

**BOARD OF EDUCATION**  
**October 27, 2009**  
**Alameda City Hall – Council 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 5:00 PM.

**PRESENT:** Jensen, McMahon, Mooney, Spencer, Tam  
**ABSENT:** None

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

**ADJOURN TO CLOSED SESSION:** By President McMahon at 5:00 PM to discuss Public Employee Discipline/Dismissal/Release; Conference with Labor negotiator Laurie McLachlan-Fry: AEA, CSEA, ACSA; Conference with legal Counsel Existing Litigation – Pursuant to Subdivision (a) of Section 54956.9 – Beery v. AUSD, Case #RG 08-405984; Balde, *et.al.*, v. AUSD, *et. al.*, Case #RG 09-468037 (3 cases); Conference with Real Property Negotiator, Legal Counsel Danielle Houck and Superintendent Kirsten Vital: Property – Alameda Point.

**RECONVENE TO PUBLIC SESSION:** by President McMahon at 6:33 PM.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE:** Led by Wood Middle School students and Principal.

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

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

**MOTION: Member Spencer**

**SECONDED: Member Mooney**

That the Board of Education adopt the agenda with the following changes: move items E-7, E-10, E-11, E-12, and E-13 to the public agenda.

**AYES:** Jensen, McMahon, Mooney, Spencer, Tam  
**NOES:** None

**MOTION CARRIED**

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

**+Certificated Personnel Actions:** The Board of Education approved 1 resignation (Gilchrist); and 2 leaves of absence (Cooper, Fobian).

**+Classified Personnel Actions:** The Board of Education approved 3 appointments (Shaw, Mendoza, Richard); and 1 resignation (Shafer).

**+Proclamation: Family Literacy Day – November 1, 2009**

**+Approval of Bill Warrants and Payroll Registers**

**+Resolution no. 09-0061 Approval of Budget Transfers, Increases, Decreases**

**+California High School Exit Exam Waiver for Students with Special Needs**

**+Local early Access Program (LEAP) Contract**

**+Resolution No. 09-0063 – Disposal of Vehicles**

**+Approval of Donations**

**APPROVAL OF MINUTES:** Revised minutes from the October 13, 2009 meeting were considered.

**MOTION: Member Mooney**

**SECONDED: Member Spencer**

That the Board of Education approve the revised minutes as presented. Member Spencer noted that the numbers provided to her from Nea regarding the number of interdistrict students was different than what was reported at the last meeting. Superintendent Vital indicated that staff would clarify and the information would be included in the Board Weekly communication.

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

**NOES:** None

**MOTION CARRIED**

**COMMUNICATIONS:**

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

**Superintendent's Report:** Superintendent Kirsten Vital reviewed follow-up items from the last Board meeting including a staff meeting with charter school reps to review AUSD's administrative regulations; a Board subcommittee to review Board policies; consent items realizing savings/revenue including the LEAP contract and the disposal of vehicles; and an update on the Master Plan community workshops, school site roadshows, the Parcel Tax Advisory Group (PTAG); an H1N1 update, and which sites she has visited since the last Board meeting.

**Oral Communications:** *Ron Whitaker, parent*, addressed the Board regarding the challenges at Chipman and how the Chipman community took upon itself the task of looking ahead to see what can best be done for the children. After discussion and research, they believe they have found a better way to serve the interest of the diverse student body. Mr. Whitaker presented the Board with a petition for the Academy of Alameda Charter School on behalf of the founding Board of Directors, staff, administration, students, siblings, and parents.

**Student Board Member Comments:** Student Board Member Gamalinda from Island High School noted first semester grades were released; there are 215 students at Island – a new record for enrollment; there will be challenge exams on 10/28; an afterschool program will start next week, funded by the 21<sup>st</sup> Century grant; students are doing a food drive for the Alameda Food Bank; CAHSEE testing will be November 4 for juniors and seniors who haven't yet passed.

