

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, February 23, 2010
Education Center - 1300 Baker Street, Bakersfield, California

Regular Session: The regular session of the Board of Education was called to order at 5:25 p.m. by President Tafoya.

Members Present: The following members were present:

Ms. DeWalt
Mr. McDougale
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 Mr. Tate, seconded by Mr. McDougale, it was ordered by the affirmative vote of the members present to recess to closed session.

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Closed Session: A closed session was held from 5:30 to 6:25 p.m. for the purpose of the following:

- Conference with legal counsel – anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of section 54956.9: one potential case
- Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.
- Conference with Labor Negotiator, 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: <u>19</u>	On motion by Ms. DeWalt, seconded by Mr. Tate, 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.
Report of Closed Session Action	President Tafoya announced that in the recently concluded closed session, the Board voted to reassign an elementary school principal to a teacher unassigned. The Board also directed the Superintendent or designee to send appropriate notices of the reassignment. The vote was unanimous.
Pledge to Flag:	The Pledge of Allegiance was led by Evergreen School Principal Brandon Johnson.
Approval of Minutes: <u>20</u>	On motion by Mr. McDougle, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the minutes of January 26, 2010, be approved.
Presentations:	Superintendent Lingo and Board President Tafoya presented Carla Tafoya, Franklin School Principal and Ruscel Reader, Chavez School Principal, with certificates of recognition for receiving the 2010 Title I Academic Achievement Award. Mr. Lingo stated the criteria for this award is the school must demonstrate that all students are making significant progress toward proficiency on California's academic content standards. Additionally, the school's socioeconomically disadvantaged students must have doubled the achievement targets set for them for two consecutive years. Mrs. Tafoya acknowledged the hard work of the staff at each school and commended them for receiving this award.
Hearings:	<ul style="list-style-type: none"> >> Michelle Johnson, BETA 2nd Vice President, invited the Board to participate in the Read Across America Event on March 2 at various locations and the March 21 event at the Fox Theater. >> Cynthia Norris, Downtown School Parent, addressed concerns that Downtown School is being asked to cut a full-time teaching position and create combination classes for next school year. She asked the Board to consider two proposed solutions before a decision is made. Mrs. Tafoya thanked Mrs. Morris for her suggestions. >> Dan Brown, 4th grade teacher at College Heights and member of the BETA negotiating team, asked the Board to supervise the District's negotiating team because they have not addressed any of BETA's specific proposals other than to say they are not attainable. >> Jennifer Scott, Compton Teacher, stated that many teachers are angry at the District's \$5.5M in budget cuts, which is causing the layoff of so many teachers. She proposed that the District request or demand that the State and Federal government halt the No Child Left Behind requirements during this financial crisis and stop the requirements of highly paid consultants such as West Ed and Action Learning and allocate that money for highly qualified classroom teachers.

- >> Brad Barnes, BETA President, said that it is critical to find solutions to the assaults on public education, but even though we have fewer resources, teachers are hard at work day after day, even while meetings consume their prep time, intermediate class size has become impossible, transfers have been denied, and they are asked to endure endless classroom walkthroughs. Mr. Barnes said they have asked for contract language to address these concerns, but the District's response is that it is outside of bargaining, against Ed code or too expensive. He said BETA comes to the bargaining table on Thursday ready to negotiate.

Comments of
Board Members
and Staff:

Mr. McDougle

-congratulated Principals Ruscel Reader and Carla Tafoya on their schools' achievement award.

-stated that he appreciated the comments from everyone who came forward to speak.

Mrs. Tafoya

-congratulated Mike Stone and his staff for the excellent art exhibit and noted that we have a lot of students who placed at the County Oral Language Festival.

-thanked all the speakers who came forward and stated that as a Board member, we encounter some very difficult times, but we do have the best interest of children, we understand that these decisions are difficult, but the Board will do its very best.

Mr. Lingo

-announced the name of district students who placed at the Henry Greve Speech Contest and the Kern County Oral Language Festival, and noted that students from the Bakersfield City School District took more awards at this competitive event than any other Kern County school district. He said these results are the strongest from the District in many years, and we can all be proud of the accomplishments of the students and, it would not have been possible without the hard work of their dedicated teachers and coaches.

