we need to start the conversation with socioeconomic and race.

Superintendent Dailey added she and Wendy Ponder, along with Jud and Kirsten, attended a Summit of Courageous Conversations in New Orleans, which had over 500 participants of k-12 educators. It was an intense, 4-days of workshops and sessions looking at the achievement gap issue. The work done there, coupled with the Courageous Conversations About Race book, are being used at Chipman as part of their book study process. Superintendent Dailey added she is proud of Chipman for taking the first steps.

Member Jensen thanked staff for the presentation and noted that Chipman is a tremendous school, and there are exciting things going on. Member Jensen added that when she speaks to people about the uniqueness of our schools, Chipman is one of the schools she often mentions. Member Jensen asked how the corrective action options might affect employee groups. Ms. Wong noted staff is currently looking at the options with the goal to have recommendations submitted in the School Site Plan, which is due December 19. In Year 3 the school needs to select an option and put it in the SSP and begin implementation. In Year 4-5, the school starts going into restructuring mode.

Ms. Wong added 3 of the 6 options are very challenging to implement because of teacher contracts. Under each of the options, there are a series of questions to be asked for consideration, and quite possibly staff could immediately throw out 3-4 options just based on what is going to work. It's not a one-size fits all thing.

Member Forbes applauded everyone for the courageous conversations and thanked Chipman staff for sharing, and requested that data regarding interdistrict transfers and their performance be shared regularly. The more of that data that gets out, the more we can debunk that myth.

Member Forbes asked to what extent we can encourage students to participate in support programs. Mr. Kempson noted information is shared in parent/teacher conferences and via handouts through core teachers, but students cannot be mandated to attend.

Trish Spencer, Community Member, thanked Jud and Kirsten for presenting this information in such an enlightening way. This is new data and we need to commend this work. Yes, they are correct when speaking about institutionalized racism as a community problem. There is so much work going on at Chipman – invite the community in to help you. There are a lot of people throughout the island interested in helping. This is all information that needs to be shared and made accessible so that we can work together to solve these problems.

Member McMahon asked about how to carry this through to the entire district. Ms. Ponder noted we will have to determine if our priority really is closing the achievement gap. The Board has set precedence with its Equity Policy, but it will take all of us to be held accountable – including the new Superintendent and incoming Board Members directing the work. It's going to be challenging along the way, but first we need to acknowledge is and learn about ourselves.

Member Jensen noted she has a friend whose student went to Chipman for 6<sup>th</sup> grade but wound of transferring to St. Joe's as it just didn't work out for him, which is unfortunate. What do we need to put in place for families who do want to try – what do their kids need to be successful?

President Schaff commended Chipman staff for their excellent work.

### **Report of the State Budget's Impact on AUSD (45-Day Review)**

Tim Rahill, Chief Financial Officer, introduced the item. On September 23, 2008 the Governor signed the budget bill into law for the 2008/09 fiscal year. Pursuant to the provisions of Education Code 42127 (j) (4), "not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenue and expenditures that it has made to its budget to reflect the funding made available by that Budget Act."

The state adopted budget for 2008/09 includes the following items as it impacts AUSD:

- 2008/09 net COLA of 0;71% or \$380,000 in additional Revenue Limit Funding. The net COLA is made up of the Statutory COLA of 4.55% and a Deficit Factor of 4.71%
- No 6.5% cut to State Categoricals. Thus, the State Categoricals will be funded at the prior 2007/08 level. The district will update the Budget upon receipt of the actual State Categorical Funds.
- No Equalization Aid
- No Mandated Cost Reimbursement
- State contribution of about \$445,000 for the Deferred Maintenance Program

The biggest concern for AUSD is the Recommended Planning COLA for 2009/10 at 0%. The 08/09



Budget includes multi-year projections with an 09/10 Statutory COLA of 4.8% (and the ongoing deficit) which would have provided for about \$2.7M in ongoing funds 2009/10. Now, with the Recommended Planning COLA for 2009/10 at 9%, AUSD will have to remove these ongoing funds from the multi-year projections, and the fund balance for the 09/10 year and future years will be adjusted. The district will be updating its multi-year projections for this material change in funding, and presenting this information as part of the multi-year projections presented with the 08/09 First Interim Report in December with our actual budget estimates.

