

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, March 23, 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. Tate, 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 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).
- Public Employee Performance Evaluation, pursuant to Government Code Section 54957: Superintendent

Reconvened to Regular Session: 32 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.

Pledge to Flag: The Pledge of Allegiance was led by Mr. Brad Barnes, BETA President.

Approval of Minutes: 33 On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the minutes of the regular and special meetings on February 23, 2010, be approved.

Hearings: >> Mr. Albert Garica, Chavez School Counselor, asked the Board to consider the implications of removing counselors from school sites and noted the vital duties that are currently performed by counselors. He also stated that counselors have as much right to the retirement incentive as any other educator.

>> Dian Watkins, Special Education teacher, said it isn't fair that special education teachers are not considered for the financial retirement incentive. She said it feels like discrimination and asked the Board to reconsider including them.

>> Bill Griffith, employee and taxpayer of the district, said he was stunned to find out that the district was leaving out one class of teachers from the retirement incentive. He was told that that the retirement incentive is to save jobs and special education teachers cannot apply as the district will not save money. He said he disagrees as the retiring special education teacher will create a job, and the district will save on the cost of the salary and benefits, and the district must save money for this program or the Kern County Superintendent of Schools would not allow the district to do this program. He asked the Board to do the right thing and include everyone on the retirement incentive.

>> Dan Brown, BETA First Vice President, presented the Board with the 2009-10 BETA administrator survey with results from 534 evaluations. He said these are provided to the Board and Superintendent to help identify the area of needs and expertise as well as to know the climate at our schools. It is BETA's hope that this information will be beneficial to the district.

Comments of Board Members: Mr. Tate
-commended Kathy Walker for putting together a great Math Bowl Competition at Chipman.

-noted the article in the newspaper today regarding the BCSD Hall of Fame inductees. Congratulated Karen DeWalt for the idea of the Hall of Fame. He said it is going to be a very nice event and he hopes that everyone can attend.

Mr. McDougle

-thanked everyone who was involved in the E-waste recycling event.

-commended Mike Stone for an excellent job on the Junior High/Middle School Honor Art Display and Concert.

-thanked Chavez School Principal and staff for the Science Fair and the Census 2010 Day events.

-commented regarding the issues surrounding the retirement incentive and stated that he is still a relatively new Board member, and when the Board passed the resolution at the last Board meeting, he thought they had done a good thing. Now there have been some things happen since then and there appears to be some negative aspects, and he said he is going to plead ignorance about some things. He asked for a financial breakdown from Steve McClain on how this retirement incentive is affecting the District and how many people are involved, because he agrees that is it not fair to exclude some from receiving it.

Mr. Van Horne

-thanked everyone who came forward to speak.

-noted the recent article in the paper and thanked all the teachers who have donated their sick leave for a teacher in need. He said it is a very commendable thing that our teachers do.

-congratulated the Bessie Owens Mathletes on their success at the Math Counts Competition.

-thanked Dan Brown for the administrator surveys and said the Board does read them.

Ms. DeWalt

-thanked everyone who is working on the Hall of Fame Event and thanked Tom Ross for agreeing to be the MC for the event.

Mrs. Tafoya

-thanked all the speakers who came forward and said she thinks it is very difficult when we do anything that excludes anyone. She stated that Mr. McDougle's idea is good, and she thinks a financial breakdown will help us have a better understanding as to why some of these decisions have to be made.

-commended BETA and all the teachers for taking care of one another; she was very proud of the article on BCSD teachers donating sick leave.

-commended BETA for taking the leadership on the Read Across America Event.

-complimented Chavez School for doing such a great job on impressing the importance of the US Census.

-congratulated Kathy Walker and Mike Stone on their recent functions and all the teachers who are working so hard with the students to prepare for these events.

-attended the English Language Celebration at Stiern on Saturday and commented on how many people were in attendance. Thanked all the teachers and Margaret Gallegos and Carol Mehochko for their support and leadership.

Superintendent's
Report

Mr. Lingo said he is pleased to announce that the District reached a tentative agreement with CSEA on Monday.

He also attended the ELL Celebration on Saturday and complimented Margaret Gallegos and Carol Mehochko and their staff for the good work in reclassifying 985 students as RFEP, which means they are English proficient. He noted that learning English is a great accomplishment.

Mr. Lingo complimented BETA on providing a wonderful event for the Dr. Seuss's Birthday at the Fox Theater, and noted that there was quite a crowd for a Sunday afternoon.

Mr. Lingo responded to the comments regarding the retirement incentive and explained that the limited purpose of this program is to create vacant positions for 2010-11 to reduce the lay-off of teachers and create spaces for them. There is no other purpose for the incentive. He said, if there was any other purpose, then we would offer this program to all six employee groups. He stated that the program is to create jobs for some of our young employees that would not find a job after being laid off, and this program is a cost to the district. He further explained that when an employee retires and a younger employee comes on board, it is a reduced cost to the district; however, this dollar amount is used each year to help pay the cost of steps and column increases. Mr. Lingo said we will not know until April 7 if we are going to have enough people sign up for the retirement incentive to move forward.

