

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, January 26, 2010
Education Center - 1300 Baker Street, Bakersfield, California

Regular Session: The regular session of the Board of Education was called to order at 6:00 p.m. by President Tafoya.

Members Present: The following members were present:

Ms. DeWalt
Mr. McDougle
Mrs. Tafoya
Mr. Tate
Mr. Van Horne

Also present:

Mr. Lingo, Superintendent
Dr. Jones, Asst. Supt., Academic Accountability and Improvement
Mr. McClain, Chief Business Official
Mrs. Goodspeed, Director, Personnel Services
Mr. Ranes, Director, Instructional Support Services
Mrs. Driskill, Administrative Assistant

Hearings: >> No one addressed the Board at this time.

Recessed to
Closed Session: On motion by Ms. DeWalt, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present to recess to closed session.
10

Closed Session: A closed session was held from 6:05 to 6:27 p.m. for the purpose of the following:

- Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.
- Conference with Labor Negotiators, Michael Lingo and Tim Fulenwider, regarding negotiations with employee organizations, pursuant to Government Code Section 3549.1.
- Discussion of Student Matters (*Administrative Hearing Panel recommendations and alternative school placement*), pursuant to Education Code Section 48918(c).

Reconvened to Regular Session: 11 On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the Board reconvene to regular session.

The regular session of the Board of Education reconvened at 6:30 p.m.

Pledge to Flag: The Pledge of Allegiance was led by Mrs. Pam Baugher.

Approval of Minutes: 12 On motion by Mr. McDougle, seconded by Mr. Tate, it was ordered by the affirmative vote of the members present that the minutes of November 24 and December 8, 2009, be approved.

Presentations: Mrs. Tafoya and Mr. Lingo presented certificates of recognition to Julie Demos and Melinda Padham for receiving National Board Professional Teaching Standards Certification.

Hearings: >> Laurie Kessler, 4th grade teacher at Noble School, discussed work related stress and anxiety caused by the walk-through visits in her classroom and what she called unrealistic expectations that every area on the Pathway checklist should be marked during each visit. She stated that she has continually met all of the goals that have been asked of her, but she continues to have multiple classroom visits.

>> Brad Barnes, BETA President, discussed a new disagreement the Association has with the District regarding paid medical benefits for certificated employees who have exhausted their paid medical leave. He asked the District to rescind the decision to terminate the health insurance of people with illness who are out of paid leave.

>> Katrina Brooks, District Parent, stated that she spoke to the Board in November regarding an incident that occurred with her daughter during the after-school program at Pauly and the difficulty she had with District staff. She stated that since that time, she has worked hard to get her daughter into another school, but the process was time consuming and difficult. She said she is receiving truancy letters from the district for the time that her daughter was absent while she was trying to get her transferred to another school. She asked that the letters stop and the district leave her alone.

President Tafoya acknowledged the speakers for coming forward this evening. She said the Board and administration is listening and thanked everyone for bringing these issues forward.

Comments of
Board Members
and Staff:

Mr. McDougle

-thanked the people who came forward to speak tonight and admitted that it takes courage to stand up in front of everyone and speak. He said the Board would study the issues.

-he was pleased to attend the Teddy Bear Picnic, which is the BCSD Education Foundation's annual fund raising event. He encouraged everyone to get on the BCSD website and see where some of this money goes. They have already awarded \$20,000 in classroom grants to teachers during this school year. He thanked Margaret Cross and all the staff for their hard work and Phil Field the President of the Foundation.

-thanked Valerie Saylor and her staff in New Teacher Support for inviting him to the outstanding Winter Wonderland Holiday Tea at Stiern Middle School and thanked Julie Short for allowing the event to take place on her campus.

-attended the Bond Oversight Committee meeting and stated that they are doing an outstanding job of overseeing the remodel and safety projects at our schools and will have their annual report later tonight.

-thanked Mike Stone and Stan Holcomb for arranging the Region 1 and 2 Spelling Bee, and Tom Ross for being the announcer. He also stated that he hopes that we can work to obtain funding so that our students can compete at the national level in Washington DC.