Mr. Lingo stated that in his 40 years of education, this is the worst time that he has ever seen. It is unquestionable; it is the hardest on all of our employees. The speakers tonight talked about the layoff of certificated employees, but we need to be mindful that our classified employees face this every single year. Their sacrifices and what they go through are just as deep and significant to them as they are to our certificated employees. But we are not talking about classified employees tonight. When we talk about layoffs, the district is in the unenviable position of having to cut \$5.5M from our budget. In the previous years we have lost \$25M from our budget. And in this year, the State is not paying us \$31M that they owe us; they will pay us next year. So we are thankful that we have enough money in reserve to pay everyone's paycheck, because that is what we are using the reserve for. That is the situation we find ourselves in. The District has actually been in a cost reduction mode since 2002. It

didn't start this year, and we have been very fortunate that we have not had to subject our certificated employees to a layoff resolution until this year. A year ago, we made the announcement that we would not do a certificated layoff, and the statement was made from this Board desk that if next year, which is 2010-11, our ability was predicated on getting a .5% COLA, which is what was predicted that we would get for 2010-11, and level expenditures. What has happened is that the Governor has proposed a \$5.5M cut in our revenues and a negative COLA.

When we talk about a layoff, we are talking about positions and not people; and the number 120, is roughly less than three positions at each school. And we need to look at it in that way. It is not something that we enjoy doing; in fact, it is the last resort. No one at this desk or anybody else in the district takes any pleasure in doing what we have to do to meet our statutory requirements and that is that we must have an adopted, balanced budget by the June Board meeting. Unfortunately for us, the State of California is also supposed to have a balanced budget by that time, but they fail to do that; and so the only predictor that we have in terms of setting our financial goals is based on the Governor's proposal, so that is how we have to operate and we have always operated.

One of the items on the Board agenda is to offer a retirement incentive. As we do that, it is our hope that we are going to be able to gain enough retirements, more than we usually get, to offset the numbers that you see in the layoff resolution. That is our earnest intention and that is why we are doing this. So although we are responsible for the financial operation and other operations of the school district, and we are forced to make decisions so that we can continue to operate all 41 schools to benefit the children, these are difficult decisions. We are working so that we reduce the number of positions that we have to eliminate and we are able to bring back people to work where we wish they would be and where we would have been if we had not had the \$5.5M cut for next year. That was the plan, we avoided things, we have maintained CSR and we have continued to pay your benefits for two years while other districts have not been able to do that. Now, all the things that we have cut, and all the things that we have done including cut \$2M and 14 positions from central office expense, we can't cut it again. So just know that we take no pleasure in this. We regret it; it is the worst possible time for us, and we will continue to work together with all of you collaboratively to continue on and reduce the impact as much as we can on those that are affected.

Report No. A-1
CSBA Delegate
Assembly Election
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On motion by Mr. McDougle, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that a vote be cast for Bill Farris of Sierra Sands USD and Cynthia Baird of Tehachapi USD for the California School Boards Association Delegate Assembly, and that the ballot be marked and signed. Copy of Report No. A-1 is hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Report No. A-2
Adopted PARS
Retirement
Resolution and
Agreement
22

On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the resolution to provide a PARS Supplementary 403(b) Retirement Plan for eligible certificated employees be adopted and the agreement for administrative services with PARS be approved. Copy of Report No. A-2 is hereby made a part of the minutes of this meeting by reference as if fully set forth herein.

Report No. E-1
Approved
Certificated
Personnel
Report:
23

On motion by Mr. Tate, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the personnel report and Supplement Nos. 1, 2 and 3 covering employments, cooperating teachers, changes, resignations, retirements, separations, job descriptions, and 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:
24

On motion by Mr. Tate, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the personnel report covering Supplement No. 1, employments, changes, resignations, retirements, separations, and extra-time 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.

