

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

March 3, 2009

The Board of Education of the San Leandro Unified School District met in regular session on March 3, 2009, in the San Leandro City Council Chambers, 835 East 14th Street, San Leandro, California.

The meeting was called to order at 6:00 p.m. by President Mike Katz-Lacabe. Mr. Katz-Lacabe noted that Trustee Prola would be participating via teleconference at 2234 Belvedere, San Leandro, CA 94577. Mrs. Prola confirmed that the agenda had been posted at the site and was accessible to the public.

BOARD MEMBERS PRESENT

Mr. Hermy Almonte
Mrs. Lisa Hague
Ms. Morgan Mack-Rose (arrived at 6:06 p.m.)
Ms. Carmen Sullivan (arrived at 6:02 p.m.)
Mrs. Pauline Cutter, Clerk
Mrs. Diana Prola, Vice President (via teleconference)
Mr. Mike Katz-Lacabe, President
Ms. Flavia Coria, Student Board Member

DISTRICT STAFF PRESENT

Christine Lim, Superintendent
Song Chin-Bendib, Assistant Superintendent
Michael Potmesil, Assistant Superintendent
Cindy Cathey, 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 6:01 p.m., the Board went into closed session for Student Expulsions, Public Employee Discipline/Dismissal/Release, Conference with Labor Negotiator, Conference with Legal Counsel – Anticipated Litigation – significant exposure to litigation, Conference with Real Property Negotiator – Property(ies), Conference with Legal Counsel – Existing Litigation and Tort Claim (1), pursuant to Education Code Sections 35146 and 48918(c), Government Code Sections 54957, 54957.6, 54956.(b), 54956.8, and 54956. The closed session was adjourned at 7:09 p.m.

The Board returned to open session at 7:18 p.m. with the Pledge of Allegiance to the Flag. President Katz-Lacabe said the Board had been in closed session and had taken the following action:

- On a motion made by Mrs. Cutter and seconded by Mrs. Prola, the Board adopted Resolution #09-12, Resolution of Non-Reelection of Temporary Certificated Employees by a 7-0 vote. Trustee Prola voting via teleconference.
- On a motion made by Ms. Sullivan and seconded by Mrs. Cutter, the Board adopted Resolution #09-13, Resolution of Non -Reelection of Probationary Certificated Employees by a 7-0 vote. Trustee Prola voting via teleconference.
- On a motion made by Mrs. Hague and seconded by Ms. Mack-Rose, the Board adopted Resolution #09-16, Resolution for Release and Reassignment – Administrative Certificated Employees by a 7-0 vote. Trustee Prola voting via teleconference.
- On a motion made by Mrs. Cutter and seconded by Mr. Almonte, the Board voted to direct the Superintendent to sign and return the Agreement and Consent regarding joint representation (San Leandro Unified School District and Mary Ann Valles) to Ruiz & Sperow, LLP by a 7-0 vote. Trustee Prola voting via teleconference.
- On a motion made by Mr. Almonte and seconded by Ms. Sullivan, the Board rejected Liability Claim 4104-08-00031-01-02 by a 7-0 vote. Trustee Prola voting via teleconference.

APPROVAL OF AGENDA

On a motion made by Mrs. Hague and seconded by Mrs. Cutter, the Board approved the agenda for the regular meeting of March 3, 2009, by a 7-0 vote. Trustee Prola voting via teleconference.

PRESENTATIONS

- * Billy Campbell, on behalf of the Budget Advisory Committee (BAC), thanked the Board for providing an opportunity for District staff, union representatives, City officials, and parent leaders communicate, to come together to discuss and provide recommendations regarding staff proposals on the annual budget, reiterating that “when there is no dialogue, no thinking, there is no progress.” While consensus was not always reached, the committee believed that restoring personnel and positions must be the first priority, with non-personnel reductions as the second.

