

SAN LEANDRO UNIFIED SCHOOL DISTRICT  
SAN LEANDRO, CALIFORNIA  
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**REGULAR MEETING OF THE BOARD OF EDUCATION - MINUTES**

November 30, 2004

The Board of Education of the San Leandro Unified School District met in regular session on November 30, 2004, in the San Leandro City Council Chambers, 835 East 14th Street, San Leandro, California.

The meeting was called to order at 5:30 p.m. by President Linda Perry.

**BOARD MEMBERS PRESENT**

Mr. Louis Heystek  
Mr. Ken Pon  
Mr. T. W. "Rick" Richards  
Mrs. Pauline Cutter, Clerk  
Ms. Linda Perry, President

**DISTRICT STAFF PRESENT**

Christine Lim, Superintendent  
Leon Glaster, Assistant Superintendent  
Michael Martinez, Assistant Superintendent  
Linda Pollard, Administrative Assistant

**PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA**

There were no public comments concerning items on the closed session agenda.

**CLOSED SESSION**

At 5:30 p.m., the Board went into closed session for Students Expulsions, Public Employee Discipline/Dismissal/Release, Conference with Labor Negotiator, Conference with Legal counsel, Existing Litigation – 1 case, Conference with Legal counsel – Anticipated Litigation – Significant Exposure to litigation – 1 case pursuant to Education Code Sections 35146 and 48918(c); Government Code Sections 54957, 54957.6, 54956.9, and 54956.9(b). The closed session was adjourned at 6:07 p.m.

The Board returned to open session at 7:06 p.m. with the Pledge of Allegiance to the Flag led by San Leandro High School students. President Perry said the Board had been in closed session and took the following action:

- On a motion made Mrs. Cutter and seconded by Mr. Pon, the Board approved the settlement agreement with Bunton Clifford and Associates, signed on September 29, 2004, by a 5-0 vote.

## **APPROVAL OF AGENDA**

On a motion made by Mr. Richards and seconded by Mrs. Cutter, the Board approved the agenda for the regular meeting of November 30, 2004 by a 5-0 vote.

**REPORTS** Student Representatives' Reports – San Leandro High School student representative, Sharon Ma, updated the Board on school activities including winter sports non-league tournaments; girls' basketball; girls' and boys' wrestling; Wrestling Chicken Dinner on December 1; International Dance Club winter performance; Cooking Club Taco Night; Winter Ball, December 3; Winter Concert, December 8; Civil Rights activist, Reverend Fred Shuttleworth will be a guest speak; SLAM field trips; SAT tests, December 3; and College Bound Club Scholarship meeting.

## **PRESENTATIONS**

- President Perry presented a Certificated of Appreciation to San Leandro High School student Chris Corpus, "Regional Occupational Program (ROP) Student of the Month" for October 2004, in the Medical Occupations Program. Students of the Month for November Jeff Hoag – Auto Collision Repair Technology Program and Trevor Costanza – Oracle/Computer Maintenance Report Program were unable to attend, so their certificates will be sent to them.

At Mr. Richards' request, Ms. Corpus explained that the "Student of the Month" honor is based on grade point average, attendance, and "a lot of hard work".

- President Perry presented Resolutions by recognizing outgoing Board members Kenneth Pon, Gary Thompson, and Kimberly Wilson for their years of service to the District, their on-going commitment and dedication to the education and welfare of all students in the San Leandro Unified School District, and wished them much success in the future.