-noted an article on *bakersfield.com* from a company called Xiotech Corp that sites the Bakersfield City School District as an outstanding success for updating our IT server. He thanked the IT staff for bringing us up-to-date.

Mr. Van Horne

-thanked Julie Demos and Melinda Padham for their work in obtaining the Certificate for National Board Professional Teaching Standards. He noted that our district has the most teachers in the county who have obtained this certification, and it is a lot of hard work.

-thanked Mrs. Kessler for coming up and sharing her thoughts.

Ms. DeWalt

-received a fax today from our Assemblymember Jean Fuller, who identified properties held by the state in the District's name in an amount just over \$600.

-asked how much money was raised at the Teddy Bear Luncheon.

Mrs. Tafoya

-stated that January is usually a month where we reflect on our accomplishments from the previous year and launch our goals for the coming year in the hopes of improving ourselves. She applauded Mr. Lingo and the entire Bakersfield City School District for the successes that we have had in 2009. Our district has a lot of frustrations, and we are all taking on a larger work load. There is a doom and gloom with the financial recession that we are in, but we have also made a lot of accomplishments, so she has asked Mr. Lingo to share some of the positive successes in the district during his report.

-noted one of the priorities for Board members is child advocacy, and also the responsibility to set the vision and give some direction in how the district operates and how we move forward. She said she recently reviewed the Strategic Plan which was updated by Mr. Lingo, and she wants to set a focus for next year. She read our Vision Statement: All Children can learn. The District and community have a moral and professional obligation to respect each child's ability to learn by providing a high quality, effective, and caring learning experience. And the Mission statement: The mission of the Bakersfield City School District is to enrich people's minds and lives through a quality education. The Bakersfield City School District believes in a high standard of performance for all students, high expectations for all employees, parents, and community members to assist students as they meet their goals. Mrs. Tafoya noted the 7 components in the Strategic Plan:

1. Improving teaching and learning to enhance the academic achievement of all students,
2. Improving State and Federal Standing of each school and exiting program improvement for all students,
3. Increasing average daily attendance for students and staff,
4. Employing and retaining highly qualified teachers, managers and classified employees,
5. Maintaining the positive financial position of the District,
6. Maintaining school environments that are safe, secure and attractive, and
7. Improving staff, parents and community participation in the educational process.

She asked the administration to provide updates throughout the 2010 school year on how we are doing in all of these areas so as Board members they can continue to support and provide leadership in that direction. She said the budget report tonight that we have on finance speaks to the fact that item No. 5 on the Strategic Plan is one of the successes of the district. We have been able to maintain a position of financial integrity. She stated that it is not done easily and it is done at the expense of everyone contributing and pitching in. She thanked everyone

for their hard work and asked Mr. Lingo to provide his update on District successes.

Mr. Lingo

-reported that we raised \$17,000 at the Teddy Bear Picnic and virtually all of that money goes into grants for teachers. The Education Foundation is a wonderful organization of people who care about teaching and learning and they are there to support to us.

-assured Mrs. Kessler that he understands what she is talking about and teaching is much more difficult today than it was back when he first started teaching. He said unfortunately, we are a Program Improvement District, and by law we are under contract with a technical advisor, West Ed, and they are much involved in guiding what we do. We are held to a very high standard by West Ed and the State Board of Education. Our goal is to get out of Program Improvement.

-responded to Mr. Barnes that the issue he discussed is a collective bargaining matter that they have discussed many times, and it is currently an item on the table for negotiations and, as such, it is an unfair practice to discuss it directly with the Board of Education.

