

**BOARD OF EDUCATION**  
**December 8, 2009**  
**Alameda City Hall Chambers**  
**2263 Santa Clara Avenue**  
**Alameda, CA**

**ADOPTED MINUTES**

**REGULAR MEETING:** The regular meeting of the Board of Education was held on the date and place mentioned above.

**CALL TO ORDER:** The meeting was called to order by President McMahon at 5:02 PM.

**PRESENT:** Jensen, Mc Mahon, Mooney, Spencer, Tam

**ABSENT:** None

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

**ADJOURN TO CLOSED SESSION:** By President McMahon at 5:02 PM to discuss: Public Employee Discipline/Dismissal/Release; Conference with labor Negotiator Laurie McLachlan-Fry: AEA, CSEA, ACSA; Conference with Legal Counsel Regarding 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 Mooney at 6:31 PM.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Led by Earhart Elementary School students.

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

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

**MOTION: Member Mooney**

**SECONDED: Member Tam**

That the Board of Education adopt the agenda as submitted.

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

**NOES:** None

**MOTION CARRIED**

**CONSENT CALENDAR:** The Board of Education approved the following consent items (such items are identified by a plus (+) mark in the body of the minutes):

**+Certificated Personnel Actions:** The Board of Education approved 1 leave of absence (Peterson).

**+Classified Personnel Actions:** The Board of Education approved 7 appointments (Castillo, Besmil, Gray, Ardourel, Limpiada, Matawaran, Salle); 1 resignation (Gonzalez); 1 termination (Simmons); 4 changes of status (Catambay, Cruz, Torres, Ramos).

**+Approval of Bill Warrants and Payroll Registers:** The Board of Education approved warrants numbered 959017-959109, 959110-959242, 959243-959323, 959324-959386, 959012 (voided).

**+Resolution No. 09-0072 Approval of Budget Transfers, Increases, Decreases**

**+Approval of Anti-Harassment Policy**

**APPROVAL OF MINUTES:** Minutes of the regular meeting of November 24, 2009 and the special meetings of October 20, 2009 and November 17, 2009.

**MOTION: Member Mooney**

That the board approves the minutes as presented.

**SECONDED: Member Tam**

**AYES:** Jenson, Mc Mahon, Mooney, Spencer, Tam

**Noes:** None

**MOTION CARRIED**

#### **COMMUNICATIONS:**

**Written correspondence:** Since the last Board Meeting on November 24, 2009, the Board of Education received approximately 200 e-mails in regards to adoption of anti-bullying instructional materials.

**Superintendent's Report:** Superintendent Vital noted school site visits made and reminded everyone about the additional regular Board of Education meeting on December 15<sup>th</sup>.

#### **Oral Communications:**

*Bill Garvine, community member,* addressed the Board regarding the Adult School proposal, adding that the Advisory Group to the Principal has worked on this item for months and is excited about the new direction the Adult School is about to take.

*Bob Reilly, community member,* also addressed the Board regarding the Adult School proposal, noting the excitement and backing of the staff and students.

*Patricia Sanders, AEA President,* addressed the Board noting AUSD employees are at or near the bottom of the compensation scale compared to other districts. Teachers have repeatedly worked with the district to keep vital programs in place for the benefit of the students while more and more work is heaped onto their plates without more resources. Teachers are ready to leave – sometimes the teaching field altogether. As you consider options and choices in these challenging times, please keep this in mind.

**Board Oral Communications:**

Member Spencer questioned item E-6, the Ratification of the Fagen, Fulfroost and Friedman engagement letter and asked why we are engaging this firm and at what cost. Legal Counsel Danielle Houck replied that the firm is currently working on teacher negotiations and has nearly closed the classified contract. They also perform services for Special Education, particularly in regards to due process disputes. Costs vary per item and some are just beginning; it's difficult at this point to give you that estimate.

President McMahon noted that on the consent calendar, the Board approved item E-5, an Anti-Harassment Policy that updates our policies to current legal compliance.

**Student Board Member Comments:** Student Board Member Mooney from Encinal High School noted for the 2<sup>nd</sup> year, EHS is competing in the NCS Championship Game; Songfest on 12/10; leadership sponsoring food drive and Adopt-A-Family; Winter Concert on Wednesday; EHS has been without a Resource Officer.

Student Board Member Gamalinda from Island High School added that the Tiki Times has been published; leadership is working on cultural posters; the food drive has been extended; Island won its first basketball game; Family night was held last Thursday.

Student Board Member Inlow from Alameda High School noted We Share working with the Collaborative; after-care change drive; Winter Assembly 12/11; Juniors are having a La Pinata fundraising night on 12/16; Jamba Juice fundraiser for ASB this whole week; book drive; football "Helping Hands" dance and collecting coats; diversity celebration for Middle Eastern Month; gingerbread houses competition.

Student Board Member Datuin from ASTI noted that the recent auction netted over \$3,000 and next week the school has final exams.

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

**Closed Session Action Report:** No action was taken in Closed Session.

President McMahon acknowledged the donations received from the community.

**Highlighting Alameda Schools – Earhart Elementary School**

Principal Joy dean and kindergarten teachers will share the instructional work being done to support high-levels of student achievement at Earhart School. Using the cycle of inquiry work from the Single School Plan, kindergarten teachers will discuss their work in the area of math, the data and their shift in instructional practice to better support the children as they meet the standards for academic achievement. Principal Dean will then share how this level of instructional work impacts student learning for all students helping each child to reach the school goal of "Soaring to Excellence."

Principal Joy Dean provided a short presentation of various activities at Earhart including morning assembly, API scores increase, language arts, math, collaboration, and the connecting the standards.