## **PUBLIC TESTIMONY ON NON-AGENDA ITEMS**

- Perry Lightfoot, Special Ed teacher and community member, thanked Ms. Lim for her response to district staff regarding her employment contract and suggested that clearer communication might have led to the abatement of some assumptions that occurred i.e. posting the time/place of the meetings on the Website.
- Lance Gunderson, San Leandro High School Industrial Arts chairman announced that San Leandro High School was just offered a brand new metal program, worth approximately \$100,000, however around \$8,000 would still be needed to get it up and running asked. He asked why the District felt it was necessary to give a raise to the Superintendent, when there was a need to help the students.
- Joan Newson addressed the Board regarding mismanagement, and Ms. Lim's contract and asked the Superintendent to reconsider and turn it down, "the teachers' are the ones who deserve the raise".
- Ruby Smart, San Leandro High School teacher and city tax payer shared an editorial by news editor, Daniel Miesner, in the November 2004 issue of the San Leandro High School *Cargo* regarding Superintendent Lim's pay raise. It was the opinion of Mr. Miesner that *"For teachers and students alike, this has been a slap in the face. Present conditions in this district are evidently going downhill. While money should be focused on teacher and student resources, it is being routed to those who don't need it."* The district needs to do whatever it takes to put the interests to students first." Ms. Perry hoped that the Board would be receiving copies of the *Cargo* and that she would like to meet with the editor to clarify some of the facts in his statement.
- Joseph Husary addressed the Board on how frustrated he is that his children are not being prepared at the elementary level for middle school, and would like the Board take to a look at how to improve things at Washington Elementary. He suggested having students recognized for "perfect attendance". President Perry asked the Superintendent to follow-up.
- Lou Filipovich addressed the Board on the "point of order" and not being allowed to speak after his time limit was up. Once again he spoke longer than the 3-minute time limit, and he asked for a "point of order" to finish his thoughts. President Perry polled the Board. The vote was as follows: Mr. Richards and Mrs. Cutter indicating yes and Mr. Heystek, Mr. Pon, and Ms. Perry indicating no, thus Mr. Filipovich did not continue.

## **PUBLIC HEARING**

On a motion made by Mr. Heystek and seconded by Mr. Richards, the Board opened the public hearing concerning the San Leandro Unified School District's initial proposal to the California School Employees' Association (CSEA). by a 5-0 vote.

No comments were received from the audience.

On a motion made by Mr. Heystek and seconded by Mr. Richards, the Board closed the public hearing by a 5-0 vote.

## **REPORTS**

- 1) Correspondence – Clerk Cutter reported receiving emails from Alice Verterfelt, Derek Ronetti, and Barbara Tierney regarding the Superintendent's contract.
- 2) Superintendent's Report – Superintendent Chris Lim announced the "Kick Off" of a Alameda County Office of Education history project, "Words that Make America" with a visit from Rev. Fred Shuttleworth, who is considered, by some historians, to be one of top three who walked along with Dr Martin Luther King, Jr. in the march towards Alabama. She added that he had been arrested thirty-five times; had been involved in filing and defending forty civil rights lawsuits; helped desegregate buses, restaurants and schools; and survived a beating when he tried to enroll his daughter in an "all white" Birmingham high school in 1957, but the most inspirational moment came in 1956 when the Klu Klux Klan blew up Rev. Shuttleworth's home, and the floor underneath him was blown away and he walked away unscathed.

Ms. Lim said it was an honor to have Reverend Shuttleworth speak to the 10<sup>th</sup> grade US History students at San Leandro High, 8<sup>th</sup> graders at Bancroft and the 6<sup>th</sup>, 7<sup>th</sup>, & 8<sup>th</sup> graders at John Muir Middle School.

- 3) Board Representatives' Reports
  - Alameda County School Boards Assn. Ms. Perry said they met November 18 with a presentation on the Brown Act, open meeting laws, and parliamentary procedures. She said the presentation was taped and that the information was in the Board handbook that they received at the orientation on November 29. The next meeting will be January 20, 2005 with a presentation on "*Being an Ambassador for Education*"; Ken Wayne from Channel 2 and Jill Tucker from the ANG newspaper chain will be speakers.

- San Leandro Collaborative – Mr. Heystek reported that he was unable to attend the last meeting of the Executive Committee but would provide a more detailed report at the next meeting and the next Collaborative meeting would be January 26, 2005 from 3:00-4:30 p.m. at the City Hall.

## **CONSENT ITEMS**

Mr. Richards asked to remove Consent Item #4.4-C, Liability Claims Submitted to San Leandro Unified School District.

### General Services

1.1-C            Approval of Board Minutes – November 16, 2004

### Human Resources

2.1-C            Acceptance of Personnel Report

2.2-C            Renewing of Student Teaching Agreement

### Educational Services

3.1-C            Acceptance of Donations

3.2-C            Non-Public School Contracts

### Business, Operations and Facilities

4.3 -C           Intra-Budget Transfers – October 2004

On a motion made by Mrs. Cutter and seconded by Mr. Heystek, the Board approved the remaining consent items by a 5-0 vote.