### **East Bay Regional Occupational Agency Joint Exercise of Powers Agreement for A Regional Occupational Program**

Donna Wyatt, ROP and Post-Secondary Options Coordinator, introduced the item. In May 2008, the Board viewed a presentation that outlined the restructuring goals of the Oakland-Alameda ROP JPA into the new East Bay ROP JPA. The purpose of this restructuring was threefold:

First, to improve, enhance, and increase the availability of Career Technical Education in AUSD and OUSD:

Second, to capture unrealized ROP categorical funds that will be available once the JPA restructures and can achieve an organizational focus and efficiency of operations;

Third, to bring the ROP JPA into compliance as required under CA Ed Code Section 52300.

OUSD counsel and outside counsel for AUSD reviewed and approved the JPA document in early August 2008. This document was presented to the Board as an information item at the October 14, 2008 meeting and has been brought forward for action so that staff may begin the formation of the new EBROP JPA.

Patricia Sanders, AEA President, encouraged the Board to pause and allow one courageous conversation to happen – to negotiate the impact of this. AEA is not saying it shouldn't go forward, but you skipped a step.

Bob Krietz noted that although it won't happen overnight, Alameda will grow and develop and will realize a big change that will be beneficial for students.

Member Gibson asked about transportation and student willingness to travel to another city to attend ROP classes. Mr. Krietz noted that when students are really interested, they find a way to get to the class – whether by public transportation or other means.

Member Forbes asked about the need for an addendum since the JPA document actually stated that we'd be discontinuing our current program as the JPA got approved. Member Forbes noted he is uncomfortable and worried that if something happens, there will be finger pointing. Ms. Wyatt noted legal counsel felt an addendum was not necessary as it is understood that the current programs will continue operating until the organizational structure of the EBROP JPA is built and ready to take over.

Superintendent Dailey added this is a transition year – this allows us to move forward with the JPA and allows the programs to stay in place. Some of the details that need to be worked out really need the JPA Superintendent and Board in place. In order to move forward with that, staff needs action on the JPA to allow us to implement it.

Member McMahon explained that the AUSD/OUSD program has been struggling with this for 2 years. At what point can we, in fact, move forward and have the authority to do what we need to do in order to make this happen? Ever delay that occurs prevents us from making that step. Until both Board approve, we are in a holding pattern and sending a message to the County to shut us down. First and foremost, we

have to recognize that it's a leap of faith to a degree that everyone in the room recognizes what we're trying to accomplish in moving forward with the transition. We need to become a legal entity. In regards to the JPA Superintendent hiring process, the first step is to create a job description. If the EBROP JPA is not approved, we don't have an entity for which to create a job description.

Member Forbes asked about addressing negotiation issues. Ms. McLachlan-Fry noted that AEA has submitted a demand to bargain on this issue and impact on current teachers who are under AEA contract. There is a meeting scheduled for November 6 to look at the impacts this would have. There have been some changes in the agreement to clarify that those instructors currently under AUSD would continue under AUSD, and OUSD would continue under OUSD. Once the new JPA is formed, what changes then are those employees hired under that organization. Negotiations would be around what impact that would have on current AUSD ROP teachers. Changes will come as things grow.

Member McMahon clarified that eventually, the EBROP JPA would have a Superintendent who would build up the staff and programs and realign/focus. There will be more offerings which will mean more teachers and if the EBROP JPA is prepared, they would have a salary schedule. They could in fact, hire employees independent of AUSD and OUSD, or decide to have positions filled by AUSD or OUSD.

Member Gibson asked where OUSD is in this process. Ms. Wyatt noted they have the same issue with the Oakland Education Association and are holding off for now. Member Gibson suggested Alameda hold off as well, and asked if that would greatly disturb the process timeline. Ms. Wyatt noted it would, and that it's important for us to move forward so that progress can begin on establishing the entity and we can meet compliance.