Member Jensen noted Principal Dean has served the longest at the same site – 9 years – than all our principals and congratulated her on a job well done. Superintendent Vital added the presentation showcases yet another example of the work going on in the District with leadership partnering with families and collaborating with teachers.

### **Employee(s) of the Month**

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 persons so honored are:

Cathy Fong, 3<sup>rd</sup> Grade Teacher – Bay Farm Elementary School

Otis Elementary SDC Team, Room 114:

Marian Croyle, Piedad Cruz, Angeline Leonard, Cecilia Moyer, and Agnes Weinreb.

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced Assistant Superintendent, Debbie Wong (filling in for nominator Terri Elkin) to read the nomination form for Cathy Fong.

Ms. McLachlan-Fry then introduced Otis Principal Shirley Clem, who recognized the Otis SDC Team, Room 114.

### **Election of Board President**

Each year during the annual organizational meeting, the Board of Education nominates and elects a Board President. President McMahan asked for nominations.

#### **MOTION: Member Tam**

That Member Mooney be nominated as Board President.

#### **SECONDED: Member McMahan**

#### **MOTION: Member Spencer**

That Member Jensen be nominated as Board President.

#### **SECONDED: Member McMahan**

President McMahan called for discussion. Member Spencer noted Member Jensen is uniquely qualified based on her policy background, leadership skills, and how she's addressed the public when she's spoken.

Member McMahan called for a roll call vote of the Board.

### **ROLL CALL VOTE**

President McMahan voted for Member Mooney; Member Jensen voted for Member Jensen; Member Mooney voted for Member Mooney; Member Tam voted for Member Mooney; Member Spencer voted for Member Jensen.

**MOTION CARRIED**

Member Mooney was elected and assumed the role of Board President.

**Election of Board Vice-President**

Each year during the annual organizational meeting, the Board of Education nominates and elects a Board Vice-President.

**MOTION: Member Jensen**

**SECONDED: Member McMahan**

That Member Spencer be nominated as Board Vice-President.

Member McMahan moved to nominate Member Jensen as Board Vice-President. Member Jensen declined the nomination.

**MOTION: Member McMahan**

**SECONDED: Member Tam**

That Member McMahan be nominated as Board Vice-President.

President Mooney called for a roll call vote of the Board.

**ROLL CALL VOTE**

Member Tam voted for Member McMahan; Member Spencer voted for Member Spencer; President Mooney voted for Member McMahan; Member Jensen voted for Member Spencer; Member McMahan voted for Member McMahan.

**MOTION CARRIED**

Member McMahan was elected and assumed the role of Board Vice-President.

**Approval of 2010 Schedule of Regular Board of Education Meetings**

At the annual organizational meeting in December, the Board of Education sets its meeting calendar for the calendar year. Board of Education meetings are usually held on the second and fourth Tuesday of every month.

**MOTION: Member McMahan**

**SECONDED: Member Jensen**

That the Board approve the 2010 schedule of regular Board meetings as proposed.

AYES: Jensen, McMahan, Mooney, Spencer, Tam

NOES: None

**MOTION CARRIED**

**Approval of Anti-Bullying Instructional Materials**

The Superintendent directed staff to investigate a new curriculum that addresses bullying and harassment and explicitly addresses all six protected classes identified in Education Code 200: disability, gender, nationality, race or ethnicity, religion, or sexual orientation.

Staff presented a recommendation to the Superintendent at the November 24<sup>th</sup> Board meeting.

The Superintendent will make a recommendation to the Board for adopting new curricula addressing bullying and a plan for addressing all six protected classes.

Superintendent Vital introduced the item.

The Superintendent and the Teacher Committee held a conference call:

- Staff and the Superintendent met and conferred with a subgroup of the teachers who were on the Materials Review Committee
- After a finely-detailed review of *Open Minds to Equality*, teachers voiced concerns about using the book at grades 4 and 5 in Alameda schools
- Supported the use of *Links to Literature* and other literature to create a literature list to be approved by the Board
- Supported Caring Schools Communities and Steps to Respect
- Supported the continuation of Lesson 9 until replaced with new literature, teacher support materials

Recommendation of the Superintendent:

- Continue teaching Caring Schools Communities in grades K-5 for this academic school year
- Teach Lesson 9 as adopted by the Board until we adopt literature lists for all six protected classes

Recommendations for 2010/2011 and beyond:

- Caring Schools Communities for K-2 and continue to use as support in grades 3-5
- Steps to Respect: A Bullying Prevention Program for grades 3-5
- Adopt Links to Literature K-5
- Adopt at a February/March Board meeting a set of literature books to be used in grades K-5 that mirror six protected classes and that will be taught throughout the school year

Next steps:

- Elicit literature book recommendations addressing six protected classes from community members and teachers belonging to and identifying with six protected classes
- Map currently used literature and have grade-level teacher groups choose additional books to ensure all protected classes are represented in the curriculum
- Bring list of literature books selected by teachers to the Board for final approval
- Create teacher support materials to teach literature books after BOE adoption
- Provide professional development and launch new curriculum in 2010/11

Member Spencer asked if there is a difference between this presentation and the one from last week. Superintendent Vital added that through slide 6 are based on her recommendations and the conference call with the Teacher Committee. Slide 7 was part of the last meeting, and then the addendum is noted on slides 8 through 13, which were all part of Dr. Zepeda's previous presentation in terms of the timeline and accountabilities.

Member Spencer added Lesson 9 did have community review of lessons and asked for a clarification for why it was appropriate to have a community review of Lesson 9, but not appropriate to have community review with all protected classes.

