

**BOARD OF EDUCATION**  
**March 23, 2010**  
**AHS Little Theater**  
**Corner of Walnut and Central**  
**Alameda, CA**

**ADOPTED MINUTES**

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

**CALL TO ORDER:** The meeting was called to order by President Mooney at 5:03 PM.

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

**ABSENT:** None

**PUBLIC COMMENT ON CLOSED SESSION TOPICS:** None at this time.

**ADJOURN TO CLOSED SESSION:** By President Mooney at 5:08 PM to discuss:

- A-2a. Student Discipline/Expulsion/Re-admit (1 case)
- A-2b. Public Employee Discipline/Dismissal/Release – Pursuant to Subdivision 54957
- A-2c. Conference with Labor Negotiators – Pursuant to Subdivision 54957.6  
Agency designated representatives: Laurie McLachlan-Fry, Chief Human Resources Officer and Danielle Houck, General Counsel  
Employee organizations: AEA, CSEA  
Unrepresented Employees: Management, Psychologists, Behavioral Specialists, Occupational Therapists, Confidential
- A-2d. Conference with Legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9  
Beery *et. al.* v. AUSD, and Borikas, *et. al.* v. AUSD consolidated Case #VG08405316
- A-2e. Conference with Real Property Negotiators – Pursuant to Section 54956.8  
Property: Krusi Park, Lincoln & Godfrey Parks, AHS Gymnasiums, Swim Centers, Tilden Park, Woodstock Park, Rittler Park, Bayport Park  
Agency Negotiators: Danielle Houck, General Counsel and Kirsten Vital, Superintendent  
Negotiating Parties: City of Alameda  
Under Negotiation: Joint Use Agreement
- A-2f. Conference with Legal Counsel Anticipated Litigation – Pursuant to Subdivisions (b) and (c) of Section 54956.9  
Anticipated Litigation Against the State of California  
Initiate Litigation - Disclosure of Party Would Jeopardize Settlement Negotiations

**RECONVENE TO PUBLIC SESSION:** By President Mooney at 6:30 PM.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE:** Led by Board Members.

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

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

**MOTION: Member Jensen**

That the Board of Education adopt the agenda.

**SECONDED: Member McMahon**

**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 3 resignations (Hakanson, Peterse, Silverman) and 4 probationary releases (Bens, Hunter, Pola, Predovic).

**+Classified Personnel Actions:** The Board of Education approved 11 appointments (Cervantes, Majors, Santos, West, Nipay, Nnebe, Teschner, Nnebe, Tapia); 2 resignations (Lopez, McDonald); and 5 changes of status (Castro, Langingin, Lingat, Sadler, Wiley).

**+Approval of Bill Warrants and Payroll Registers:** The Board of Education approved warrants numbered 990054-990123, 990043-990044, 990031-990042, 989900-990024, 990124-990125.

**+Resolution No. 10-0036 Approval of Budget Transfers, Increases, Decreases**

**+Proclamation: Public Schools Month – April 2010**

**+Proclamation: Cesar Chavez Day – March 31, 2010**

**+Season for Non-Violence: Daily Reading for March 23, 2010**

**+Approval of Proposition 39 Facilities Offer for ACLC Charter School**

**+Approval of Proposition 39 Facilities Offer for Academy of Alameda Middle School (AAMS) Charter School**

**+Approval of Proposition 39 Facilities Offer for NEA Charter School**

**+Appointment of Summer School Principals**

**+Approval of Donations**

**APPROVAL OF MINUTES:** Minutes of the regular meeting of March 9 and the special meeting of March 2 were considered.

**MOTION: Member Spencer**

That the Board of Education approve the minutes of the regular meeting of March 9 and the special meeting of March 2.

**SECONDED: Member McMahon**

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

**NOES:** None

**MOTION CARRIED**

**COMMUNICATIONS:**

**Written correspondence:** An e-mail from Alaina Stewart dated March 13 regarding keeping CSR for K-3 and Grade 9.

**Superintendent's Report:** Superintendent Vital reviewed follow-up items from previous meetings and site visits.

**Oral Communications:**

*Diane Alexander, teacher,* addressed the Board regarding school looping and teacher collaboration. Ms. Alexander addressed the item discussed at the last Board meeting whereby teachers would receive extra points for having experience teaching at a Title 1 school and noted this policy doesn't value children and teachers equally.

*Brad Cook, community member,* noted the anti-bullying resolution is misleading and being used to teach harmful ideas with no factual data. The community has only been given a very short time to comment on proposed books and there is no community input into the lessons. The Resolution should be amended to include all sides of controversial issues to avoid teaching biased opinions.

*Rick DeKay, resident,* addressed the Board regarding contract negotiations, noting he is not in favor of reducing the number of teachers in the district and suggested reducing employee benefits instead.

**Board Oral Communications:**

Member Jensen read the Season for Non-Violence daily reading for March 23, 2010 regarding responsibility.

**Student Board Member Comments:**

Student Board Member Datuin from ASTI noted the WASC activities.