Student Board Member Inlow from Alameda High School mentioned the homecoming assembly and dance on October 23; Homecoming game this Friday vs. Richmond; Spirit Week; no school on Friday;

students are working on the Homecoming floats; first Master Plan update and review presented to the School Site Council and PTSA combined meeting; second review will be November 18<sup>th</sup> at the Media Pit, 7:00 PM; drama department presents “Dark of the Moon”; AHS Hive up and running; lockdown training yesterday and lockdown drill on 10/29.

Student Board Member Datuin from ASTI noted the final week of the first quarter; first spirit week of the year; ASTI teachers being trained to use SchoolLoop; recruitment process underway.

Student Board Member Mooney from Encinal High School noted EHS won the Homecoming game last Friday; leadership class received positive feedback about spirit week last week; staff participating in SIM training; quarter ends this Thursday.

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

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

President McMahon acknowledged the donations from the community.

President McMahon added that item F-5 has been pulled and will not be heard tonight.

**Highlighting Alameda Unified School District Schools: Wood Middle School**

Last school year, Wood Middle School began investigating a set of recommendations that the California State Department of Education promoted to middle schools. These recommendations are supported by a compendium of research articles, site-based best “practices”, and interview with school site personnel, all housed in the website portal entitled “Taking Center Stage: Act II.”

The Wood Middle School faculty has been divided into teams to conduct in-depth reviews of the four vital recommended areas. By February 2010, they will administer a self-study survey that will indicate the degree of implementation of these recommendations as measured against specific rubrics. Finally, staff will analyze these findings, craft activities, and include them in their Single School Plans for SY2010-2011.

Vice Principal Jeanne Mellor and teacher Ellen Mulholland reviewed “Taking Center Stage: Act II” via PowerPoint presentation. “Taking Center Stage” is a middle school resource used specifically for educating adolescents that focuses on increasing student learning through engaging strategies through relevant experiences.

Member Mooney asked if any feedback has been received from the community so far. Ms. Mullholland noted it takes time for the seeds to grow, as staff is bringing new concepts into the working environments. The seeds are being planted with the staff – nurturing and helping them feel comfortable in understanding where it can go. It hasn’t been brought out fully to the parent community yet but those will be part of the next steps.

Member Jensen asked about positive discipline. Ms. Mellor responded that with positive discipline, staff looks at correcting the behavior rather than being punitive. The focus is on life skills and asking what

could have been done differently. Students write reflective statements and bring them back signed by their parents. Member Jensen asked about specialized staff. Ms. Mellor noted they are all being well utilized – intervention counselor shared with Lincoln, academic counselor, intern from Cal State University East Bay 2 days per week, psych intern with school psychologist working on small group interventions and a hands-on SRO shared with other sites.

**Interim Staffing Report**

Ms. McLachlan-Fry introduced the item.

Actual FTE as of 10/1/09:

Classroom teachers	401.17
SPED teachers	70.26
ROP teachers	10.80
Itinerant music and PE teachers	13.20
Media center teachers	10.00
Categorically funded teachers ( <i>ELD, Title 1, SLIG, EIA, THIG, Cal-Safe, GATE, and CAHSEE</i> )	18.11
WCDC teachers	12.29
Independent study teachers	1.50
Librarians	2.00
Speech pathologists	9.20
District nurse	1.00
Counselors	14.80
<b>TOTAL</b>	<b>564.33</b>

Staffing challenges:

- JROTC instructor, EHS – specific requirements; must be retired Army personnel
- Special education – most challenging to fill

Other considerations:

- Budget crisis
- Demographic study
- Final Master Plan for 2010/2011 school year

**Review of Proposed Board Policy 7160 – Charter School Facilities**

Rob Siltanen, Director of Educational Options, introduced the item. AUSD is committed to establish and revise its policies and procedures in order to promote the greatest opportunities for students to achieve academic and personal success.