Member Spencer noted concern about being asked to vote on something that has substantial changes from what was originally presented, which includes the adoption of new curriculum. Superintendent Vital responded that all of these were recommended in the last meeting. The Links to Literature and Caring Schools are the exact same recommendations that Dr. Zepeda made. Member Spencer noted that the page 8 staff recommendation - that the Board would vote on and the public would review - did not include Links to Literature, so therefore, the vote should be postponed and the Board should vote at a future time due to substantial changes to the recommendation.

Member Spencer noted she does not support proposing substantial changes when the Board and the public have not had adequate time to review proposed new books. Superintendent Vital explained that she addressed this in the last meeting, and that Links to Literature was part of the original teacher recommendation, and not the staff recommendation.

Superintendent Vital noted Links to Literature is a listing of books and some lessons. The goal would be to take books from Links to Literature as well as other recommended texts to build the literature unit. This was part of the last discussion. A perfect curriculum does not exist; what we are doing is looking at how we can piece things together so it makes sense for Alameda.

Member Jensen expressed concern that the process still seemed quite burdensome. Superintendent Vital noted this was part of the Teacher Committee conversation. There are books already being used in classrooms that represent protected classes. Rather than laying books upon books, we want to identify gaps and identify books to cover those unrepresented classes. It's a leap of faith around constructing that matrix and making clear how we're using all of these pieces in order to fit the need of all of the protected classes. There is no off-the-shelf curriculum that will work for this community.

Member Spencer asked about the role of the Community Advisory Committee because it is another place where this recommendation differs from the original recommendation. Superintendent Vital noted at the end of the day, staff is taking input and bringing it back to the teacher committee and focus group committee to make some final recommendations. We of course want input from all of the protected class groups and people identified with particular groups, as well the community at large, after Dr. Zepeda outlines what that process would look like.

Member Tam added that the community committee was tasked to look at different curriculum and programs that were explicit rather than implicit. What was the Teacher Committee's opinion of Open Minds to Equality? Superintendent Vital explained that Open Minds is not appropriate for elementary, but proposed for upper grades, potentially grades 4-5.

Member Jensen asked if the intent is to have Lesson 9 completely discarded once other curriculum is put in place. Superintendent Vital clarified that the commitment staff made to the

Board was to replace Caring Schools Community, including Lesson 9, with more explicit curriculum. In this case, the Board would be adopting curriculum materials and books. In this case, the Board would be adopting books, then the Superintendent would be responsible for creating lessons and supplemental materials through teacher-led committees.

Member Spencer noted it says we would create teacher support materials after Board adoption – does that refer to lessons and that it will not come back to the community or Board for review, comments, and then approval? Superintendent Vital replied that is correct, as it would not be appropriate for the Board to review teacher-appropriate work.

Member Spencer noted the Board did adopt books in regards to Lesson 9. Superintendent Vital clarified that these lesson were tied to Caring Schools Community, an adopted curriculum. Now the Superintendent would be writing a literature unit that's tied to books teachers are already teaching.

*Alaina Stewart, community member and parent*, thanked the Board for forming the committee of community members, noting it was a huge mistake when community members were not invited to participate in the original process. We need to have a balanced committee that is actively involved to oversee this process. It is foolish to trust activist-driven teachers who believe it is their responsibility to advance LGBT issues. There is a majority being bullied into silence and being overruled. People have lost faith that the Board would listen. Please show these parents you are interested in their feedback and you care about their children, too. Why not use a generic anti-bullying curriculum? If you ignore this silent majority, don't bother putting a parcel tax on the ballot.

*Sean Cahill, Co-Chair of CARE*, acknowledged those involved in this very lengthy process. Mr. Cahill read a statement in support of a welcoming environment for all students in AUSD by ensuring support for children of LGBT families and students identified as or perceived to be LGBT. The goal was to provide resources to the District to ensure the success of LGBT curricula and collaborate with organizations working on parallel issues. CARE recommends continuing work for more comprehensive curriculum that addresses all protected classes and supports work in identifying materials. Incorporate anti-bullying materials recommended by both committees – Second Step and Steps to Respect. Further, Caring Schools Community Lesson 9 should be maintained until such time a comprehensive appropriate alternative curriculum is implemented. CARE is supportive of the staff recommendation and thanks staff for supporting all families.

*Kerry Cook, community member*, noted that Board Policy 6144 requires the District to teach both sides of a controversial issue. Lesson 9 does not. No one has provided any scientific evidence supporting the belief that change by therapy is impossible. The 2007 teacher survey that staff keeps referencing did not ask for Lesson 9. Teachers are being denied all the facts. Instead of helping by giving them the balanced training they need, AUSD is proposing further throwing them in over their heads and teaching a theory that gives them no hope of change if they are at all LGBT. Parents have no say in it, despite a higher risk of death.

Steps to Respect is a generic, anti-bullying curriculum we can all get behind. Instead of targeting specific classes, why not teach that anti-bullying won't be tolerated at all, no matter what?



*Glenn Aitkens, 5<sup>th</sup> grade teacher at Edison*, noted he has taught in the district for over 10 years and took part in the week long teacher workshop last summer. Mr. Aitkens noted he was part of the teacher group that reviewed Lesson 9 and developed the teacher support guide which they were quite proud of. As part of the Teacher Committee, last week in the final meeting, the committee agreed on curriculum that included retention of Caring Schools Community in lower grades and the addition of Steps to Respect for the upper grades. Open Minds was removed due to concerns from both committees. The Teacher Committee supports the Superintendent's recommendation.