Student Board Member Inlow from Alameda High noted the honor roll; diversity committee; Senior Prom; auditions for unity Assembly; stills for graduation; Superintendent's visit to leadership class; Food Fair; spring musical.

Student Board Member Mooney from Encinal noted fundraisers for AP and afterschool programs; West Side Story; Crab Feed; Blood Drive; ice cream for Art event.

Student Board Member Gamalinda noted hex 4 ending; 18 new students; Open House; Awards Assembly; "Grease" postponed/canceled and planning "Out Town" instead – auditions after Spring Break; AC Transit service changes.

**Calendar Review:** President Mooney encouraged all to attend the community events as noted by the students. Member Jensen added the kick-off meeting for the parcel tax campaign on Saturday at 10:00 AM at the EHS cafeteria.

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

President Mooney acknowledged the donations received from the community.

### **Employee of the Month**

Laurie McLachlan-Fry, Chief Human Resources Officer, introduced the item. The employee recognition program is a district-wide program to promote a greater appreciation of District employees and to publicly honor special employees for outstanding service which directly or indirectly contributes to students in the Alameda Unified School District. Each month, at the first Board meeting of the month, those employees selected will be recognized by the Board with a presentation by the President and the Superintendent. The persons so honored are:

Sameerah Easley – Site Supervisor, Afterschool Program, Island High School

Maintenance and Custodial Team Members:

Efonius Timmons – Head Custodian, Otis

Jerome Thomas – Electrician, MOF

Jim Zeager – Lead Electrician, MOF

John McCarthy – Lead Plumber, MOF

Pat Baggett – Painter, MOF

Darryl Maney – Carpenter

Ron Richards – Carpenter

Frank Fanto – Carpenter

Jose Nunez – Preventative Maintenance Technician

Richard Nonan – Preventative Maintenance Technician

Alysse Castro, principal of Island High School, read the background nomination for Sameerah Easley. Shirley Clem, principal of Otis Elementary School, read the background nomination for the maintenance and custodial team members.

### **Marketing Report & DECA Report**

Donna Wyatt of East Bay ROP introduced the item.

DECA is a career technical education (CTE) student organization (CTSO) that is an embedded and integral part of the overall curricula in most CTE programs. CTSO's provide students with carefully structured leadership development opportunities, career skills and community service opportunities within the curricula of the marketing courses. They also offer opportunities to connect with peers, alumni, and adults who can serve as mentors in the development of a high school students' post secondary education, employment and career plans. The DECA chapters of Alameda and Encinal High are led by East Bay ROP marketing teachers JoAna Sydow and Derrick Lyons.

The marketing teachers and DECA student officers shared their experiences at the recent DECA California State Leadership Conference and provided more information on chapter activities and the benefits of DECA.

### **Resolution No. 10-0041: Approval of Renewal of the Alameda Community Learning Center Charter**

Rob Siltanen, Director of Educational Options, introduced the item.

On January 12, 2010 the Board received a charter renewal petition from ACLC. The Board is required by law to grant or deny the petition within 60 days of January 12, or within 90 days of January 12 with the consent of the petitioners and the Superintendent.

Pursuant to education code section 47605(b), on February 24, 2010, ACLC and AUSD agreed to a 30-day extension of the time for AUSD to act on the charter renewal petition. Since ACLC is an existing charter school, the fiscal implications for AUSD of approving the renewal would be minimal.

Mr. Siltanen reviewed the recommendation to the Board to approve the renewal of the ACLC charter as it satisfied the 5 legally required criteria of Education Code 47605 as well as the additional criteria of Education Code 47607(b).

**MOTION: Member Spencer**

**SECONDED: Member Tam**

That the Board of Education approve Resolution No 10-0041: Approval of Renewal of the Alameda Community Learning Center Charter.

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

**NOES:** None

**MOTION CARRIED**

**Resolution No. 10-0040 Anti-Bullying Curriculum – Literature Recommendations**

Ruben Zepeda, Interim Assistant Superintendent, introduced the item.

The Superintendent directed staff to identify literature that explicitly addresses all six protected classes identified in Education Code 200: disability, gender, nationality, race or ethnicity, religion, or sexual orientation.

Staff worked with community members, parents and teachers to identify over 100 books that were reviewed in an effort to create the literature list. The potential books have been on public display since March 5 in the Educational Services Department. A board resolution and a refined literature list from which the public and teachers can provide comment is being presented as information at this time. The final list will be presented at the April 13 Board meeting for action.

Fiscal implications include \$30,000 for instructional materials and professional development.

Mr. Zepeda reviewed a brief history, potential books list, HMR literature, next steps, and implementation.

*Peter Hagberg, attorney*, thanked staff for developing the list and the opportunity for the community to come together. All students and teachers need to be treated with respect. Mr. Hagberg urged the Board to adopt books that do not offend one group, but look for the books that bring people together and don't pit children against teachers or parents. Select books that make each group visible but don't disrespect the views and ideas of one group over another or advocacy of one group over another.