On a personal note, Mr. Campbell thanked the Board for giving him an opportunity to be part of the BAC, adding that it was the most challenging thing he has ever done and he learned so much by this experience.

The Board thanked the members of the committee for their input, and while the process was not perfect, they hoped that it would continue and become stronger in the future. Mrs. Hague personally thanked the Board for giving her the opportunity to be an observer in the process and commended the members taking on this very challenging task.

PUBLIC TESTIMONY ON NON-AGENDA ITEMS

- Darlene Evans addressed the Board regarding Prop 13, and the need for a change to the tax format.

REPORTS

- 1) Correspondence – Clerk Cutter reported receipt of the following emails from February 24, 2009 – March 2, 2009: A petition signed by 238 people regarding library budget cuts; from Belen Majers regarding budget cuts – Admin; from Carol Delton regarding District growth over time; from Veronica Ortega regarding library budget cuts; from Kenneth Moy regarding the importance of staggered reading and the 20:1 classroom ratio to our test scores; from Juanita Oyola regarding budget cuts – CSEA; from Carol Alvarez regarding swimming pool at the high school – Thanks to Greg Dyer and district; from Janet Beck regarding music program

budget cuts; from Linda Braga regarding Adult School budget cuts; from Stephen Cassidy regarding advocacy against state budget and invitation to Roosevelt Founders Day; from Rosanna Ghassemi, Antonia Mittelstedt, Aubrey Weers, Sarah Del Grande, Jennifer Sherwood, Karen Koizumi, Sarah Mireles, Louise Shaw, Patty Fishbaugh, regarding Class Size Reduction budget cuts; from Rochelle Lokting regarding AVID budget; from SportsHope.Org regarding SLHS track & Field E-waster Fundraiser; from Kinkini Banerjee regarding in support of Tom Anderson, Special Ed; from Jon Sherr regarding SLTA SLATE; Andrew Storar regarding 5th grade music budget cuts; from Administrative Assistants: Linda Pollard, Valerie Cunha, Sukhi Khaira, Laura Aguayo-Guevara regarding Budget Cuts – District Office; and Lauren Lipka regarding across-the board cuts/furlough days.

- 2) Student Board Member Report - Flavia Coria reported that the peaceful protest on February 26, 27, and March 3 was very successful. Students carried posters regarding the budget cuts.
- 3) Union Representative Reports -
 - Don Biladeau, Trades, addressed the Board regarding the “golden handshake,” as well as the frustration and disillusionment he feels regarding the process in which reductions have been made.
 - Billy Campbell, Teamsters, addressed the Board regarding the proposed list of reduction or elimination of specially funded or General Funded classified staff and lack of cooperation with the unions. He urged the Board to look at all the proposals that have been submitted and then make the decisions.
 - Janice Pontes, California School Employees Association (CSEA) president, addressed the Board regarding the proposed reductions of CSEA personnel. She urged the Board to consider administrative personnel reductions at the District Office before making any reductions in CSEA staff.
 - Jon Sherr, San Leandro Teachers’ Association (SLTA) president, addressed the Board regarding reductions to Class Size Reduction and specialists at the elementary level, counselors, and Lighthouse/Independent Study.

Carol Delton, San Leandro Teachers’ Association member and Budget Advisory Committee member, addressed the Board regarding ways the District can use existing funds to restore more programs.

- Belen Magers, representing the San Leandro Management Association (SLMA), commented that SLMA is opposed to any reductions to personnel and programs including class size reduction and elementary specialists. She implored the Board to establish some guidelines to bring the unions and the District together to vote on across-the-board cuts that would keep our organization and programs in tact and seek a fair and collaborative resolution.

4) Superintendent’s Report – Superintendent Lim announced she had an opportunity to read to Ms. Jacob’s 5th grade class at McKinley as part of the National Education Association’s Read Across America. The students presented her with a Dr. Seuss hat, pin and “A Tip of the Hat from the National Education Association and the Cat” certificate, reading. “For your ongoing support of NEA’s Read Across America – “You’re never too old, too wacky, too wild, to pick up a book and read with a child.”