*Kevin Wood, community member*, urged the community-at-large to weigh in to counter-balance the teachers' insistence on Links to Literature and lesson place. We need to continue to hold this liberal leaning Board accountable and continue to tirelessly work as non-homophobic opponents to homosexuality in public schools.

*Kellie Wood, parent and Advisory Committee member*, added this is irresponsible spending and the focus should be on excellence in academics and to allow kids to stay true to their own moral convictions without bullying from anyone. This issue will come up again in the choice of books used to address all groups. Consider the consequences carefully; freedom of religion is also protected. Although it may be of no consequence to some, it is an integral part of many traditional families and should be honored. The answer is not to petition or suggest that people water down their moral convictions to make other groups feel more at ease. This teaches students to be defiant of their parents.

*Kathy Passmore, parent and teacher*, noted she would like to commend the Superintendent for being courageous in writing and forwarding Lesson 9 and three Board Members who had the common sense to approve the curriculum as a proactive and consistent way to deal with bullying related to LGBT community.

People are debating the legitimacy of our family unit. There is nothing wrong in teaching that these children exist; they have every right to have their families represented in curriculum the same as everyone else. Please show common sense and courage and keep Lesson 9.

*Peter Hagberg, attorney representing several Alameda parents*, speaking on behalf of those he represents, thanked staff for their hard work in the past few months to correct, as they promised, to have a more complete and fair curriculum for anti-bullying. While not perfect, it has come a long way and you have done what you said you would do.

Mr. Hagberg noted problems with the suggestion of literature books to be selected later on, then coming back to the Board without community input. There is a lack of trust and concern generated in the first place by what happened. You're going to cause this division to happen again when we're on the threshold of going forward peaceably.

The problem with approving Links to Literature is a legal problem because that was not on the agenda until yesterday and that's inadequate notice and a Brown Act violation. It also wasn't made available for public review when community members stopped by to review the materials.

Instruct the Superintendent to get community input on books prior to asking for Board approval. It doesn't make sense to approve it when you don't know which ones are being selected.

*Randall Fong, Community Advisory Committee member*, thanked Dr. Zepeda for getting the 2 opposing sides together. Every person in the room couldn't get exactly what they wanted, but that's the spirit of compromise. The Teacher Committee was not diverse. If it was made up of those representing all 6 protected classes, that would have been better. The Teacher Committee was a little biased and not representative of the community. Why not provide a long list of different books and let the teachers pick and choose which books are best for their classrooms? We need to also reconsider the opt-out. People shouldn't be forced to take part in something that offends them.

*Ourida Kaci, parent*, noted as a Muslim, I don't expect the schools to teach anything about my religion; if I want my children raised that way, I would send them to an Islamic school. I don't expect the public schools to teach everything that I believe in.

*Austin Tam, community member*, addressed the Board, thanking them for their vote on May 26, adding it is disturbing that a group of people can try to dictate election results and threaten the Board with recall because they do not agree on this issue. Mr. Tam noted he is disgusted and ashamed of this supposed open-minded community. He urged the Board to adopt this item and vote with their conscience to make the right decision.

President Mooney asked for Board deliberations.

**MOTION: Member McMahan**

**SECONDED: Member Tam**

That the Board adopt Caring Schools Community for grades K-2 and Steps to Respect for grades 3-5.

AYES: McMahan, Mooney, Tam, Spencer

NOES: Jensen

**MOTION CARRIED**

Member Spencer stated she believes this has torn apart our community. We have members throughout our community who come from all of these protected classes. We choose to live here, next to each other. This has been an extremely unfortunate episode here in Alameda, but we can work together to serve all of our children and our protected classes and can do it much better than this. Hopefully in the future, the staff will reach out to our community members and fairly represent all of our protected classes. We have not taken into consideration the strong beliefs of all of our members.

Every child has a right to be reflected, and all classrooms should be safe for all children. Member Spencer added while she appreciates the work of the committees, it's unfortunate positions have been drawn so strongly that we seem to be missing the goal here. This could have been handled better by those of us who are just regular citizens and parents who do this everyday with our children. Our children do this everyday. We all need to work together to care for all of our children and at some point, come back.

Member Spencer added she hopes we can all work together to pass a parcel tax, which we need to educate all of our students. That has to be our priority. Our poorest children depend on public education. If we don't pass a parcel tax, we will not be able to serve our children.

President Mooney recapped that the Board has adopted Caring Schools Community and Steps to Respect for next year and at this point, Lesson 9 will continue. It doesn't appear the Board has asked for the Superintendent to create a booklist at this point.

Member McMahon added his specific issue about adopting Links to Literature is that he agrees with the Brown Act statement mentioned earlier – it wasn't available to the public. In a normal adoption process, books would have been noticed to the community in advance and available for review for 30 days. Let's err on the side of caution.

Superintendent Vital asked Dr. Zepeda to clarify the Brown Act violation statement. General Counsel Houck noted that everything was available as legally required, including Links to Literature. The guide has been available for the past several weeks. Dr. Zepeda clarified that the materials have been in his office for a very long time and info posted on the web last week. One of the things that happened today was the Links to Literature list was moved from one table to another due to a meeting taking place in the space. It was off to the side and was not immediately seen when members of the public came to review materials. All other materials were grouped together in the same place. Dr. Zepeda added when he realized this had happened, he did call the member of the public who came to review the materials and let him know he would bring it to the meeting.

Member Jensen asked if Steps to Respect was available for 30 days for community review. Dr. Zepeda stated policy does not state a specific number of days.

