

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, July 28, 2009  
Education Center - 1300 Baker Street, Bakersfield, California

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

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. Driskill, Administrative Assistant  
Mrs. Sutton, Administrative Secretary III

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

Recessed to Closed Session: On motion by Ms. DeWalt, seconded by Mr. McDougle, 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).

- Conference with Legal Counsel – Anticipated Litigation, Initiation of litigation pursuant to subdivision (c) of section 54956.9: 1 potential case

Reconvened to Regular Session: 72 On motion by Ms. DeWalt, seconded by Mr. McDougle, 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 Dr. Tim Fulenwider.

Approval of Minutes: 73 On motion by Mrs. Tafoya, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the minutes of June 22, 2009, be approved.

Hearings: >> Mr. Bill Griffith, BETA Bargaining Co-chair, presented a question on Consent Agenda Item A-5 regarding personnel files. He quoted the second paragraph regarding material being placed in the personnel file and the sentence, “or after District administration became aware of the incident(s)” and asked why there is no statute of limitation on this or a timeline that must be followed.

>> Mr. Brad Barnes, BETA President, noted a concern on Consent Agenda Item G-4, the authorization of \$327,600 to West Ed to meet NCLB requirements and questioned whether the district is getting its monies worth for the services provided. He noted the failings of NCLB and urged the Board to adopt a resolution against the NCLB “teach to the test” requirements.

Comments of Board Members and Staff: Mr. McDougle  
-thanked and commended Kathy Walker and Dana Johnson for allowing him to attend the small session on the Learning Village for the teachers and said that it was very instructive, informative and noted that the technology that is now available for the classrooms is amazing.

-thanked and commended the employees in the warehouse for working hard to get the district ready for August 24 and getting the supplies and the new textbook adoption out to the schools. He said these folks are doing a very good job in hot weather conditions.

-noted on Item A-4 of the Consent Agenda, there is one section that reads, “any employee shall not be permitted to tutor or instruct for pay in addition to his or her salary any child who is one of his or her pupils during his or her regular teaching hours.” He asked if we could make it a little simpler, and change the language to “no employee shall be permitted

to tutor or instruct for pay in addition to his or her salary any child who is his or her pupil during regular teaching hours. He also asked if someone could give him an example of what situation we are trying to avoid. Mr. Lingo responded that a parent may, hypothetically, offer to pay during the school day additional sums to someone for a little extra work. That is what this is addressing, but said he can't imagine that ever occurring. Mr. McDougle stated that with that small change he is fine with that revision.

-noted concerns regarding Consent Agenda Item A-8, Competency of Teacher Evaluations, and stated that he discussed this with Mr. Lingo and was informed the reason this deletion is requested is that the Ed Code provisions upon which this policy is based have been repealed. He stated that he doesn't know why it has been repealed, but feels that the Board Policy does not always have to be based on Education Code provisions and believes this policy could still be viable. Fair and objective evaluation of a teacher or any employee in the district is vitally important to that individual's career and is fundamentally necessary for the district's educational program. So this is an important thing. He said after his discussion of this item with Mr. Lingo, he received the job descriptions for school principals and a document from Academic Improvement and Accountability describing how principals are prepared for the evaluation process. He stated that although these documents are comprehensive and instructive, they are not Board Policy. Therefore, he does not believe this policy should be deleted. Mr. McDougle recommended that it be pulled from the agenda, revised and resubmitted to the Board.

Mr. McDougle suggested the following changes: on the page for the Policy of the Board of Education, change the words "District Employees" to "District Administrators." He noted that it says "district employees who are assigned to evaluate teachers," and actually, only administrators do that, so it should be "district administrators who are assigned to evaluate teachers shall have . . . etc." On the second page, he noted the last time he proposed changes, it was difficult to understand, so he prepared a page for the Board and the Superintendent and passed them out.

Mr. McDougle made note of the following changes: everywhere it says "an employee" it should say "administrator." The Superintendent shall review the training and experience of all new administrators. Administrators who are already in the job don't have to be evaluated, it is like grandfathering them in. Any reference to the Education Code is deleted, because it has been repealed, but any reference to Board Policy remains. One other change that he felt necessary for evaluators is successful experience as a classroom teacher. He said about half of our new teachers leave within a five year period and that is a regrettable fact, but anybody who has stuck around for more than five years has a

commitment to education, and he believes this is the kind of commitment that we need from our administrators. He suggested that this policy should say a minimum of five years successful classroom experience. Mr. McDougle noted that these are suggestions he is throwing out there to see what people think about them.