The Superintendent asked Assistant Superintendent Song Chin-Bendib, to address the seven propositions appearing on the May 19, 2009, statewide Special Election ballot, and the implications if they do not pass. They are:

Proposition 1A	State Finance – “Raining Day” Budget Stabilization Fund	Limits state spending and increase the size of the “rainy day” fund from 5% to 12.5% to the General Fund, requiring above-average revenues to be deposited into it, for use during economic downturns. If Proposition B is approved a portion of the fund would be transferred to fund supplemental payments to K-14 education.
Proposition 1B*	Education Finance	Requires supplemental payments of \$9.3 billion over time commencing in 2001-12, in lieu of the states Maintenance Factor related to fiscal years 2008-09 and 2009-10. If passed, this proposition guarantees that education funding will be restored; if it fails, we must pursue reimbursement by other means.
*Please note that Proposition A and Proposition B are dependent on both passing		
Proposition 1C	California State Lottery- “Lottery Modernization Act”	This proposition securitizes the State Lottery, bringing the state more than \$5 billion. Local educational agencies would not longer receive funding based on Lottery sales, but would continue to receive per-ADA amounts equal to what they received in 2008-09.

Ms. Chin-Bendib noted that the following propositions appearing on the special election ballot are proposed taxes for particular purposes to supplement General Fund activities and do not directly impact school districts:

Proposition 1D	Budget Act of 2008: California Children and Families Act: Use of Funds: Services for Children
Proposition 1E	The Mental Health Services Act: To amend Proposition 63
Proposition 1F	State officer salary increase – if future funding is not approved on time, state officers at the state level will not receive any salary increases
Proposition 13	Property tax: new construction exclusion: seismic retrofitting

Ms. Chin-Bendib added that with regards to the Seconded Interim Report, Alameda County Office of Education, in a February 26, 2009, correspondence, was advising districts “to adhere to the March 15 deadlines and provide the necessary statutory employment notices that provide the most flexibility to deal with an enacted budget and any potential future changes as a result of the May Revision or future legislation. Once those statutory dates have passed, school districts will revisit its options for expenditures and reductions.”

5) Board Committee Reports

- Communication – Mr. Almonte reported that the committee met on February 27 and agreed to develop a template that addresses the current fiscal crisis. They also discussed future goals of the committee. The committee will be meeting on March 4, 2009, to review the template with the hopes of sending out short bulletins.

CONSENT ITEMS

Mrs. Prola asked that Consent Item 1.1-C, Approval of Board Minutes – January 29, 2009, 2.1-C, Acceptance of Personnel Report, and 4.1-C, Contract Services with Orbach, Huff & Suarez LLP (Measure B Legal Services) for the 2008-2009 School Year be pulled from the Consent Calendar.

General Services

- 1.3-C Approval of Board Minutes – February 3, 2009
- 1.2-C Approval of Board Minutes – February 5, 2009
- 1.2-C Approval of Board Minutes – February 9, 2009

Human Resources

- 2.2-C Renewal of Student Teaching Agreement
- 2.3-C Resolution #09-14 Authorizing Execution of Agreement with Office of

Administrative Hearings for Hearing Services

Educational Services

3.1-C Acceptance of Donations

3.2-C Non-Public School Contracts

3.3-C Recommendation for Termination from Expulsion for student E19-07/08

3.4-C Recommendation for Termination from Expulsion for student E10-07/08

3.5-C Recommendation for Readmission from Expulsion

3.5-C Recommendation for Readmission from Expulsion from expulsion for those students who have satisfactorily completed the terms of his/her rehabilitation plan and are eligible to return to a comprehensive program.

E35-05/06	E07-07/08	E12-07/08	E22-07/08
E20-06/07	E11-07/08	E15-07/08	

3.6-C Recommendation for Continuation of Expulsion Order for continuation of expulsion order for those students who have not satisfactorily completed the terms of his/her rehabilitation plan and are not eligible to return to a comprehensive program at this time.

