

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, August 25, 2009
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 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. 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. 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 6:28 p.m. for the purpose of the following:

- Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.
- Conference with Labor Negotiator, Michael Lingo, 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: 82 On motion by Ms. DeWalt, seconded by Mrs. Tafoya, 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. Steve Castro, Supervisor, Student Services.

Approval of Minutes: 83 On motion by Mr. McDougle, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the minutes of July 28, 2009, be approved.

- Hearings:
- >> Dan Brown, BETA Vice President, noted concerns with Consent Agenda Item B-2, transferring funds from the General Fund to Fund 20 – Post-Employee Benefits, and Fund 40 – Special Reserve Fund. He stated that this is a large amount of money, \$3M in one-time funds, at a time when we are facing declining revenues and bargaining issues will be coming up. Mr. Brown stated that this is a misuse of general funds that could be used for salaries and asked the Board to rescind this item.
 - >> Lyn Williams, CSEA President, addressed the Board regarding Consent Agenda Item A-5, and stated that they have a concern with the wording in the second paragraph regarding employees taking employment outside the District. She said the language is vague and unclear and could be detrimental to bargaining unit members who work more than one job. She also noted a concern that the district contracted out work on the parking lot across the street that could have been completed by district employees.

Comments of Board Members and Staff: Ms. DeWalt
-welcomed everyone back and stated that she hoped everyone had a great first day.

-attended the Twenty Year Anniversary Event at Thorner School this past Saturday, and it went very well. She commended all the staff who worked to put together a great program.

Mrs. Tafoya
-welcomed everyone back and welcomed Randy Ranes and Linda Goodspeed to the Board dais.

-said we had a great opening of school and noted there was a lot of training going on this summer and principals and teachers were working hard before school to get the schools ready. She commended the entire district for a good opening.

-noted that she was pleased to see in the District's *Direct Connection* the "Formula for Success for Students" with all the helpful tips.

-stated that we still don't have all the specifics on test scores, but it appears that we have made progress in a lot of areas. She was especially pleased with the gains we are making with our English Language Learners.

Mr. Van Horne

-clarified with Lyn Williams that the Board Policy 500.26 does not say "shall not work outside the district," and asked Lyn what specific language she is concerned with. Lyn stated she is concerned with the vagueness and that the Superintendent makes the determination. Mr. Van Horne clarified that the policy does not prevent employees from having a second job.

Mr. McDougle

-welcomed Linda Goodspeed and Randy Ranes to the Board dais.

-thanked Valerie Saylor for the opportunity to attend the New Teacher Orientation and complimented her on the theme.

-thanked Sharon Roxborough for putting together the outstanding program at Thorner to celebrate their 20th year and noted the dancing and singing were outstanding. He also toured Roberta Zapf's classroom at Thorner and acknowledged her for the amount of work she did preparing her classroom for the first day of school

-wished all the teachers success this year.

-noted that he is hearing a lot about the H1N1 virus and the 1 to 4 ratio effect on schools and asked for a report to the Board on the effect of a possible H1N1 outbreak at our schools. Mr. Lingo responded that he would provide the information and noted that he is attending a meeting at the county office with other superintendents and the Health Department on Friday to discuss H1N1 issues. Mr. Lingo reported that the District sent out notifications to all of our schools before school started on the recommendations regarding the H1N1 virus. Mr. McDougle asked if the district would receive a waiver from the State for ADA if we have a school closure. Mr. Lingo said we are not expecting any school closures.

Mr. Tate

-stated that he had the pleasure of speaking to the principals at a meeting on their first day back this year and also to our new teachers when they started last Monday. He said we are off to good start.

Mr. Lingo

-thanked everyone for the wonderful New Teacher Orientation at Sierra to welcome our 60 new teachers and gave kudos to Linda Goodspeed for the fact that all of our new teachers are highly qualified except for a couple in special education. He also thanked Mr. Tate for his quick wit in sharing a few words and Mr. McDougle for coming out to meet and greet our new teachers.

-noted that we have had a smooth opening, but our enrollment is down 186 students from the second day of school last year.

-thanked the Board for the new parking lot across the street and stated that the District started these expenditures before the economic downturn; however, for the first time in memory, the District has adequate, safe parking for our employees and those coming to the Education Center for meetings and district business.

-thanked Margaret Gallegos and Aida Molina for representing him at the Thorner 20th Anniversary Celebration and thanked Karen DeWalt and Bill McDougle for attending as well.