-asked a question on Consent Agenda Item A-10, Consultant Services, whether all four of the items listed are paid out of the Migrant Education funds. Mr. Lingo responded that two are Migrant, and the other two are paid out of State Pre-K funds.

-asked if Consent Agenda Item G-3, Agreement with Action Learning to provide Professional Development training for SB472 is a competitive process. Dr. Jones responded that it is not, but that the district contracts with providers on a State approved list. Dr. Jones noted that they have been using Action Learning for the last three years and believe that the quality of their training is superior.

President Tate noted that Board member comments relating to items on the Consent Agenda should be brought up during the meeting when the consent agenda is taken up. He stated that he always asks, at that time, if any Board member has any concern relating to the consent agenda. He also noted that Board members receive the agenda packet on Friday before the Board meeting and that provides ample time to call the district and ask questions from the administration before the Board meeting.

Mr. Lingo

-stated that last Tuesday he toured the District with Mike Taylor, Director of Maintenance and Operations and looked at all the projects that M&O is working on during the summer. He noted specific projects at William Penn, Pauly, Casa Loma, Chipman, Garza, and Wayside schools.

Mr. Lingo said we take a lot of things for granted and do not realize how hard these people are working during the summer. He thanked the staff in Maintenance and Operations for their hard work and all the things they have done to get us ready for the start of the school year.

Report No. 1  
Williams Act  
Requirements

A quarterly report on the Williams Act Legislation requirements was provided for the Board's information. The report showed no complaints filed in the area of instructional materials, teacher vacancy or misassignment or regarding facilities for the period April 1 through June 30, 2009.

Report No. A-1  
Nominated  
Assemblymember  
Jean Fuller for the  
CSBA Legislator  
of the Year

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Ms. DeWalt nominated Assemblymember Jean Fuller. Mr. Tate asked for any other nominations and, hearing none, Mr. Tate called for a motion. On motion by Mr. Van Hone, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that Assemblymember Jean Fuller be nominated for the California School Boards Association Outstanding Legislator of the Year.

Report No. E-1  
Approved  
Certificated  
Personnel  
Report:

75

On motion by Mrs. Tafoya, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the personnel report and supplements No. 1 and 2 covering employments, cooperating teachers, 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:

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On motion by Mrs. Tafoya, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the personnel report 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  
Approved Initial  
Proposals in  
Response to BETA

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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 initial proposals of the Board of Education in response to the initial proposals of the Bakersfield Elementary Teachers Association for contract renegotiation be approved. Copy of Report No. E-3 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-4  
Approved Initial  
Proposals in  
Response to CSEA

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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 initial proposals of the Board of Education in response to the initial proposals of the California School Employees Association for bargaining reopeners be approved. 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:

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On motion by Mrs. Tafoya, seconded by Mr. McDougale, it was ordered by the affirmative vote of the members present that the Consent Agenda items be approved, adopted or ratified with the exception of Item A-8, which is pulled from the agenda.

- A-2 **Revision** to Policies and Procedures, Section 100.45, Agenda/ Meeting Materials, *as a first reading*
- A-3 **Revision** to Policies and Procedures, Section 500.11, Evaluations – Certificated and Classified Service Personnel, *as a first reading*
- A-4 **Revision** to Policies and Procedures, Section 500.26, Work Outside of School Hours, *as a first reading*
- A-5 **Revision** to Policies and Procedures, Section 500.30, Personnel Files, *as a first reading*
- A-6 **Revision** to Policies and Procedures, Section 601.8, Educational Services for Expelled Students, *as a first reading*
- A-7 **Revision** to Policies and Procedures, Section 603.4, Accidents to Pupils, *be adopted*
- A-8 **Deletion** to Policies and Procedures, Section 500.36, Competency of Teacher Evaluations – *Pulled from agenda*
- A-9 **Deletion** to Policies and Procedures, Section 500.24, Tutoring
- A-10 Short-term Consultant Services
- A-11 Contract Renewal with Starlings Volleyball Club for the After School Education and Safety Program (September 1, 2009 through June 2, 2010)
- A-12 Contract Renewal with Kern County Probation Department for the School Safety and Violence Prevention Program (August 18, 2009 through June 15, 2010)
- A-13 Memorandum of Understanding between Butte County Office of Education and the Bakersfield City School District for the Migrant Education Even Start Program (July 1 through December 31, 2009)
- A-14 Resolution, Agreement and Deferred Compensation Plan Document for the CalPERS 457 Deferred Compensation Program
- A-15 Service Agreement Renewal between the Bakersfield City School District and OMNI Financial Group, Inc. to maintain the District’s 403B Plan for 2009-10
- B-1 Payments of warrants to vendors for the period July 29, 2009, through August 25, 2009