4.4-C            Liability Claims Submitted to San Leandro Unified School District

In re-reviewing the backup for these claims, Mr. Richards noticed that all three were personal property damage to staff vehicles while the vehicle on school property. He asked if staff was aware and if there was a board policy indicating that parking in the school's parking lot was "at your own risk".

Mr. Glaster said that it had been past practice not to reimburse staff for personal property damage that was out of the control of the District but that he would report back to the Board at the next meeting regarding a board policy or signs posted stating that you park "at your own risk".

Mrs. Cutter suggested staff check to see if it was in the handbook.

Mr. Richards felt that if there wasn't a Board policy, signs were not posted, and it was not referenced in the handbook, the Board might want to rethink denying these claims just for "good will" purposes.

Mr. Heystek said it would be more helpful to him in reviewing liability claims if the District's insurance administrators, Keenan and Associates, included as backup their criteria for recommending denying the claims.

On a motion made by Mrs. Cutter and seconded by Mr. Richards and by a 5-0 vote, the Board approved to table this item to the December 7 Board meeting so staff could provide the following information:

- Written policy, handbook information, or signs posted on the site regarding parking "at your risk" for school parking lots; and
- Criteria for the District's insurance company in denying such claims.

## **ACTION ITEMS**

### General Services

- 1.1-A        Certification of Election  
The Certification of the November 2, 2004 election had not been received yet, so this item will be brought back to the December 7 Board meeting as we need to certify the election before the new and re-elected Board members can be installed.

### Educational Services

- 3.1-A        Approval of Suspended Expulsion  
On a motion made by Mr. Heystek and seconded by Mr. Pon, the Board approved the recommendation of the Director of Students Support Services and Lincoln Continuation Principal for suspended expulsion for student E09-04/05 by a 5-0 vote.

## **CONFERENCE ITEMS**

### General Services

- 1.1-CF       Nominations for CSBA Delegate Assembly  
The Board discussed and considered nominating interested candidates for the California School Boards Association (CSBA) Delegate Assembly.

At the request of Mr. Heystek, President Perry said that the current CSBA delegates for Subregion 7-B (Alameda) were her, Gwen Estes (New Haven USD); Denis King (Dublin USD); and Nina Moore (Fremont USD).

On a motion made by Mr. Heystek and seconded by Mr. Pon, the Board nominated Linda Perry to the California School Boards Association (CSBA) Delegate Assembly by a 5-0 vote.

Ms. Perry thanked them for the nomination and stated that when all nominations are submitted in January, all local boards in Region 7 will vote.

1.2-CF

Provisional Appointment for Trustee Area 6

The Board discussed and considered authorizing the Superintendent or her designees to give notice and advertise the vacancy for Board Trustee for Trustee Area 6 and to solicit candidate applications or nominations.

Ms. Perry explained that Education Code section 5091 provides that whenever a vacancy occurs, the school district has 60 days from the vacancy, to either order an election or make a provisional appointment to fill the vacancy. She reminded the Board when Board member Fred Collins passed away in December 2001 the Board elected to make a provisional appointment for that vacancy.

Superintendent Lim said that per her conversation with the Registrar of Voters, it would cost between \$80,000 and \$120,000 (which is \$2 to \$3 per registered voter with approximately 40,000 registered voters in the San Leandro Area). She added that the District missed the deadline for March 8<sup>th</sup> so the election would be June 7 and applications would need to be in by January 28.

Mr. Richards asked if there was time to “tag on” to the City’s run off election Feb. 8, which might reduce the cost. Ms. Lim said because the District’s election information need to be submitted 130 days before an election, it was too late.

Mr. Pon said that he favored the provisional appointment process because he liked having a larger pool of people to select from (there were at least a half a dozen people who came forward seeking that position in 2001), and considering the cost of a special election it makes a lot of sense.

Discussion continued reviewing and revising the draft timeline, advertisement, Trustee Area 6 map and description, letter to prospective Board member applicants, basic qualifications, and the

application.

Mr. Richards wanted to know if there was enough time to verify the signatures between the time of distribution and submission of the applications. Mrs. Cutter and Ms. Perry reminded that Board that the signature verification was waived in 2001.