Member Spencer clarified that Lesson 9 was not part of the vote and the recommendation did not include Lesson 9. President Mooney noted the Superintendent did recommend to continue Lesson 9 until we adopt a new curriculum. Member Spencer noted Lesson 9 was listed for 2009/10 but not part of the recommendation for 2010/11 and beyond. President Mooney clarified he did not hear any vote that pulled back Lesson 9. Superintendent Vital clarified her recommendation, noting that her assumption was that this wasn't going to be taken in pieces. Her recommendation was to leave Lesson 9 until we adopt a list for all six protected classes.

Member Spencer noted the discussion of Links to Literature had already occurred the Board did not receive notice of Links to Literature, no opportunity to review, which violates the Brown Act.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the Board adopt Links to Literature K-5 and ensure Lesson 9 is taught for the 2009/10 school year in all K-5 classes and in the future, adopt a set of literature books for K-5 that include all six protected classes.

Member Spencer noted the motion was already made and the Board has voted on this issue. Member Spencer agreed with a previous speaker regarding Links to Literature. This is simply a

list of books. The Board and the community does not know which books will be selected, and has therefore not had adequate time to review any materials. This is not appropriate.

Member Jensen stated she supports the Superintendent's recommendation to develop curriculum to support all protected classes. The intent was not to disregard the tools and support for LGBT families. We asked these committees to work together diligently and in good faith to come up with these recommendations. We have lesson 9; currently, it meets the needs of students and families. We need to keep it and continue to work on obtaining the best curriculum, tools, and books for Alameda.

Member Jensen voiced concern that the additional of so many materials is burdensome for teachers. We are talking about cutting and closing, how can we add 6 new books for all of our schools? Can we move forward and close this tonight and reopen it in February when we get input from members of the community?

Student Board Member Mooney added this item has been discussed over and over again and there are many other pressing issues on the agenda that need to be resolved. Student Board Member Mooney requested the Board finalize its action and move on.

Member McMahon stated he is comfortable moving on with Member Jensen's motion, but added he would ask that staff look at more robust, proactive community involvement with regards to input to the teacher committee who will be selecting the books. We of course want to make sure we do the best we can to protect our professional teachers in what they're looking for, but we need to include the community in the process.

President Mooney added he supports more community involvement as well, but reiterated concern about a February/March approval date and the ability to have this whole process done and concluded well by that time.

Member Jensen clarified her previous motion.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the District retain Lesson 9 along with Links to Literature unless and until a replacement curriculum that addresses the other protected classes and includes LGBT families and students is developed by the Superintendent and adopted by the Board.

AYES: Jensen, McMahon, Mooney, Tam

NOES: Spencer

**MOTION CARRIED**

Member Jensen reiterated that Links to Literature is available and anyone can view it in Dr. Zepeda's office, Room 209 at the district office between 8:00 AM and 4:30 PM.

**Adoption of Board of Education Committee Assignments**

Each year during the annual organization meeting, the Board of Education reviews the committee assignments for Board Members. Assignments are considered based on the individual Board Member’s interest and expertise.

After a brief discussion, the Board decided on the following Committee assignments:

- ACSBA: McMahan
- Youth Collaborative: Jensen
- BTSA: McMahan / Tam
- EBROP: McMahan
- AEF: Mooney / Tam
- PTA Council: Jensen / Spencer
- Wellness: Jensen
- City/School Board: Mooney / Spencer
- Policy Subcommittee: Mooney / Spencer

**MOTION: Member Jensen**

**SECONDED: Member Tam**

That the Board approve the Board of Education committee assignments as discussed.

AYES: Jensen, McMahan, Mooney, Spencer, Tam

NOES: None

**MOTION CARRIED**

**Measure C Modernization Report**

In 2004, Alameda residents passed Measure C providing \$63M in local bond funds and approximately \$18M in state funds for modernization and new construction projects.

Over the past five years, projects have been implemented at each campus in the District. The following is a report of the Measure’s outstanding balance and identified projects awaiting approval and funding.

Staff is requesting authorization to defer the Measure C Adult School Window and Exterior Paint Project until the completion of the Master Plan.

Beginning Balance, July 1, 2009:	\$4,040,000
Committed work	\$1,890,000
In-Process (not committed)	\$1,400,000
Ending Balance, November 30, 2009	\$ 750,000
Deferred project:	\$ 689,000

Member McMahan clarified, we have a \$4M balance of which \$1.9M has already been committed, leaving us a balance of \$750K. The \$689K is not added into it. If we include the

\$689K, we would have a balance of \$50K. The Board gave direction to the MOF Director for summer work, which included the Adult School, BayFarm, Longfellow, and Franklin.

President Mooney asked if the reason staff is not suggesting other sites is because the proposed deferred items are not related to health and safety issues. Superintendent Vital confirmed this was correct. Member McMahon agreed it's product to hold off a bid until the Master Plan is done. Superintendent Vital asked Board Members with concerns or questions to let staff know as this item will be up for a vote next week.

### **Review of Criteria for Charter Application Approval/Denial and Possible Implications to District Schools**

To prepare for the Governing Board's decision on charter school petitions, staff will be providing a review of the criteria for charter application approval or denial based on Education Code 47605 and our Board Policy Administrative Regulations 0420.4(a). You will also receive information on required elements in a charter petition, conditions and documentation for commencing operation, implications to Alameda Unified School District, and next steps in the process.