- C-1 Lease Agreement with the Kern County Office of Education for the Lease of classrooms at McKinley, Sequoia and Eissler schools for Special Education Programs (August 24, 2009 through June 1, 2010)
- C-2 Authorization to Participate in the Wilsona School District Piggyback Bid Awarded to Class Leasing, Inc. for Portable Classrooms
- C-3 Award of Contract for Electrical Work for Five Temporary Modular Classrooms at Ramon Garza School in the amount of \$116,000 to Jarrett Electric, Inc.
- C-4 Approval of Change Order No. 1 in the amount of \$12,190.30 to Icon Construction Company for the Casa Loma HVAC (Heating, Ventilation, and Air Conditioning) Remodel
- C-5 Approval of Change Order No. 1 in the amount of \$10,581.70 to Central California Construction for the Wayside Permanent Modular Classrooms Project, Bid Package No. 1 (Concrete Foundation and Sidewalks)
- C-6 Approval of Change Order No. 4 in the amount of \$62,534 to JTS Construction for the Chipman Junior High School Modernization
- C-7 Approval of Change Order No. 2 in the amount of \$2,290 to Jarrett Electric, Inc. for the Education Center Primary and Secondary Electrical Power Upgrade
- C-8 Approval of Change Order No. 1 in the amount of \$1,800 to Spring Mountain Industries for the Parking Lot Improvements at Niles and Baker Streets (Bid Package No. 2 for Lighting and Electrical)
- C-9 Approval of Change Order No. 1 in the amount of \$12,959 to Burtch Construction for the Parking Lot Improvements at Niles and Baker Streets (Bid Package No. 4 for Grading, Portland Cement Concrete Paving, and Concrete Flat Work)
- C-10 Settlement Agreement and General Release between the Bakersfield City School District and Black-Hall Construction, Inc. to proceed with Arbitration on the Curran Middle School Modernization Project

- C-11 Approval of Change Order No. 6 in the deductive amount of \$26,490.11 to Black-Hall Construction, Inc. for the Curran School Modernization
- C-12 Amendment to Agreement for Architectural Services with Ordiz-Melby Architects, Inc. for the Curran Middle School Modernization
- C-13 Award of Contract for Curran Middle School Modernization-Phase II – Bid Package No. 1 for Electrical in the amount of \$230,000 to Jarrett Electric, Inc.
- C-14 Award of Contract for Curran Middle School Modernization – Phase II – Bid Package No. 2 for Foam Roofing in the amount of \$25,565 to Best Contracting Services, Inc.
- C-15 Award of Contract for Curran Middle School Modernization – Phase II – Bid Package No. 3 for Plastering in the amount of \$245,999 to Brent R. Schwebel Plastering, Inc.
- C-16 Award of Contract for Curran Middle School Modernization – Phase II – Bid Package No. 5 for Plumbing in the amount of \$128,000 to AP Mechanical, Inc.
- C-17 Award of Contract for Curran Middle School Modernization – Phase II – Bid Package No. 7 for Insulation in the amount of \$42,701 to Broken Drum Insulation
- D-1 Award of Bid for Toner, Ink Cartridges, and Printer Supplies (#BD0906-1) to Treehouse, the responsive low bidder
- D-2 Auction Services for Disposal of Obsolete and Surplus District-Owned Equipment (2009-2010 School Year)
- F-1 Interdistrict Agreements for Attendance
- G-1 California Department of Education, Child Development Services, State Preschool Program Contract for the 2009-2010 School Year and Resolution authorizing designating personnel to sign
- G-2 Renewal Memorandum of Understanding with Children’s Health Initiative of Kern County to help increase access to health care by District students and families (July 29, 2009 through June 30, 2010)

- G-3 Agreement with Action Learning Systems to provide Professional Development for SB472 Training (August 10, 2009 through May 31, 2010)
- G-4 Contract with WestEd for On-site Professional Development for the 2009-2010 School Year (August 1, 2009 through September 30, 2010)
- 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 Ms. DeWalt, seconded by Mrs. Tafoya, it was ordered by the affirmative vote of the members present that the meeting be adjourned.

The meeting adjourned at 7:00 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, August 25, 2009.

ATTEST:  
MR. MICHAEL D. LINGO  
SUPERINTENDENT OF SCHOOLS

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Clerk

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