Member Gibson added that by voting tonight, rather than waiting and seeing where Oakland is, we would be sending a message to the County that Alameda has said "yes". On the other hand, we would be sending a message to our employee groups that we don't think it's important – as requested – to allow that first step, at least some initial discussion to occur. Do we want to make a decision, regardless of what we hear from our employee groups?

Superintendent Daily added the state and county have sent AUSD a message that the current operating structure needs to be corrected. We must create a JPA. We need to move forward in order to have it happen in a reasonable manner.

Patricia Sanders reiterated that she wasn't even aware that this would potentially pull members out of units, were it not for a member to come to her and express concern. The association is not against seeing the JPA happen, it's just a matter of making sure the members' rights are protected in the process. Ms. Sanders referred to Member McMahon's comment that this has been a 2-year process, but noted she had never heard about this previously. Does waiting 2-3 weeks really make a huge difference? We all understand the push to get this done quickly, but AEA wants to protect members' rights. Ms. Sanders added there are just issues to look at and have a conversation about – it's about showing the respect. If it affects members, we should be sitting down at the table. Member Gibson added that it is her personal feeling that the Board should respect our employees and give them the opportunity to at least have that discussion to see where it goes.

Member McMahon replied that moving forward in the creation of the JPA is not dismissing or in any way affecting the rights of anybody. We still have to have that discussion. The sooner we get this going, the sooner we can answer the questions. You're going to wind up trying to negotiate for an entity that doesn't exist. This is for the kids, not about the adults. Let's just do it and move forward.

**MOVED: Member Gibson**

**SECONDED: Member Jensen**

That this item be tabled until after the November 6 meeting with AEA has taken place.

**ROLL CALL VOTE**

**AYES:** Forbes, Gibson, Jensen

**NOES:** McMahon, Schaff

**MOTION CARRIED**

**Nea Community Learning Center Charter Petition**

Last year, on November 7, 2007, the ACLC Governing Board officially changed its name and mission of the corporation to Community Learning Center Schools, Inc. (CLCS) in order to meet legal regulations for CLCS to operate multiple charter schools in California.

After the legally-required public hearing and vote, the AUSD Board voted to deny the charter. CLCS resubmitted the Nea Community Learning Center charter petition on October 3, 2008. The Board of Education is to conduct a public hearing as required by law within 30 days of filing the petition, and 60 days to grant or deny the charter (by the November 25, 2008 Board of Education meeting).

Maafi Gueye, Lead Facilitator for the petitioned charter, presented an overview of the charter petition, noting that all recommendations made regarding the initial charter application were considered and incorporated into the new petition.

President Schaff opened the Public Hearing at 9:57 PM.

Ann Casper, parent, teacher and community member, opposed the application and urged the Board to scrutinize it carefully. Ms. Casper noted she is opposed morally because it is unconscionable that this has been brought at this time, after 7 years of budget cuts and a state budget crisis which will probably result in mid-year cuts and challenges to Measure H. How does the good of 300 students outweigh the good of the 9700 remaining students who will be hurt by the loss of ADA?

Judy Blank, parent of ACLC student, supports Nea. The issue is having an alternative setting for students who do not fit the traditional model. The district should be proud of the chartered program they have now that has proven successful and sustained over 13 years. Now is the opportunity to expand.

Paul Minney, legal counsel for the charter petitioners, noted he assisted in drafting the revisions and looked at all the concerns raised. The revisions are consistent with all laws and requirements, and concerns that were legitimately raised. This is a reasonably comprehensive application modeled after an already existing successful program.

Lowry Fenton, ACLC Board Member, noted he is encouraged by the process in working with the District this time around and looks forward to reaching a successful conclusion.

Several students spoke regarding their experience with ACLC and noted how the school has helped them as learners and people and went above and beyond to meet their needs, and encouraged the Board to approve the charter application.

Several parents addressed the Board regarding their support for the charter and the attractiveness of choice for parents who may opt for a public charter rather than a private school or private placement. One

parent noted that Special Ed could learn a lot from ACLC and its innovative, supportive programs.

Jeff Smith, teacher, noted he fully supports the new school as an intelligent choice that shouldn't be denied to those who want and/or need that kind of environment. This is about kids first – we lost track of that. These kids get more ADA and we should think of it as all Alameda kids getting more money.