He stated that, if the District included all BETA unit members who are eligible to retire and, if all of those took the incentive, the maximum cost to the District would be \$17.1M. If we made the same offer to all employee groups and everyone who is eligible retired, the maximum cost to the District would be \$27.1M. If all BETA unit members age 61 and older were included, the cost would be \$5.3M. If all district employees age 61 and older were included, the cost would be \$8.4M. Mr. Lingo stated the reason for this program is not to reward all employees, but to provide an incentive for people to retire for those people who may not have a job otherwise. We need to keep that in perspective along with the

fact that we have lost \$25M in revenues in the past two years, and we proposed to be cut \$5.5M for next school year.

Mr. Lingo also thanked Kathy Walker and her staff for coordinating the District's Math Bowl. He stated that math is a skill that we need for the rest of our life.

Report No. E-1
Approved
Certificated
Personnel
Report:
34

On motion by Mr. Tate, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the Personnel Report and Supplement Nos. 1, 2, 3 and 4 covering employments, cooperating teachers, cooperating counselors, changes, resignations, retirements, separations 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:
35

On motion by Mr. Tate, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the Personnel Report and Supplement Nos. 1 and 2 covering 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.

Report No E-3
Public Hearing
Regarding
BETA Agreement

A public hearing was held at 7:06 p.m. to receive public comment regarding the agreement summary between the BCSD and BETA for the period of July 1, 2009, through June 30, 2012, as required by AB 1200. No one addressed the Board at this time.

Report No. E-4
Ratified BETA
Agreement
36

On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the negotiated successor agreement between the BCSD and BETA signed on February 26, 2010, for the period July 1, 2009, through June 30, 2012, be ratified. Copy of Report No. E-4 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:
37

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-1 Gifts to Chavez, Downtown, Eissler, Harding, Jefferson, Nichols and Roosevelt Schools
Chavez: \$1,000 for the Garden Greenhouse Beautification Project donated by Gurpreet Rai and Paramount Farms
Downtown: \$250 for the school orchestra from Mayor Hall
Eissler: \$908.25 for the school library donated by the Booster Club
Harding: \$562.12 for Accelerated Reader Quizzes for the library from the Booster Club
Jefferson: a flute donated by Jeanne Rodriguez

Nichols: \$1,294.28 to purchase tables and benches for a study area from the student body

Roosevelt: a violin valued at \$150 from Norma Nelsen

- A-2 **Revision** to Policies and Procedures, Section 100.61, Conflict of Interest Code, *approved as a first reading on February 23, 2010*
- A-3 **Revision** to Policies and Procedures, Section 500.53, Teacher Qualifications, *as a first reading*
- A-4 Short-term Consultant Services
- A-5 Agreement with the Kern County Public Health Services Department to administer H1N1 vaccinations on District school sites (March 24 – May 28, 2010)
- A-6 Resolution Designating Day of the Teacher on May 12, 2010
- A-7 Resolution Designating Classified School Employee Week as May 16 - 22, 2010
- A-8 Resolution Proclaiming May 17-21, 2010, as National “Just Say No” Week and Friday, May 21, 2010, as “Just Say No” Walk Against Drugs Day
- A-9 2010-11 School Calendar
- A-10 2010-11 Year-Round Education (YRE) School Calendar
- A-11 Schedule of Meetings of the Board of Education for the 2010-11 School Year
- A-12 Agreement renewal with School Services of California, Inc. for assistance regarding issues relating to school finance and the purchase of CADIE and SABRE Reports (April 1, 2010, through March 31, 2011)
- B-1 Budget Revision for 2009/2010
- B-2 Second Interim Report
- B-3 District Investments and Interest Earnings for the Quarter Ending December 31, 2009
- B-4 Payments of warrants to vendors for the period March 24 through April 27, 2010
- B-5 Supervisory Wage Adjustment for 2009-2010

- B-6 Confidential Wage Adjustment for 2009-2010
- B-7 Certificated and Classified Management Wage Adjustment for 2009-2010
- C-1 Request to Approve Change Order No. 1 from Hard Rock Construction for Phases I and II at no cost, and Change Orders No. 3 and No. 4 from Tumblin Company for Phase II for a total cost of \$5,418.93 for the Evergreen Permanent Modular Classrooms Project
- C-2 Request to File a Notice of Completion for the Wayside School Permanent Modular Classrooms Project
- D-1 Request to Designate Smart Technology as District Standard
- D-2 Request to Advertise for Bids for Smart Technology
- D-3 Request to Participate in Cooperative Bid – Los Angeles County Office of Education
- E-5 Memorandum of Understanding with the Bakersfield Elementary Teachers Association regarding donation of sick leave for an employee at Emerson School
- E-6 Memorandum of Understanding with the California School Employees Association, Chapter #48 regarding donation of sick leave for an employee in the Transportation Department
- E-7 Wage Adjustment for Laborers' International Union of North America (LIUNA) Local 220
- E-8 Business, conference and workshop travel by Board of Education Members, superintendent and assistant superintendents
- F-1 Administrative Hearing Panel Action
- F-2 Interdistrict Agreement for Attendance
- G-1 Due Process Settlement Agreement regarding Special Education OAH Case #N2010020087
- G-2 American Recovery and Reinvestment Act (ARRA) Local Education Agency Title I, Part A, Waiver Application and Waiver Plan Template
- G-3 Revision to Title I Single School Plan for Our Lady of Guadalupe

G-4 Recommendation for Closure: Rafer Johnson Community Day School at the end of the 2009-10 school year

G-5 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 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 7:10 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, April 27, 2010.

ATTEST:
MR. MICHAEL D. LINGO
SUPERINTENDENT OF SCHOOLS

Clerk
ML/ld