Approval or
Ratification
of the Consent
Agenda:
25

On motion by Mr. Van Horne, 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-3 Gifts to Franklin School:
\$960 to purchase materials for the library from the Franklin Booster Club, a Vito clarinet from Karl Stratemeier, a violin with case from David Sanchez
- A-4 **Revision** to Policies and Procedures, Section 100.61, Conflict of Interest Code, **as a first reading**
- A-5 **Revision** to Policies and Procedures, Section 300.47, Charter Schools, **approved as a first reading on January 26, 2010**
- A-6 **Revision** to Policies and Procedures, Section 400.28, Education for English Language Learners, **approved as a first reading on January 26, 2010**
- A-7 Short-term Consultant Services
- A-8 Deny Claim for Damages to Person or Property filed on behalf of Audreyona Johnson-Brown
- A-9 Agreement between the University of Southern California and the Bakersfield City School District Migrant Education Program for the Mobile Dental Clinic (June 25 – July 2, 2010)

- A-10 Letter of Understanding between the California State University, Bakersfield and the Bakersfield City School District for the Intensive Writing Academy, Math Academy and English Language Learner Academy (February 25 through May 7, 2010)
- A-11 Agreement between California State University, Bakersfield and the Bakersfield City School District for the provision of Instructional Program for the Master of Science in Counseling, School Counseling or University Student Affairs emphasis (March 1, 2010 through June 30, 2012)
- A-12 Memorandum of Understanding between Point Loma University and the Bakersfield City School District for the Intern Program (July 1, 2010 through June 30, 2013)
- A-13 Resolution endorsing March 4, 2010, Day of Action – Start the Day for Students and California’s Future
- B-1 Payments of warrants to vendors for the period February 24 through March 23, 2010
- B-2 Approval for payment of dinner expenses for retirees and spouses at the District’s Annual Retirement Dinner
- B-3 Agreement for Consulting Services with Total School Solutions to Conduct a Level 2 Developer Fees Justification Study
- C-1 Request to File a Notice of Completion for the Pauly School Permanent Modular Classrooms Project
- C-2 Request to Adopt a California Environment Quality Act (CEQA) Exemption Resolution for the College Heights Permanent Modular Classrooms Project
- C-3 Use of Sierra Middle School Ball Fields on Sundays by Bakersfield Youth Soccer League (February 28 – May 30, 2010)
- C-4 Ratification of Contracts processed under the California Uniform Public Construction Cost Accounting Act from January 1 through February 23, 2010
- C-5 Request to Approve Change Orders from individual contractors in the deductive amount of \$26,612.82 as summarized in Ordiz-Melby Architect’s Change Order CO-D for the Curran Middle School Modernization Phase II
- E-3 Business, conference and workshop travel by Board of Education Members, superintendent and assistant superintendents

- E-4 Variable Term Waiver to assign teachers with their consent to teach out of their credentialed area, in accordance with the provisions of Education Code 44252(b) CBEST for a credential or permit
- E-5 Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teachers Association for the donation of sick leave to a certificated employee at Munsey
- E-6 Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teachers Association for the donation of sick leave to a certificated employee at Compton
- E-7 Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teachers Association for the donation of sick leave to a certificated employee at Williams
- E-8 Memorandum of Understanding between the Bakersfield City School District and the California School Employees Association, Chapter #48, for the donation of sick leave for a classified employee at the Ed Center
- E-9 Memorandum of Understanding between the Bakersfield City School District and the California School Employees Association, Chapter #48, for the donation of sick leave for a classified employee at Stella Hills School
- F-1 Administrative Hearing Panel Action
- F-2 Interdistrict Agreement for Attendance
- G-1 License Agreement with Pearson Education, Inc. to reproduce, upload, use and display in electronic format certain assessment activities and questions from Pearsons's Scott Foreman Reading Assessment Teacher Manuals for K-5 in Galileo
- G-2 Amendment to Interagency Agreement with Kern County Mental Health Children Services System of Care (Amendment extends the existing agreement though June 30, 2012)
- G-3 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:
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On motion by Ms. DeWalt, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the meeting be adjourned.

The meeting adjourned at 7:20 p.m.

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

ATTEST:
MR. MICHAEL D. LINGO
SUPERINTENDENT OF SCHOOLS

Clerk

ML/ld