Mrs. Cutter would like to have more time to review the applications before interviewing the candidates.

President Perry felt that the expense of an election just makes it prohibitive at this point in time and agreed that in 2001 there was a good pool of candidates, in fact Trustees Gary Thompson and Kimberly Wilson and now Ray Davis came from that pool and they didn't have to go through the expense of an election. She added that being time sensitive (having a full operational Board by January), she supported the provisional appointment process.

Mr. Heystek was concerned about the timeline being so rigid during the holiday season and asked if there could be a more "relaxed" timeline, but Ms. Perry indicated that per legal counsel, 60-days was firm.

Mr. Richards asked how applicants would get applications during the two-week period that the District Office was closed.

Ms. Perry suggested that it would be available on the web site, at the main public library and Mr. Pon added that each trustee would have copies.

Chris Lim stated that January 15<sup>th</sup> would be 60 days.

Before finalizing the timeline, Ms. Perry said that a decision needed to be made regarding ordering an election or making a provisional appointment.

#### **PUBLIC COMMENT**

Tim Holmes addressed the Board in favor of an election to select the trustee rather than a provisional appointment because he felt that, given the makeup of the current Board and their recent actions, they would not necessarily choose a representative who truly represents the people.

Ms. Perry clarified that the new Board and not the current Board would be selecting the replacement for Trustee Area 6. Before the motion Superintendent Lim verified for Mrs. Cutter that it

was too late to “piggyback” on the City’s election, February 8.

On a motion made Ms. Cutter and seconded by Mr. Pon, the Board approved to move ahead with the provisional appointment, authorizing the Superintendent or her designee to give notice of and advertise the vacancy for Board Trustee Area 6 by a 4-1 vote. Mr. Richards voting no.

Ms. Perry read the revised Timeline for Filing Board Vacancy by Provisional Appointment:

Tuesday, November 16	Vacancy
Tuesday, November 30 7:00 p.m.	Board Meeting to approve application and timeline for provisional appointment
Friday, December 3	Distribution of application materials and publication of vacancy
Tuesday, January 4 4:00 p.m.	Deadline for submitting applications for provisional appointment
Monday, January 10 6:00 p.m. – District Office	Special Board Meeting to interview candidates for provisional appointment
Thursday, January 13 6:00 p.m. – District Office	Second Special Board Meeting to interview finalists (if needed)
Friday, January 14	Sixty-day deadline for board to make provisional appointment

Ms. Perry added that these dates would work for the new Board members Ray Davis and Stephen Cassidy.

Mr. Pon asked if the 60 days fall on a weekend or holiday, would the deadline be the Monday after or the Friday before to stay within the 60-day time frame. Ms. Perry said that because January 15 was the end of the 60 days, the provisional appointment deadline would be Friday January 14.

Mrs. Cutter would like the timeline available to the homeowner groups so that they could post it in their monthly bulletin.

Mr. Richards said that because Education Code 5091 as referenced in the Board bylaws to filing the vacancy within 60 days doesn’t indicate calendar days, January 14 makes sense so it falls within the 60-day period.

The Board agreed on the following modifications to the application packet:

Press Release: The following language should be included:  
*“Applications are available in the Superintendent’s office located at 14735 Juniper Street, the San Leandro Main Public Library, from school board members, or by downloading from the District’s web site at [www.sanleandro.k12.ca.us](http://www.sanleandro.k12.ca.us)”.* .

Mr. Heystek would like to see the map for Trustee Area 6 and description included in the packet. Ms. Perry added that these maps are available on the web site.

Letter to Prospective Board Member Applicant:

Mr. Heystek thought it would be a good idea having staff available to meet with and assist prospective Board applicants with any questions and to further delineate the responsibilities of being a board member before the winter break.

Superintendent Lim suggested canceling the December 14 regular Board meeting and scheduling the information meeting on that night from 7-8:30 p.m. at the District Office.

At the suggestion of Mr. Richards, *“Please note that the District Office will be closed from December 20-31, 2004. We will reopen on January 3, 2005. Applications can be mailed to San Leandro Unified School District, 14735 Juniper St., 94579, or fax to (510) 678-5303”* was added to the letter.