Superintendent's
Report

Superintendent Lingo discussed some of the positive things in the Bakersfield City School District in the last year:

- He said first of all, the work of our teachers and the principals and staff in our schools as they deal with difficult issues that staff in other districts do not have. We have excellence in our teaching at every school. We are very proud of the 44 point growth we've had on the District API in three years.
- We've implemented a District-wide protocol system to analyze student achievement results to inform instruction, and we have implemented the Pathway as a way to direct teaching and learning.
- 100% of our schools now have a coherent system for observing, coaching, and supporting all teachers at the school.
- We've recently developed and trained a protocol for schools to implement and document the response to intervention model, and five schools are piloting this model this year with great success.
- We've created the on-line system to support teachers called "Learning Village" which has gained the District positive nationwide publicity about what we are doing to create this tool for our teachers.
- A few years ago 90% of our teachers were classified as highly qualified and today 98% of our teachers are highly qualified.
- We are very pleased that we have moved in the last few years from 85% to 97% of our teachers having authorization to provide assistance to English language learners.

- A few years ago we were filling 87.6% of our need for substitute teachers in the classrooms and now we are filling 98.6%.
- The budget crisis which has gone on and on, but this District has been able to keep ourselves in a fiscally sound position.
- The District has reduced administrative expenditures by about \$2M in the past years. We have used categorical flexibility to protect schools sites from severe reductions.
- Our cafeteria fund was running at a deficit a few years ago before Brenda Robinson came on board as Director, and now, we no longer have a deficit in that fund.
- In 2006, we passed a GO bond and the district has obtained about 45 acres to build two new schools and the design team met today to begin that process. In addition, we have modernized four school sites in the past three years and added 33 new classrooms in place of trailers. Additionally, we have put in security cameras, new doors and security fencing all to enhance our schools and make them more secure for our students.

Mr. Lingo said he feels privileged to work for the BCSD with wonderful people all working for a common purpose. We are here for one reason, and that is the welfare of the kids and the learning that must go on.

Report No. 1
Report for Williams
Lawsuit Settlement

The Kern County Superintendent of Schools Office prepared a report for the Board's information which summarizes the results of the Williams site visits and documentation reviews for the period October through December 2009.

Report No. 2
Williams Act
Complaints

A quarterly report on Williams Act Complaints was submitted for the Board's information and review. The report showed no complaints filed for the period October 1 through December 31, 2009.

Report No. 3
Bond Oversight
Committee Annual
Report

Stephanie Holladay, Chairperson of the Bond Oversight Committee, presented a PowerPoint presentation on the annual report of the Measure "G" Citizens' Oversight Committee. Mrs. Holladay highlighted the four project tracks:

1. Security Improvements at all schools-
 - Security Fencing: 19 schools completed
 - Security Doors: 14 schools completed
 - Security Cameras: 18 schools completed
 2. Modernizations-8 schools total; 3 schools completed
 3. Replacement of portable trailers with permanent classrooms: 33 rooms replaced
 4. Build 3 new school sites: land for 2 schools purchased
- She reported that \$20.1 million in bond funds has been spent as of December 31, 2009.

Report No. 4
Governor's
Proposed 2010-11
Budget for
Education

Steve McClain, Chief Business Official, provided a PowerPoint report on the Governor's Proposed 2010-11 Budget for Education. Mr. McClain reported that the State budget deficit persists with \$6.6 billion in 09/10, \$12.3 billion in 10/11, \$19.9 billion total through June 2011, and it may get worse. The Governor proposes solutions mainly through cuts (\$8.5B) and relying on additional federal funding (\$6.9B).

Mr. McClain reported that the Governors 2009-10 Budget Proposal:

- Re-benches the Prop 98 minimum guarantee downward; requires legislative action,
- Results in K-12 cuts of \$568 million,
- No mid-year district level cuts; monies swept at state level (unspent K-3 CSR funds),
- Continues categorical flexibility; however, most categoricals remain at 20% below 07/08 funding, and
- Includes a deferral of state revenues from Feb-June 2010 into July-August 2010 estimated at \$31 million; adequate reserves are critical to meeting fiscal obligations.

The Governor has called for 45 day special legislative session to address spending issues immediately.