-responded to Dan Brown that the district has been doing these fund transfers for years and explained that, with the passage of the bond in 2006, the work on our schools requires a 50% match; part of these matching funds was to come from developer fees. Unfortunately, with the economic downturn, our developer fees are not what they were projected to be. What we are doing is using part of the ending balance to set aside monies for these matching funds. Mr. Lingo explained that the other fund is for post-employee benefits. There has been a lot of discussion about employee pension plans and even PERS and STRS have had some tough news to deal with. The District has maintained a pay-as-you-go process for post employment benefits for those employees who are 55 to 65, but when we have the funds, we move them to help cover this unfunded liability. He explained that the District has made cuts in many areas and there are things that we can no longer afford to do, like purchase \$400,000 in new busses, however, new construction and retiree benefits are two areas that are critical.

-referenced Lyn Williams' concern on Consent Agenda Item A-5 and stated that is not the District's intention to prevent employees from having a second job. He also responded to Lyn's concerns regarding using contracted labor, and said he is always amazed at what the District's Maintenance and Operations Department employees are able to get done during the summer; however, with the short amount of staff and short timelines for project completion, we find it necessary to contract out to get all the jobs done.

Mr. Tate

-announced that Tim Fulenwider is going to provide a report that is not on the agenda, but is in response to Board members' questions regarding principal evaluation of teachers.

Dr. Tim Fulenwider, Director of Learning Support, explained that Principal evaluation of teachers consists of two domains: procedure, as outlined in the Collective Bargaining agreement; and process, as identification of effective teaching. Identification of effective teachers must be based on common expectations of what constitutes effective teaching and must be based on concrete and objective evidence. In order to have common expectations, all principals and staff in the Department of Academic Improvement and Accountability met with WestEd in 2006 to answer the question, "What do we expect effective teaching to look like?" WestEd provided a synthesis of current research based components of effective teaching. The principals and district staff selected nine components of effective instruction:

- Objectives/Standards Communicated to all
- Key Vocabulary Emphasized
- Instructional/Procedural Scaffolding to Assist and Support Student Understanding
- Monitors and/or Adjust Individually or Collectively
- Student Engagement Throughout the Learning
- Climate of Fairness, Caring, and Respect is Maintained by the Teacher
- Standards for Behavior, Routines, and Transitions are Maintained by the Teacher
- Reinforces Effort and/or Provides Recognition
- Provides Specific and Immediate Feedback to Students on their Output

Dr. Fulenwider explained that the nine research based components became BCSD's Pathway to Teaching and Learning. All Principals and Vice-Principals were trained on each component by WestEd and the Department of Academic Improvement and Accountability. Then, all site support staff and teachers were trained by the principals. All site administrators then received training on objective classroom observations with evidence which includes detailed scripting of teacher actions, student actions, and environmental observations. He emphasized that all observations must be based on evidence.

All site administrators receive yearly inter-rater reliability (IRR) training led by WestEd. This training consists of:

- A review and clarification of the elements of the Pathway
- Practice rating of video lessons
- A test in which all administrators must individually rate 3 videos of teachers
- Passing score is 2 out of 3 with 90% accuracy

This past year, each principal received a WestEd coach who then rated the principal on a rubric of 1-5 on their ability to identify effective instruction and on their ability to deliver effective instruction. Principals receive additional support through the year from the Directors of Learning Support. The Directors of Learning Support regularly do Pathway observations with the principal at their site, provide continued training and support in monthly cluster meetings, walk other school sites with principals using the Pathway, and provide guidance and support in completing the evaluation procedures and process.

Report No. E-1
Approved
Certificated
Personnel
Report:
84

On motion by Mr. McDougle, seconded by Mrs. Tafoya, 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 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:
85

On motion by Mr. McDougle, seconded by Mrs. Tafoya, 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. G-1
Public Hearing on
Sufficiency of
Instructional
Materials
86

A public hearing was held at 7:09 p.m. to allow public comment to ensure that students have sufficient instructional materials for Fiscal Year 2009-2010. No one addressed the Board at this time.

Consent Agenda
Item A-1 Pulled
From Consent
Agenda

President Tate asked that Consent Agenda Item A-1 be pulled from the Consent Agenda for a separate vote.

Mrs. Tafoya requested an end-of-the-year report on the Stand Strong Program.