Debbie Wong, Assistant Superintendent, introduced the item. Education Code 47605 states that a charter shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition
3. The petition does not contain the number of signatures required
4. The petition does not contain an affirmation of each of the conditions described in Ed Code 47605(d)
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Ed Code 47605(b) listed in "Components of Charter Petition" set forth on slide 5

The governing board shall not approve any charter petition that proposes to serve students in a grade level that is not served by the district (Ed Code 47605)

The governing board shall not deny a petition based on the actual or potential costs of serving students with disabilities or because the charter school might enroll disabled students who reside outside the special education local plan area in which the district participates (Ed Code 47605.7, 47647)

The governing board shall not deny a charter petition based on collective bargaining agreements (Ed Code 47611.5)

The governing board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students (Ed Code 47607)

Timeline for Charter Approval/Denial (Ed Code 47605):

- No later than 30 days after the receipt of the petition, the governing board shall hold a public hearing on the provisions of the charter
- No later than 60 days after the receipt of the petition, the governing board shall either grant or deny the petition (*exception: could request a mutually-agreed upon 30-day extension*)

Member McMahon asked about the opportunity to make changes to the petition. Superintendent Vital notes this exists in the AR. Applications are judged on a “T” chart. This particular charter has some revisions of language and some additions of items they have to work on. They will have to revise certain pieces based on feedback we give, with conditions upon approval.

*Patricia Sanders, AEA President*, stated she thought at this meeting there would be feedback given, then the Board would vote on December 15. Ms. Sanders noted concern over how quickly this presentation was done with critical elements. Teachers are expressing concern from across the district as this will have an impact not just on middle school, but potentially all. So many were not included in this process. Members at the site did not know what was going on and needed someone to tell them what the petition actually said. It seems like they are being treated differently than when the Nea petition came forward.

There is huge concern about district funds being spent to support the closure of a school, and then the reopening of one outside of the district that will take students and teacher jobs away. Has there been adequate time for the public to see what your feedback is?

President Mooney added the Board asked for staff to prepare a presentation to review what the Board legally has to take a look at in order to approve or deny. Superintendent Vital noted AAMS has a very strong educational program and staff feels as though the petition is meeting the criteria.

Member Jensen asked if staff has looked at whether or not the education plan is sufficient to serve students with disabilities, or if it looks like it tends to serve certain students or is directed towards addressing specific students such as those performing at lower proficiencies. Ms. Wong responded that in terms of the disability piece, the charter basically does meet the requirements of what we need to say for serving special education students. How they go about it would be part of the separate MOU. If the charter states there is a sound, educational program around serving students with disabilities and how they do assessments, then that meets the requirements.

Member Spencer again asked about the statement “encouraging all families to donate 20 hours per year” and asked about its effect on the racial/ethnic balance. How can you strongly encourage all families to donate? Some families may have odd work hours or work more than one job or be unable to participate for one reason or another. Ms. Wong noted that the 20 hours is an aside. Volunteerism is not one of those pieces that we get to say yes or no about; it’s something unique. That is not a piece for the Board to review. Member Spencer noted that at a conference she attended, she specifically asked about this and was told yes, that is something the Board could consider. Ms. Wong added the hours are not mandatory, but “encouraged”, which

gives some leeway. General Counsel Houck added that the Board could consider parent volunteer hours as part of the evidence of likelihood to succeed. It could be viewed as a positive.

Member Spencer asked about the voting process regarding closing Chipman. Superintendent Vital noted that would be a completely separate vote and is not tied to the charter petition. This decision would occur by March in order to give notification to families. Member Spencer added the Master Plan was not made available under earlier today and expressed concern that sufficient notice to the public was not provided. Member McMahon added this item has been before this Board over the summer, and the community has been talking about going charter for over a year. Until the Board is able to take action, it seems that people don't take the time to get engaged and study the process.

President Mooney reiterated that if the petition meets the 5 criteria, the Board must approve.

Member Spencer added at the Ruby Bridges roadshow, several families that attend Chipman noted they are not interested in attending this charter. Where would these families go? Why wasn't an alternative plan discussed? What about parents who want Chipman to remain open? Superintendent Vital noted AAMS has already put in a Prop 39 request and under the law, we have to provide for space for charters within the district facilities. We will need to bring those final recommendations back to the Board sometime in February. The staff just began this process and will separately have to decide whether or not to close Chipman or consider a number of different options. We could leave the school in PI open and provide transportation, defer to Wood or Lincoln, change boundaries, etc.

Member Spencer noted in regards to other charters, we have had to compete for our students. This is the first time the Board is being asked to flip a school and deliver approximately 500 students. Even though we can't deny a charter based on its fiscal impact to the district, we need to suggest that this community at least look at the fiscal impact. The ADA follows the student. The impact would be significant. In order for us to deliver quality K-12 education, we need a long-term plan that serves students beyond middle school. There will be an impact on the remainder of the district. Is this really the way it should have gone?

### **Approval of First Interim Report for 2009/10 Fiscal Year**

Twice during the fiscal year, a school district is required to submit a financial report certifying the district's ability to meet its financial obligations for the current year and two subsequent years. The reports examine the district's attendance, spending patterns, fund balance, reserve for economic uncertainties, and multiyear projections.

Staff presented the 2009/10 First Interim which reports the district's financial position at October 31, 2009.

Staff recommends the Board approve a qualified certification based on its ability to meet its obligations for 2009/10 and 2010/11 fiscal years but is uncertain whether it will be able to meet its obligation in the 2011/12 fiscal year.



By approving the First Interim budget the Board also approves the use of Measure H funds to offset severe budget cuts to AUSD, minimize school closures, and protect the quality of education, student safety, class sizes, excellent teachers and staff and to restore prioritized cuts to music, athletics, and advanced placement courses.

Adopted to First Interim

	ADOPTED	FIRST INTERIM	DIFFERENCE
Revenues	80,951,350	79,759,842	(1,191,508)
Expenditures	82,694,456	90,194,088	(7,499,632)
Net	(1,743,106)	(10,364,246)	(8,691,140)

President Mooney noted a recent press release stating the state is currently looking at a \$21B deficit already. Fil Guzman, Chief Financial Officer, added by May/June, it is projected to be closer to \$30B and will probably result in additional cuts.