The 2010-11 budget proposal includes:

- Revenue limit cut of \$1.5 billion(\$191/student)
- Negative COLA of 0.38% (\$230 million or \$23/student)
- Most state categoricals also receive negative COLA of 0.38%
- Revenue limit deficit factor continues at 18.355%
- Revenue limit funding currently lower than 2004-05 levels
- Cuts put K-12 funding \$540 million below federal maintenance of effort requirement; state must obtain waiver from feds
- The impact of revenue limit and COLA cut to BCSD is approximately \$5.5 million

Mr. McClain stated that the District plans to accommodate state budget cuts through a combination of approaches, including but not limited to:

- Continued reductions in district-level administrative expenditures
- Potential increases in student to staff ratios for 2010-11
- Reductions in programs that utilize unrestricted general funds
- Funding of certain positions from categorical funds
- Utilization of state categorical flexibility provisions to replace lost unrestricted state funding through 2012-13
- Utilization of one-time federal ARRA stimulus funds until September 2011
- Suspended transfers to self-insurance, bus replacement funds and deferred maintenance
- Limited summer school intensive educational program
- Maintain adequate reserves to survive state revenue deferrals and additional cuts

The District's 2010-11 budget will be developed based on the Governor's current proposals and the District budget will be updated in May based on

the Governor's May Revise and as information becomes available. Estimated 2010-11 P-2 ADA will be updated in May after 2009-10 P-2 ADA is available; current enrollment is at least 100 students lower than last year. The Board must approve 2010-11 District budget by June 30. The impact of final adopted State budget on BCSD's funding is highly uncertain at this point and, dependent on legislative action, it may get worse. BCSD is resolved to meet the challenge proactively, protecting core instructional programs as much as possible while maintaining fiscal solvency.

Report No. E-1
Approved
Certificated
Personnel
Report:
13

On motion by Mr. Tate, seconded by Mr. McDougale, it was ordered by the affirmative vote of the members present that the personnel report and Supplement No. 1 covering employments, cooperating teachers, changes, resignations, retirements, separations, extra time for certificated employees be approved. Copy of Report No. E-1 in the minutes file is hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Report No. E-2
Approved
Classified
Personnel
Report:
14

On motion by Mr. Tate, seconded by Mr. McDougale, it was ordered by the affirmative vote of the members present that the personnel report and Supplement No. 1 and 2, covering employments, dismissals, terminations, changes, resignations, retirements, separations, extra-time, and job descriptions for classified employees be approved. Copy of Report No. E-2 in the minutes file is hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Report No. G-1
Public Hearing
Regarding SELPA
Plan and Budget

A public hearing was held at 7:30 p.m. to receive public comment regarding the District's Special Education Annual Service Plan and Annual Budget Plan. No one addressed the Board at this time.

Report No. G-2
Adopted SELPA
Plan and Budget
15

On motion by Ms. DeWalt, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the Budget and Service Plan for the District's Special Education Local Plan Area be adopted. Copy of Report No. G-2 in the minutes file is hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Approval or
Ratification
of the Consent
Agenda:
16

On motion by Mr. McDougale, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the following reports be approved, adopted or ratified:

A-1 Gifts to Owens Intermediate and College Heights Schools
Owens Intermediate: Professional stage props and design materials worth \$4,000 to the Magnet Drama Program from John Delgado

College Heights: \$2,000 to pay for migrant students of Mexican heritage to attend Camp KEEP from the Bertha Rankin Trust

- A-2 **Revision** to Policies and Procedures Section 400.28, Education for English Language Learners, *as a first reading*
- A-3 **Revision** to Policies and Procedures Section 300.47, Charter Schools, *as a first reading*
- A-4 Short-term Consultant Services
- A-5 Cooperative Agreement with the County of Kern for the Provision of Work Experience/Employment Preparation Program Worksites for Participants in the Cal WORKS Program (February 1, 2010 through February 1, 2012)
- A-6 Proposition 39 General Obligation Bonds Measure G Financial Audit for the fiscal year ended June 30, 2009
- A-7 Proposition 39 General Obligation Bonds Measure G Performance Audit for the fiscal year ended June 30, 2009
- A-8 Resolution regarding 2010 Census in Our Schools Week
- B-1 Payments of warrants to vendors for the period January 27, 2010 through February 23, 2010
- B-2 Resolution authorizing the Kern County Auditor to impound local tax revenues to cover contingent liabilities for administrative tax protests
- C-1 Agreement for Architectural Services with Ordiz-Melby Architects, Inc. for the Marsa Voorhies School Modernization (January 26, 2010 through completion of all facets of the modernization project)
- C-2 Request to Approve Change Order No. 1 in the deductive amount of \$611.30 to Spring Mountain Industries for the Evergreen School Permanent Modular Classroom Project – Bid Package No. 3
- C-3 Request to Approve Change Order No. 1 in the amount of \$6,668 to JTS Construction for the Education Center HVAC and Fire Alarm System Project *as corrected*