E41-05/06	E16-07/08	E18-07/08
E24-06/07	E17-07/08	E21-07/08

3.7-C Recommendation for Continuation of Students who have Left the District-Unable to Verify Success of Expulsion Order

E09-07/08	E07-08/09	*EOD01-08/09
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*Expelled from other school district

Business Operations

4.2-C Contract with Davis Street Family Resource Center for the 2007/2008 School Year

Facilities and Construction

- 5.1-C Architectural Engineering Services Contract with AEDIS Architecture and Planning for Port of Oakland Noise Abatement Project, Phase 2
- 5.2-C Consulting Services Contract with Vista Environmental Consulting for the Port of Oakland Noise Settlement project, Phase 2
- 5.3-C D&D Pipelines Contract Change Order #1 for the Washington and McKinley Portable Project

On a motion made by Ms. Sullivan and seconded by Mrs. Hague, the Board approved the consent items by a 7-0 vote.

General Services

- 1.1-C Approval of Board Minutes – January 21, 2009

Mrs. Prola raised a concern on why Roosevelt school had announced the hiring of two new employees in their bulletin, when it was reported in the minutes that the Superintendent had put a freeze on all unfilled positions.

It was explained that this issue could be raised during Board member comments.

On a motion made by Mrs. Prola and seconded by Mrs. Cutter, the Board approved the minutes of the regular Board meeting held on January 21, 2009, by a 7-0 vote. Mrs. Prola voting via teleconference.

Human Resources

- 2.1-C Acceptance of Personnel Report

It was noted that there was a correction that needed to be made to the report. On a motion made Mrs. Prola and seconded by Mrs. Cutter, the Board tabled the Personnel Report until the next meeting by a 7-0 vote. Mrs. Prola voting via teleconference.

Business Operations

- 4.1-C Contract Services with Orbach, Huff & Suarez LLP (Measure B Legal Services) for the 2008-2009 School Year

Mrs. Prola requested that a monthly update on legal expenses be provided to the Board.

On a motion made by Mrs. Cutter and seconded Mrs. Hague, the Board approved the contract services with Orbach, Huff & Suarez LLP (Measure B Services) for the 2008-2009 school year by a 7-0 vote. Mrs. Prola voting via teleconference.

ACTION ITEM

Human Resources

2.1-A Resolution #09-15, Discontinuance of Certain Particular Kinds of Services for the 2009-2010 School Year

PUBLIC COMMENT

The following District staff, teachers, students, parents and community members addressed the Board reductions in certificated positions, and offered alternate suggestions on how to address the fiscal crisis: Kelly Ball, Roxanne Ansolaberhere, Stacey Ferreira, Mark Hamilton, Heather Payne, Pamela Lowe, Richard Mellor, Sara Norris, Karen Berry, Alex Harp, Rich Fishbaugh, Diana Quintal, Louise Shaw, Lorena Montoya, Al Chorro, Lydia Oey, Leticia O'Hara, Armardo Stokes, Nancy Bauer, Kristin Porter, Tiare Pena, James Wogan, Jack Nelson, Lola Ridgell, and Josh Hewitt.

Following public comments the Board took a break at 9:40 p.m. and reconvened to open session at 9:50 p.m.

After hearing public comment and an in-depth discussion, the Board extended the meeting to 12:00 midnight, on a motion made by Ms. Mack-Rose and seconded by Mrs. Hague, by a 7-0 vote. Mrs. Prola voting via teleconference.

At the conclusion of the discussion, the Board removed a number of items from the proposed cuts at the District Office, reaching consensus to cut a total of \$3.2 million - \$2.8 million from 2009/10 and an addition \$400,000 from 2010/11.