Enacting Board Policy 7160 will clarify responsibilities and procedures related to requests for facilities by charter schools under Proposition 39. As part of our ongoing review of policies and practices, it became clear that the District currently does not have a policy regarding the treatment of requests for facilities by charter schools.

Enacting this policy will assure that AUSD is legally compliant with current governing law and that AUSD responds in a timely and responsible manner to requests for facilities by charter schools.

Clarifying our responsibilities and procedures related to requests for facilities by charter schools is particularly important in light of the ongoing work of AUSD's Master Plan, as well as the upcoming Facilities Master Plan and the updated demographic study.

This item will be brought as a Consent Item for approval at the November 10, 2009 Board meeting.

### **Evaluation Report of Staff, Principals, and Teachers and Peer Assisted Review (PAR) Process**

Superintendent Vital noted this is a new report in Alameda, but it is important that we report annually on our evaluation process in order to have full transparency.

Ms. McLachlan-Fry reviewed the item. Each year, AUSD employees are scheduled for evaluation based on the bargaining unit agreements. This provides a summary of the 2008/09 school year data on completed evaluations. The purpose of evaluations is to support satisfactory employee performance. The Human Resources Department is providing support for all managers to meet our goal of 100% completion and to insure that the process provides support for employees to meet the goals of AUSD.

PAR is a support system for AEA members. It is an agreed upon process under Article 28 of the collective bargaining unit agreement.

ACSA – Classified and Certificated Managers

100% of all Classified Management evaluations were completed

100% of all Certificated Management evaluations were completed

99% of all AEA evaluations were completed

*1 evaluation was not completed and this employee no longer works for AUSD*

*1 evaluation was moved to 2009/10 by mutual agreement*

96% of all CSEA evaluations were completed

100% of all CSEA 860 evaluations were completed

Peer Assistance and Review Program for Teachers – PAR

- AEA and the district have established a teacher peer assistance and review program (PAR), making available the skills of exemplary teachers to help all teachers develop as professionals
- Peer assistance is provided to non-permanent teachers through the BTSA program
- PAR is provided to permanent teachers who volunteer for assistance or who are referred to the program because of an unsatisfactory evaluation. Referred teachers (RT) are required to participate in the PAR program as an intervention
- There will be a Joint Committee consisting of 5 members (3 certificated classroom teachers selected by AEA and 2 administrators selected by the District)
- The Committee is responsible for:
  - Consulting teachers (CT) to work with PAR teachers
  - Training of CT's
  - Review/direct the CT's services
  - Review reports prepared by the CT
  - Evaluate the CT's

- The Committee shall expect and encourage a cooperative relationship between the consulting teacher and the principal in the Par process
- The Committee shall review peer review reports prepared by the CT's and make recommendations to the Board regarding the referred teacher's progress in PAR

Member Jensen asked about effective evaluations. Ms. McLachlan-Fry replied that in order to do an effective evaluation, principals hold preconference meetings, formal observations, formal conferences, and post-conferences with each teacher. This is a process that requires considerable thought and time.

Member Spencer asked what is the average time in the PAR program. Ms. McLachlan-Fry noted the maximum would be 2 years. Sometimes after 1 year, employees are exited.

President McMahon asked about the evaluation cycle. Ms. McLachlan-Fry clarified that for AEA members, there are 2 years where you have an evaluation, then when you become a permanent teachers after 2 years, it is every other year. In another unit, there are 3 years of annual evaluations, then every other year. Not every employee is evaluation every year. President McMahon asked that in future presentations, it is made clear as to how many are cycling through.