Trish Spencer noted the intent of the legislature was to enact these types of educational opportunities, and she noted support for the charter. This is a difficult decision, but this school is trying to find innovative ways to help students and it is an incredible opportunity. We need to work together to meet the needs of all students.

President Schaff closed the Public Hearing at 10:17 PM.

Member Forbes raised questions regarding AP classes, racial ethnic balance, and being a member of the El Dorado SELPA. Ms. Gueye responded to all questions, noting that the school will offer HP and not AP classes, will not focus outreach on Asian students as the district is doing exceptionally well in serving the Asian student population, and the El Dorado SELPA will service all students. This would be an independent charter and simply a tenant of the district.

Paul Bentz added the key difference between ACLC and Nea is that Nea would be the employer and be responsible for all business services and Special Ed services. Nea will seek a Prop 39 facility request through AUSD, but will take care of full inclusion programs for both ELD learners and Special Ed students.

**MOVED: Member McMahon**

Moved to extend the meeting past 10:30 PM.

**SECONDED: Member Forbes**

**AYES:** Forbes, Gibson, Jensen, McMahon, Schaff

**NOES:** None

**MOTION CARRIED**

Member McMahon noted the application is structured as a K-12. What happens if you don't get the level of students that you need? What if you fill up another 6-12 program? Mr. Bentz responded that the school's vision is to be a K-12 charter. The plan is to try to open as a K-10. If these plans are not met, then Nea has the flexibility to do whatever it needs do. If there are excess 4<sup>th</sup> graders, it could be possible to have two 4<sup>th</sup> grade classes, for example.

President Schaff added the law dictates a lot of what we're driving to. This is a comprehensive charter application that has a lot of thought, based on a successful model. We would hope it is complementary with whatever the district does. We need to make sure that an agreement between us, if approved, helps the kids and is fair to both the District and Nea.

**California School Employees Association (CSEA) 860 Agreement**

Ms. McLachlan-Fry introduced the item. The Alameda Unified School District and the California CSEA Chapter 860 formally recognizes the extension of the July 1, 2004 through June 30, 2007 CSEA contract (formerly Public Employees Union, Local 1 – Maintenance, Operations & Food Service). The agreement is dated October 21, 2008. This agreement is a written statement of the verbal agreement made when Local 1 was decertified a year ago.

**MOVED: Member Forbes**

**SECONDED: Member Schaff**

That the Board approve the California School Employees Association (CSEA) 860 Agreement.

**AYES:** Forbes, Gibson, Jensen, McMahon, Schaff

**NOES:** None

**MOTION CARRIED**

**Sunshine Proposals – CSEA 860**

Member Schaff questioned whether this item had to be a Public Hearing item. Ms. McLachlan-Fry stated she will get clarification and bring the item back at the next meeting.

**Sunshine Proposals – AUSD**

Member Schaff questioned whether this item had to be a Public Hearing item. Ms. McLachlan-Fry stated she will get clarification and bring the item back at the next meeting.

**Board Member Reports**

Member McMahon noted that there were several events scheduled the same evening as the County Teacher of the Year ceremony, which prevented some members from attending. Member McMahon noted he attended a districtwide training put on by AEA on School Site Council training and thanked both AEA and CTA for putting on that workshop.

Member Jensen noted she attended the Otis Harvest Festival and added there will be another festival at Edison on Wednesday from 3-5 PM.

Member Forbes noted he visited SunCal, who has been making presentations to various Board and Commissions but hasn't come to the School Board, yet. There are significant issues that we need to get involved in quickly, and we have been talking to them about doing a presentation. We were hoping to have a presentation this evening, but they had a conflict and will be on the agenda for November 12.

**Student Discipline**

**MOVED: Member Forbes**

**SECONDED: Member Gibson**

That student #63785 be expelled from the Alameda Unified School District.

**ROLL CALL VOTE**

**AYES:** Forbes, Gibson, Jensen, McMahon, Schaff

**NOES:** None

**MOTION CARRIED**

President Schaff adjourned the meeting at 11:14 PM in memory of former employee, Myra Windmiller.