Approval or
Ratification
of the Consent
Agenda:
87

On motion by Mrs. Tafoya, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the following reports be approved, adopted or ratified:

A-2 **Revision** to Policies and Procedures, Section 100.45, Agenda/
Meeting Materials, **approved as a first reading on July 28, 2009**

- A-3 **Revision** to Policies and Procedures, Section 500.11, Evaluations – Certificated and Classified Service Personnel, ***approved as a first reading on July 28, 2009***
- A-4 **Revision** to Policies and Procedures, Section 500.16, Conference/ Workshop and District Business Reimbursement for Members of the Board of Education and Staff, ***approved as a first reading on July 28, 2009***
- A-5 **Revision** to Policies and Procedures, Section 500.26, Non-District Employment, ***approved as a first reading on July 28, 2009***
- A-6 **Revision** to Policies and Procedures, Section 500.30, Personnel Files, ***approved as a first reading on July 28, 2009***
- A-7 **Revision** to Policies and Procedures, Section 601.8, Educational Services for Expelled Students, ***approved as a first reading on July 28, 2009***
- A-8 Gift to District: Music for the District’s Music Library valued at \$500 was donated by Mr. and Mrs. Robert Norton
- A-9 Short-term Consultant Services
- B-1 Payments of warrants to vendors for the period August 26, 2009, through September 22, 2009
- B-2 Transfer of Funds from General Fund (01) to Special Reserve Fund (20) for Post-Employee Benefits and Special Reserve Fund (40) for Future Construction Projects
- B-3 District Investments and Interest Earnings for the Quarter Ending June 30, 2009
- C-1 Report of Emergency Action Taken to Repair Electrical Power at Nichols School
- C-2 Approval of Change Order No. 1 in the deductive amount of \$574.44 to Bolles Nursery and Landscaping for the Parking Lot Improvements at Niles and Baker Streets (Bid Package No. 5)
- C-3 Use of Stiern Middle School Ball Fields on Sundays by Kern County Soccer League
- C-4 Use of Stiern Middle School Ball Fields on Sundays by Bakersfield Youth Soccer

- F-1 Administrative Hearing Panel Action
- F-2 Interdistrict Agreement for Attendance
- G-2 California Department of Education, Child Development Services, Pre-Kindergarten and Family Literacy Program Supplementary Contract for 2009-2010 (CPKS-9018) and Resolution authorizing designated personnel to sign
- G-3 Resolution to Declare Sufficient Materials for the Fiscal Year 2009-2010, under Education Code Section 60119
- G-4 Agreement with Assessment Technology, Incorporated to provide Assessment Data Management Services (August 26, 2009, through August 25, 2010)
- G-5 Memorandum of Understanding with the Bakersfield Adult School to provide English as a second language classes for the 2009-10 School Year (July 1, 2009, through June 30, 2010)
- G-6 Agreement with Kern County Superintendent of Schools for AB430 Administrator Training (July 1, 2009, through June 30, 2010)
- G-7 Contract with the Stand Strong Foundation for the Stand Strong Academy and Mentoring Program for the 2009-10 School Year (August 26, 2009, through June 3, 2010)
- G-8 Service Contract Agreement for California Spectrum Services to Provide Behavioral Intervention Services for the 2009-10 School Year (August 11, 2009, through June 30, 2010)
- G-9 Revision to the Camp KEEP Agreements for the 2009-2010 School Year, changing the attendance dates for Horace Mann School
- G-10 Educational study trips, out of town to Camp KEEP/Ocean Pines
- G-11 Educational study trips, out of town – Approval of Standing List for 2009-2010
- G-12 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.

Discussion on
Report No. A-1

Mr. McDougle noted that he is still learning Board protocol and apologized for submitting revisions to the administrative regulations which are the superintendent's responsibility. He said that he still believes the Board Policy is important with the change in wording from "employee" to "administrator." Mr. Tate stated that the original recommendation from the Superintendent and the attorneys working with staff on the review of Board Policies was that we pull this from our Board Policies. He said that he feels that we need to go along with that recommendation. Mrs. Tafoya asked Mr. Lingo to explain again the reason for the recommendation to delete this policy.

Mr. Lingo explained that there is no longer a requirement in the education code for this policy, and the policy was never acted on or implemented since its inception. Both the CSBA policy review and District's counsel recommended that the policy be deleted. Mr. Lingo noted that there are issues with the administrative regulation where, in fact, the school board would have the ability to discount the recommendation of the superintendent and determine that a principal is not able to evaluate teachers without further training. This would disenfranchise a principal. If they are not able to evaluate teachers, it would affect their ability to do their work. He also noted that one of the items listed is a requirement of a minimum of five years of service as a teacher, and this is not in line with the District's Personnel practices. Mr. Lingo explained that the Board could make a motion to approve the policy with the recommendations as submitted or could make a motion to delete the policy.

Report No. A-1
Deleted Board
Policy 500.36
88

On motion by Mrs. Tafoya, seconded by Ms. DeWalt, it was ordered by vote of the members present that the Board Policy, 500.36, Competency of Teacher Evaluations, be deleted. Ayes: Ms. DeWalt, Mrs. Tafoya, Mr. Tate and Mr. Van Horne. Noes: Mr. McDougle.

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 7:22 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, September 22, 2009.

ATTEST:
MR. MICHAEL D. LINGO
SUPERINTENDENT OF SCHOOLS

Clerk