- C-4 Request to Approve Change Order No. 3 in the amount of \$16,842.91 for Phase I and Change Order No. 2 in the amount of \$2,949 for Phase II to Tumblin Company for the Evergreen School Permanent Modular Classroom Project, Bid Package No. 1
- C-5 Request to Approve Change Orders from individual contractors as summarized in Ordiz-Melby Architect's Change Order CO-C in the total amount of \$44,998.40 for the Curran Middle School Modernization, Phase II (Construction Phases 4 – 7) *as corrected*
- C-6 Request to File a Notice of Completion for the Five Temporary Modular Classrooms at Ramon Garza School (Scope of work: Electrical)
- C-7 Request to File a Notice of Completion for the Project: Abatement Work for Eissler School Modernization
- C-8 Request to File a Notice of Completion for the Project: Abatement Work for Chipman Junior High School Modernization
- C-9 Request to File a Notice of Completion for the Project: Abatement Work for the Nichols School Modernization
- C-10 Request to Adopt a California Environmental Quality Act (CEQA) Exemption Resolution – Fremont School Permanent Modular Classroom Project
- C-11 Use of Garza Elementary School Ball Fields by Kern County Soccer League on Sundays (January 31 through June 27, 2010)
- C-12 Use of Casa Loma Elementary School Ball Fields by Kern County Soccer League on Sundays (January 31 through March 14, 2010)
- E-3 Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teachers Association regarding donation of sick leave for a certificated employee at Voorhies School
- E-4 Business, conference and workshop travel by Board of Education Members, superintendent and assistant superintendents
- E-5 Resolution to assign teachers with their consent to teach in subjects in which they have completed the necessary coursework, in accordance with the provisions of Education Code Section 44258.2
- F-1 Administrative Hearing Panel Action

- F-2 Interdistrict Agreement for Attendance
- G-3 Agreement with Kern Regional Center for Early Start Infant Development Services for the 2009-10 School Year (July 1, 2009 through June 30, 2010)
- G-4 Contract with Kern Regional Center for Extended Day Program School Services for the 2009-10 School Year (July 1, 2009 through June 30, 2010)
- G-5 2009-10 Private School Site Plan – Consolidated Application for Funds for Educational Programs for St. Francis School
- G-6 2009-10 Private School Site Plan – Consolidated Application for Funds for Educational Programs for Our Lady of Guadalupe School
- G-7 Revision to the 2009-10 Consolidated Application for Funding Categorical Aid Program (Part 1 – page 6)
- G-8 2009-10 Consolidated Application for Funding Categorical Aid Programs (Part II)
- G-9 Amendment 01 to the State Preschool Contract for the Fiscal Year 2009-2010 and Resolution authorizing designated personnel to sign
- G-10 CDE Supplementary Contract for additional instruction materials and supplies in the amount of \$1,781 for the 2009-10 Fiscal Year for the State Pre-Kindergarten Program and Resolution authorizing designated personnel to sign
- G-11 Educational study trips, out-of-town

Copies of reports are hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Adjournment:

17

On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the meeting be adjourned.

The meeting adjourned at 7:42 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, February 23, 2010.

ATTEST:
MR. MICHAEL D. LINGO
SUPERINTENDENT OF SCHOOLS

Clerk

ML/ld