*Ms. Wood, a parent,* also thanked the Board and staff for their effort to include the community's input, but added the decision to pass Lesson 9 alienated many of those in the community who embrace the Christian faith. Opt-out requests were repeatedly denied. Religion is also an equally protected class and a large demographic in the city. Why aren't there any biracial/multiracial books on the list?

*Susan Davis* added she hopes many people have learned about constructive manners, and acknowledging and moving forward in collaborative rather than destructive ways. Teachers are the ones best qualified for selecting grade-level reading materials.

*Mark Dietrich, President/Founder of Concerned Alameda Parents,* noted he stands in full support of the Board and this curriculum and reading list. There are hateful forces at work in Alameda, trying their best to eradicate any reference to the LGBT community. Keep on the course you're on and stand up to these attempts of bullying by these groups. Their motivation is not Lesson 9 or the reading list, but their anti-gay bias.

The Board discussed where the reading materials would be kept. Mr. Zepeda noted they would be in the classrooms (one set of books per class, per teacher, per grade level) so that teachers could choose to bring out any particular book to fit into the any course during the school year.

The Board discussed the lack of a vocabulary list and the differences from the current HMR materials.

A Board Member suggested including books for atheists and agnostics. Our student demographics should be reflected in the literature. A Board Member suggested looking into literature about gangs since it seems to tie in directly with anti-bullying.

A Board Member discussed the glaring absence of any reference to LGBT students or families in current curriculum, demonstrating that the Board did the right thing by adopting Lesson 9.

Mr. Zepeda added the books are intended to be taught and used throughout the school year, not just to sit on the shelf. This may be done in conjunction with Steps to Respect or Caring Schools Community or any one of the natural points in the curriculum. Teachers are best suited for identifying when that time is.

Superintendent Vital clarified there will be support materials for all of these books that will be teacher-created through a committee.

### **Resolution No. 10-0038 Approval of Closure of Chipman Middle School**

On December 15, 2009, the Board of Education approved the opening of the Academy of Alameda Middle School charter for fall 2010. On February 23, 2010 and March 9, 2010, the Board heard reports regarding the implications from the Academy of Alameda Middle School charter. Since the new charter school has a viable number of student applications, which will enable them to open the charter school in the fall successfully, staff is recommending the closure of Chipman Middle School.

**MOTION: Member Jensen**

**SECONDED: Member McMahon**

That the Board of Education approve Resolution No. 10-0038 Approval of Closure of Chipman Middle School

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

**NOES:** None

**ABSTAIN:** Spencer

**MOTION CARRIED**

**Resolution No. 10-0037 Approval of Wood Middle School Boundary Changes**

On December 15, 2009, the Board of Education approved the opening of the Academy of Alameda Middle School charter for fall 2010. On February 23, 2010 and March 9, 2010, the Board heard reports regarding the implications from the AAMS charter. Due to the closure of Chipman Middle School, we need to incorporate their school attendance zone into Wood's attendance boundaries.

A Board Member noted concern that communication with parents is not impartial; we need to be clear that they have choices. The Board also discussed whether or not a survey of families was necessary. Superintendent Vital clarified that growing a 6<sup>th</sup> grade at perhaps Washington would require a greater conversation about their theory of action. Staff would need to be really clear as to what that looks like, how to do electives, etc. We don't want to grow a school until we have done the work in the Master Plan around whether or not we want a K-8 in the District.

**MOTION: Member Tam**

**SECONDED: Member McMahon**

That the Board of Education approve Resolution No. 10-0037 Approval of Wood Middle School Boundary Changes.

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

**NOES:** Spencer

**MOTION CARRIED**

**Categorical Program Budget Review Part II**

Robert Shemwell, Interim Chief Financial Officer, introduced the item.

In June 2009 the District submitted its Consolidated Application (ConApp). The Department of Education (CDE) uses the ConApp to distribute categorical funds from various state and federal programs to country offices, school districts, and direct-funded charter schools throughout California.

Each year a local educational agency (LEA) submits part I of the application to document participation in these programs and provide assurances that the District will comply with the legal requirements of each program. Program entitlements are determined by formulas contained in the laws that created the programs.

This presentation is a follow-up to the February 23 presentation on Tier III categoricals and seeks to update the Board on restricted categorical programs.

Mr. Shemwell provided background information, reviewed “restricted” programs, and reviewed program highlights.

### **Board Member Reports**

Member Spencer encouraged community members to attend both “Peter Pan” at EHS and “West Side Story” at EHS, noted the Otis Walkathon, and EHS AP fundraising events at Otaez.

Member Tam added events commemorating Women’s History Month at the library including a bilingual tour of the main library on Saturday, the Best 100 Cities grant, and the Disability Commission meeting.

Member McMahon noted the EBROP joint meeting and the issues they will be tackling next month.

### **Student Discipline**

**MOTION: Member McMahon**

**SECONDED: Member Tam**

That student #66679 be expelled from AUSD through March 23, 2011.

### **ROLL CALL VOTE**

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

**NOES:** None

**MOTION CARRIED**

### **Adjournment**

President Mooney adjourned the meeting at 9:21 PM.