Then, on a motion made by Mrs. Cutter and seconded by Mrs. Prola, the Board adopted Resolution #09-15, Discontinuance of Certain Particular Kinds of Services for the 2009-2010 School Year, with the following modifications, by a 5-2 vote. Trustee Prola voting via teleconference. Trustees Almonte and Sullivan opposed:

- Elementary Teaching (K-3) 26 FTE (original resolution called for 41 FTE (based on CSR of 28:1, which was reduced to a new ratio of 24:1)

- Counseling 4.7 FTE
- Independent Student Program 1.8 FTE
- Curriculum Specialist 1.0 FTE
- Assistant Director of Curriculum Instruction 1.0 FTE (will be replaced with a Coordinator of Curriculum and Instruction) Elementary Prep Teacher (1-3) 10.60 FTE, and Coordinator of Special Services .12 FTE
- Remove Elementary Prep Teaching (1-3) 10.6 FTE
- Remove Coordinator of Special Services .12 FTE

2.2-A Resolution #09-17, Criteria for Determining Certificated Permanent and Probationary Personnel Whom with the District Shall Exempt from the Order of Layoff by Virtue of Their Credentials, Competence, Assignment, and Experience or Certification (Skipping Criteria)

On a motion made by Mrs. Cutter and seconded by Mrs. Hague, the Board adopted Resolution #09-17, Criteria for Determining Certificated Permanent and Probationary Personnel Whom with the District Shall Exempt from the Order of Layoff by Virtue of Their Credentials, Competence, Assignment, and Experience or Certification (Skipping Criteria) by a 6-1 vote. Trustee Prola voting no via teleconference.

PUBLIC COMMENT

- Maureen Forney, 4th grade teacher at Garfield, asked the Board to consider identifying all certificated employees at Garfield as teachers who have specific skills in the category that might meet the “Skipping Criteria,” recognizing the value of Garfield’s grant-funded staff development program and the importance of the current team members to their 7-year journey at the site.
- Dr. Ann Maris, San Leandro High School science teacher, addressed the Board regarding the importance of science.

2.3-A Resolution #09-18, Criteria for Determining Order of Seniority for those Employees with the Same Date of First Paid Services

On a motion made by Mrs. Cutter and seconded by Mrs. Hague, the Board adopted Resolution #09-18, Criteria for Determining Order of Seniority for those Employees with the Same Date of First Paid Services by a 7-0 vote. Trustee Prola voting via teleconference.

2.4-A Resolution #09-19, Reducing an/or Eliminating Specially Funded and General Funded Classified Services

On a motion made by Mrs. Hague and seconded by Ms. Sullivan, the Board tabled Resolution #09-19, Reducing and/or Eliminating Specially Funded and General Funded Classified Services to a new special Board meeting, to be held on Monday, March 9, in the City Council Chambers, by a 7-0 vote. Trustee Prola voting via teleconference.

Having reached the extended hour of 12 midnight, the meeting came to a close. The following items will be rolled over to the next meeting.

CONFERENCE ITEMS

General Services

1.1-CF 2009 California School Boards Association Delegate Assembly Election

The Board discussed and considered submitting a ballot for the 2009 California School Boards Association Delegate Election.

INFORMATION ITEMS

Educational Services

3.1-I 2007-2008 Alameda County Office of Education Williams Report

The Board received for information and review the 2007-2008 Alameda County Office of Education Williams Report.

ADDITIONAL SUGGESTIONS AND COMMENTS FROM BOARD MEMBERS

None

ANNOUNCEMENT

Future Board of Education Meetings

Regular Meeting – March 12, 2009 (placeholder)
Regular Meeting – March 17, 2009
Regular Meeting – April 21, 2009
Regular Meeting – May 5, 2009
Regular Meeting – May 19, 2009
Regular Meeting – June 2, 2009

Regular Meeting – June 16, 2009
Special Meeting – June 25, 2009 (placeholder)

Respectfully submitted,

Pauline Cutter, Clerk