Basic Qualifications

In response to Mr. Pon, Ms. Perry said that a candidate only needed to be a registered voter within the geographical area of Trustee Area 6.

It was the consensus of the Board to waive the twenty signatures.

In answer to verifying registered voters, Ms. Perry said that the list of applicants is given to the Registrar of Voters and they will do the verification.

Mr. Pon said that *“Applicants must be registered voters and live within Trustee Area 6”* needs to be included with the basic qualifications.

Application for Appointment to Fill Vacancy on the Board of Education:

There were no changes or revisions made to the application.

On a motion made by Mrs. Cutter and seconded by Mr. Pon, the Board approved the applications packet by a 5-0 vote.

Business, Operations and Facilities

#### 4.1-CF

##### Contract Modifications and Close-Out

The Board discussed and considered approving the final contract modifications and close-out with Vanir Construction Management, Inc.

Prior to the vote, Mr. Glaster said that this was the fifth modification to the contract that started in 1997. He highlighted the projects covered by this amendment:

- Jefferson Elementary New School – continue to provide construction management services from November 1, 2004 through June 30, 2005, and also to include Labor Compliance monitoring through Davillier-Sloan(DSI); provide project management support to coordinate the Department of Toxic and Substance Control (DTSC) requirements; and to provide administrative support to file Office of Public Construction (OPSC) required closeout reports.
- Miscellaneous Program Support – continue to provide cost expenditure reconciliation, process project invoices, authorize and track contractor purchase orders, provide monthly reports, complete OPSC closeout reports for the nine modernization projects and t new construction projects as required by the California Department of Education.

He said that the estimated fee increase is estimated at \$72,172 based on fee schedule from original contract.

Mrs. Cutter wanted to know if there was some kind of provision if it goes over the amounts. Mr. Glaster said he did not anticipate going over the amounts but they will continue to be reviewed.

On a motion Mr. Heystek and seconded by Mr. Pon the Board approved the final contract modification and close-out with Vanir Construction Management, Inc. by a 5-0 vote

## **ADDITIONAL SUGGESTIONS AND COMMENTS FROM BOARD MEMBERS**

Ms. Perry said that new Board member Ray Davis had a conflict with the second and fourth Tuesday meetings scheduled in December and January. After their discussion, the Board agreed on the following revised schedule:

- Regular Board meeting, December 7, 2004 to swear in new and re-elected members and a business meeting;
- Cancel the regular Board meeting on December 14, 2004 and have a brief informational meeting with the Superintendent and Sub committee of the Board with prospective candidates for Trustee Area 6 at 7:00 p.m. at the District Office
- Special Board meeting, January 10 to interview candidates for provisional appointment, 6:00 p.m. at the District Office
- Regular Board meeting on Wednesday, January 12, 2005 at the City Hall
- Special Board meeting, January 13, if needed to interview candidates at the District Office at 6:00 p.m.
- Regular Board meeting on January 18, 2004 (if needed)
- Cancel the regular Board meeting on January 25, 2005

Mr. Heystek wished everyone Happy Holidays!

Mr. Pon said he would miss everyone.

Mrs. Cutter said that it had been nice serving with Ken and Gary.

## **ANNOUNCEMENT**

### **Future Board of Education Meetings**

- Regular Meeting – December 7, 2004
- Regular Meeting – December 14, 2004
- Regular Meeting – January 11, 2005
- Regular Meeting – January 25, 2005
- Regular Meeting – February 1, 2005
- Regular Meeting – February 16, 2005
- Regular Meeting – March 1, 2005
- Regular Meeting – March 15, 2005
- Regular Meeting – April 5, 2005
- Regular Meeting – April 19, 2005
- Regular Meeting – May 3, 2005
- Regular Meeting – May 17, 2005
- Regular Meeting – June 7, 2005
- Regular Meeting – June 21, 2005

## **ADJOURNMENT**

On a motion made by Mr. Heystek and seconded by Mr. Richards, the Board adjourned the meeting in memory of Mrs. Cutter's mother, Esther Russo, at 9:06 p.m. by a 5-0 vote. Ms. Perry extended the Board's deepest condolences to Mrs. Cutter.

Respectfully submitted,

Pauline Cutter, Clerk