Member Spencer asked if money for adult education was still being set aside for adult education. Mr. Guzman noted yes, it is. Superintendent Vital added all amounts are being used for those restricted programs. The state has just asked us to put those dollars in the general fund except for those instances where we have specifically asked the Board to shift those funds to do something else with them.

President Mooney noted it looks like we're in trouble as far as cash flow around February. Mr. Guzman noted it has been down to some low levels, particularly in October, and without a TRANS, Feb/March will be another critical time. Superintendent Vital added when we need to dip into other funds, we pay those funds back to those categories in that fiscal year.

**MOTION: Member Spencer**

**SECONDED: Member McMahan**

That the Board approve the First Interim Report for 2009/10 Fiscal Year.

AYES: Jensen, McMahan, Mooney, Spencer, Tam

NOES: None

**MOTION CARRIED**

**Decision Regarding Alameda Boys & Girls Club Mitigated Negative Declaration of CEQA**

It is the desire of the Boys & Girls Club to construct a 25,000 square foot facility on district property located on the Woodstock Education Center Campus. The facility will consist of a large gym, media, meeting, and club rooms plus office spaces. Alameda Unified School District owns the land and has entered into a lease agreement with the Boys and Girls Club.

The facility will meet the established California Environmental Quality Act (CEQA) criteria that require a preliminary or initial study to be performed to determine the environmental impact and any mitigation that may be required. The District intends to adopt a Mitigated Negative Declaration stating that environmental factors associated with the project have "less than significant" or "no" environmental impact.

Notice has been sent to all adjacent property owners to inform them of this construction project and any comments concerning this project had to be submitted by Friday, December 4, 2009.

President Mooney opened the Public Hearing at 10:27 PM. Hearing no public comment, President Mooney closed the Public Hearing at 10:27 PM.

**Presentation of DRAFT Master Plan for Alameda Unified School District**

Since early in 2009, AUSD has been working towards a new long-term Master Plan. Tonight we will be presenting an overview of a draft Master Plan based on months of feedback from the Board and community.

We will continue to revise the draft Master Plan and will present a proposed Master Plan for information at the January 12, 2010 Board meeting. The Master Plan will be brought back for Board approval at the January 26, 2010 Board meeting.

As part of the process of gathering feedback on possible strategies for the Master Plan, this fall AUSD conducted two surveys through the AUSD website and on possible Master Plan strategies, based on responses received between November 20 and December 7.

**MOTION: Member McMahon**

That the Board extend the meeting beyond 10:30 PM.

**SECONDED: President Mooney**

AYES: Jensen, McMahon, Mooney, Spencer, Tam

NOES: None

**MOTION CARRIED**

History & Context:

- State funding is not enough to offer the education AUSD students need and deserve
- Alameda citizens passed parcel taxes with Measures A & H to fund quality schools
- In 2009, California's legislature cut approximately \$10.4M from AUSD's budget
- Current state funding and the current Alameda parcel taxes do not cover the loss caused by the state budget cuts
- In March 2009 the Board directed the Superintendent to develop a multi-year Master Plan
- Accordingly, Superintendent Vital brought together expert teams from inside and external to AUSD to guide the work
- The Master Plan project team reached out to the community to inform the plan
- Alameda citizens responded by volunteering to help develop goals, priorities and strategies
- Alameda community voices helped inform and then reform both the Master Plan process and subsequently the Master Plan itself

The Master Plan Proposal:

- Requires a new larger parcel tax replacing Measures A and H
- Adopts an integrated set of strategies as an alternative to "across the board cuts"
- Responds to changing conditions through active monitoring and revising
- Launches AUSD on the path to become a model 21<sup>st</sup> century district by 2015

Superintendent Vital reviewed challenges and goals, strategies, and plans and immediate next steps regarding Plan A (if parcel tax passes) and Plan B (if parcel tax doesn't pass).

President Mooney noted the district cannot run a parcel tax campaign, and the community would need to come up with funding strictly off school time.

*Deesha Moore, community member*, addressed the Board regarding the idea of closing Encinal in the worst case scenario. How was it concluded that closing EHS would be cost effective? Transportation alone is a major issue, and closing the school would devastate the community and the district. The district can't even afford to provide one bus for Washington students to take a class field trip, how would you transport students to one high school on the other end of town? AC Transit is already cutting routes, and there are a lot of families on the West End who couldn't afford to pay for transportation.

Why don't you propose a Master Plan to help build EHS up instead of close it? This doesn't represent excellence and equity for all students. Keeping EHS open is not an option, it's a requirement for the health of the district. How is it mathematically feasible to put all high school students at AHS? Even as a 10-12 campus?

What about sports and music programs? There are a lot of EHS students who wouldn't get a fair chance at making a team or group, which could be potential scholarship opportunities for many students.

Member McMahon added he would like to see a 5-year plan. This could be an opportunity to have separate workshops around topics for us to better understand what it means to have a 21<sup>st</sup> century classroom, particularly around secondary schools and the ability to engage a student.

Member Tam spoke about the impact to the West End in recent budget cuts, including closing several schools and the mass eviction. What is the ripple effect with regards to how we address the needs of those who don't have a voice in this community?

Member Spencer asked if there would be a cost/benefit analysis included in the presentation on January 26<sup>th</sup>. Superintendent Vital noted we are postponing the item to 1/26 and the vote to 2/9 because of the delay in our Facilities Master Plan. Member Spencer again stated she believes inter-district students should be spread across more sites if it is good for our bottom line and in the interest of equity.