**Resolution No. 09-0062 Request to the Board of Supervisors of Alameda County to Issue Tax and Revenue Anticipation Notes (TRAN) in the Name of Alameda Unified School District for Fiscal Year 2009/10 in the Principal Amount Not to Exceed \$4,000,000 and Authorizing the Sale Thereof and Authorizing Preparation of an Official Statement in Connection Therewith**

Fil Guzman, Chief Financial Officer, introduced the item. As a routine matter of business, the Alameda Unified School District issues Tax and Revenue Anticipation Notes (TRAN) annually to address its cash flow needs. School districts are authorized by the California Government Code to borrow money by the issuance of temporary notes, the proceeds of which may be used and expended for any purpose for which the school district is authorized to spend moneys. Pursuant to the law, such notes may be issued in the name of the school district by the board of supervisors of the county, the county superintendent of which has jurisdiction over the school district, as soon as possible following receipt of a resolution of the governing board of the school district requesting the borrowing.

The District has determined that it is desirable that the District borrow funds in an amount not to exceed \$4,000,000 with respect to fiscal year 2009/10 for authorized purposes of the District. The financial advisor to the District has been directed to prepare an official statement meeting the requirements of Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934 and bond counsel to the District has been directed to prepare a notice of sale and a notice of intention relating to the offering and sale of the notes for the District. The cost of issuance is approximately \$38,000.

Mr. Guzman noted the District has not done a TRAN in probably 2-3 years. The cost of issuance will come out of General Reserve funds. President McMahon asked if this was precautionary – primarily for cash flow in order to meet payroll. Mr. Guzman noted yes, it would be unlikely we would be able to get loans from usual sources if that were the case. Member Spencer asked if the TRAN would come before the Board for approval. Mr. Guzman replied that the process is to take it to bond counsel, then there are a variety of review levels to see if we qualify and for how much, and at some point, it would be brought before the Board. Superintendent Vital reiterated this would only be enacted if we needed to use it; we are doing a preventative measure “just in case”. Normally, districts borrow from one pot to pay another pot,

but in reality, with measure C dwindling, there's only so much we can trade.

**MOTION: Member Mooney**

**SECONDED: Member Jensen**

That the Board of Education approve Resolution No. 09-0062 as submitted.

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

**NOES:** None

**MOTION CARRIED**

**Resolution No. 09-0064 Delegation of Authority to Purchase and Contract**

Consistent with Education Code sections 35161 and 17604, this Resolution delegates the power to enter into Contracts to the Superintendent, the Chief Financial Officer, the Assistant Superintendent, and the General Counsel.

This Resolution is also proposed pursuant to Public Contract Code §20111 and Board Policies 3312 (Contracts) and 3300 (Expenditures and Purchases) all of which authorize the Board to delegate the authority to enter into contracts on behalf of the Alameda Unified School District and to purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in public Contract Code 20111.

Member Spencer asked who currently has this authority. Superintendent Vital noted currently, any director or coordinator could sign off. This change will limit that authority to Executive Cabinet members only. Member Spencer asked if the General Counsel signed off on a contract and we end up having a contractual dispute, would she be able to represent the District. Danielle Houck, General Counsel, replied that Executive Cabinet members would only sign off on contracts in their areas, and as such, she would only sign contracts pertaining to legal services. If the District were to be in litigation with an outside lawyer over services, our General Counsel would be a witness in any event. Her signing of the fee agreement would not make any difference in that case.

*Patricia Sanders, AEA President*, addressed the Board and noted concerns that as we're talking about making Draconian cuts, we are giving more people authority to sign off on contracts up to \$76,700. Member Mooney clarified that this new Resolution would be narrowing the number of people able to sign off on contracts.

Member Spencer asked if the contracts come to the Board after they are signed. Superintendent Vital explained that any contract above the statutory limit of \$76,700 would come to the Board. Below that amount, those contracts will come as a batch for the Board to ratify after the Superintendent has signed them. The goal is to enable the Superintendent to do her job day-to-day based on a Board-approved budget. Member Jensen added the City Manager has authority to sign off on a similar amount, and that this is in the realm of reasonable oversight.

**MOTION: Member Mooney**

**SECONDED: Member McMahon**

That the Board of Education approve Resolution No. 09-0064 Delegation of Authority to Purchase and Contract as presented.

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

**NOES:** Spencer

**MOTION CARRIED**

**Resolution No. 09-0065 Appointment of Authorized Agents for the Board of Education**

Mr. Guzman presented this item. Education Code §42632 and §35161 provide that the Board of Education may appoint agents and officers to act on its behalf and to certify or attest to actions taken by the Board.

This resolution appoints the following as Authorized Agents: Superintendent, Assistant Superintendent, Chief Financial Officer, Chief Human Resources Officer, and General Counsel.

Superintendent Vital added that all of these resolutions are typical in every district in the state of California.

**MOTION: Member Mooney**

**SECONDED: Member Tam**

That the Board of Education approve Resolution No. 09-0065 Appointment of Authorized Agents for the Board of Education as presented.

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

**NOES:** None

**MOTION CARRIED**

**Resolution No. 09-0066 Authorization to Purchase As Needed Various Commodities through Contracts Awarded by Other Public Agencies**

Mr. Guzman presented the item. Public Contract Code §20118 allows the Board to authorize by contract, lease, requisition, or purchase order, any public corporation or agency, including any county, city, town or district to purchase materials, supplies, equipment for the district. This is commonly referred to as *piggybacking*. Such power is limited to the provisions of Public Contract Code §20111, 20112, and 20118. The Board of Education is requested to appoint the Superintendent, Assistant Superintendent, and the Chief Financial Officer as authorized representatives to purchase, as needed, various commodities through contracts awarded by other public agencies.

Superintendent Vital added what this Resolution does is tie the designations to positions and not specific names of employees.

**MOTION: Member Mooney**

**SECONDED: Member Jensen**

That the Board of Education approve Resolution No. 09-0066 Authorization to Purchase As Needed Various Commodities through Contracts Awarded by Other Public Agencies as presented.

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

**NOES:** None

**MOTION CARRIED**

**Resolution No. 09-0067 Designation of Authorized Agents to Sign School Orders for Payroll**



**Tax/Deposit Fund**

Mr. Guzman introduced the item. Education Code §42632 provides that the Board can authorize an officer of the school district to sign orders in its name with the County Superintendent of Schools. This resolution authorizes the Superintendent, Chief Financial Officer, Chief Human Resources Officer, and the Fiscal Services Director as signatories on the funds of the District’s payroll revolving fund.

**MOTION: Member Mooney**

**SECONDED: Member Jensen**

That the Board of Education approve Resolution No. 09-0067 Designation of Authorized Agents to Sign School Orders for Payroll Tax/Deposit Fund as presented.

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

**NOES:** None

**MOTION CARRIED**

**Board Member Reports**

Member Mooney noted he has been attending roadshows and workshops and accompanying the Superintendent on school site walkthroughs. He attended the EHS spirit rally and homecoming game. Member Mooney added its great to see our middle school sports getting back and starting up again, and we hope the community will step up and continue to fund that.

Member Jensen added she met up with the AEF President at Edison Elementary and learned about classroom adoptions, which is another tremendous program that is really helping our students at all sites. Alameda High School will be hosting a “One Warm Coat” drive – call AHS for details. Encinal will be hosting an Athletics Hall of Fame event on Saturday, November 7; for more information call EHS.

Member Spencer attended several roadshows, Girls, Inc. open house, Youth Collaborative meeting, PEV training, and the ACOE conference on anti-bullying. ARPD hosted a Haunted House with 15 different student clubs volunteering.

Member Tam announced that Saturday will mark a Disability Awareness Month pre-dedication at Lincoln Park at the Fernside entrance. Member Tam also attended the Special Needs Resource Fair where over 30 organizations and services were represented, and attended school site walkthroughs with the Superintendent.

President McMahon noted he attended the ongoing Principal workshop and acknowledged the work in the area of focusing on instructional leadership and making sure we’re moving in the right direction as the Superintendent committed to.

**Adjournment**

President McMahon adjourned the meeting at 8:15 PM.