Member Spencer added elementary schools are listed as a high priority, but secondary schools are not. We have heard secondary levels are also important, based on community feedback. With 10 elementary schools, the distance between them is much shorter than between our high schools. We need to look at closing some of the smaller elementary schools because elementary parents would be more capable of getting their students to another close by elementary school rather than high school students getting across town.

Member Spencer agreed with a previous speakers take on the potential involvement of students in athletics and activities if the high schools were merged. Member Spencer suggested we offer an apology to EHS students and faculty because for us to even consider putting that out and not consider elementary closures goes against our excellence and equity byline.

Member Spencer requested the plan clearly articulate the impact to classified staff, as well so it is clear to parents. Member Spencer called on East End families to step up and consider voluntarily moving/transferring to West End schools. It's incumbent upon all of us, if we're really about offering public education and equity, to step up and help.

President Mooney noted the Facilities Master Plan and demographic study are critical to actually making decisions. We need to prove to the community that we're trying everything we can to be as efficient as possible. We need to migrate the listening campaign into a marketing campaign in a focused, long-term plan.

### **Budget Categorical Flexibility Information**

The 2008/09 California State Budget authorized school districts to use funding received from the state for Tier III Programs for any educational purpose, to the extent permitted by state law. The flexibility to transfer funds from these programs is authorized for five years from the current year through 2012/13 by Education Code 42605.

Education Code 42605(a) cites with few exceptions the authority for school districts to use the formerly Restricted State funding sources for "any educational purpose". In turn, these apportionments in 2008/09 and continuing through 2012/13 will be provided with an unrestricted designation and are to be deposited into unrestricted revenue accounts.

Education Code 42605© (2) indicates that, as a condition of receiving these funds, the Governing Board shall conduct a public hearing and "shall take testimony from the public, discuss, and approve or disapprove the proposed use of funding and make explicit the purposes for which the funds will be used..."

The enacted 2008/09 California State Budget reduces funding to education. Education Code 42605 provides school districts the flexibility to transfer funds from Tier 3 Programs to other education programs for any educational purpose as deemed necessary.

At its November 10, 2009 meeting, the Board adopted Policy 3110 that addresses the categorical flexibility transfer. The Board now holds a Public Hearing to accept the funds and use the flexibility provisions.

President Mooney opened the Public Hearing at 11:16 PM. Hearing no public comment, President Mooney closed the Public Hearing at 11:16 PM.

### **Adult School Proposal for Fee for Services and Programs**

In 2009, the State of California significantly reduced the funding to Adult Education, cutting funding by 19.9% from its 2007/08 levels. The State also placed Adult Education funding in Tier

III of categorical flexibility. Across the state and county, Adult Schools are adjusting to these new, lower funding levels.

Principal Tom Orput presented a balanced budget plan for the Alameda Adult School, including fees for certain services and programs. The proposed fees are modest for adult learners and align with practices of other Adult Schools in the county and state. This proposal is based on extensive work and analysis by a team representing all aspects of our Adult School programs.

President Mooney clarified that when this is up for a vote, the Board will be asked to vote on a policy, not the specific fee structure, which is left up to administration.

### **Approval of Amendment to Alameda Boys & Girls Club Lease Agreement**

IN 2005, a lease agreement was entered into between the Boys & Girls Club and the district to build a 25,000 square foot facility on district property located on the Woodstock Education Center campus.

To clarify the legal obligations of the parties, the lease is amended to address:

- (a) correcting a reference to the California Dept. of Architecture to read Division of State Architect
- (b) clarifying that the Boys and Girls Club is assuming financial and actual responsibility for compliance with CEQA and that it will defend and hold harmless the district for any CEQA-related expenses
- (c) including a mutual indemnification clause – that the Boys and Girls Club indemnify the district in the event its activities cause a claim against the district and vice versa

**MOTION: Member Tam**

**SECONDED: Member McMahon**

That the Board approve the amendment to the Alameda Boys & Girls Club Lease Agreement.

AYES: McMahon, Mooney, Spencer, Tam

NOES: None

ABSENT: Jensen

**MOTION CARRIED**

### **Approval of Resolution No. 09-0074 Intent to Dismiss Grant Classified Employees**

California Education Code Sections 45117 sets forth dates and procedures by which the Board must express its intent to reduce or discontinue particular kinds of services due to restructuring and give notice to affected classified employees that their services may not be required for the ensuing school year.

Ms. Wong noted that we learned we were not receiving our 21<sup>st</sup> grant funding due to a snafu in renewing the grant. Through that, we did not receive the funding that we've been operating on since the beginning of the school year. We had to make decisions on keeping the program to ensure students were being served with afterschool programs and current services. We had a deficit of \$500K that we needed to address in order to stay up and running through the rest of the school year. We can reapply, but not this year. This is a short-term issue.

Member Tam commended Annalisa Moore for building strong community relationships with organizations and her ability to connect kids with their role models via instructors.

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That the Board approve Resolution No. 09-0074 Intent to Dismiss Grant Classified Employees.

AYES: McMahon, Mooney, Spencer, Tam

ABSENT: Jensen

**MOTION CARRIED**

**Board Member Reports**

Member Tam noted the Board and Superintendent attended the CSBA annual conference in San Diego and it was very insightful. He also watched Member McMahon do a presentation on social media that was excellent.

Member Spencer added she attended several EHS events, the Ruby Bridges road show, the Midway Shelter Run, ASTI silent auction, and the CSEA dinner on Monday evening.

**ADJOURNMENT:** President Mooney adjourned the meeting at 11:20 PM.