

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, October 27, 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 Mrs. Tafoya, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present to recess to closed session.

97

Closed Session: A closed session was held from 6:05 to 6:20 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: 98 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 Dr. Tim Fulenwider, Director of Learning Support.

Approval of Minutes: 99 On motion by Mrs. Tafoya, seconded by Mr. Van Horne, it was ordered by the affirmative vote of the members present that the minutes of September 22, 2009, be approved.

- Hearings:
- >> Brad Barnes, BETA President, addressed the Board regarding working conditions of teachers. He stated that the District does not provide adequate time during the duty day for teachers to complete the task of report cards and asked the District administration to respect teacher planning time and not schedule trainings and successive meetings the week before report cards are due when teachers should be preparing for parent conferences.
 - >> Dan Brown, BETA Vice President, noted concerns with the \$300,000 in consultant fees on Consent Agenda items G-6, G-8, G-9 and G-10 and stated that BETA would like to see the services provided in-house by district employees.
 - >> Stan Abromaitis, retired BCSD teacher, addressed the Board regarding the possibility of making an early retirement incentive available to BCSD teachers similar to the program used by the Kern High School District and Panama-Buena Vista.

Comments of Board Members and Staff: Ms. DeWalt
-stated that a suggestion was made to her by Thorner Principal Wanda Bradford that the District should have a Hall of Fame for our students who have gone through the District K-8 grades and then gone on to be successful in the area of entertainment or sports. She asked staff to investigate this and perhaps have a nominating committee. Mr. Lingo stated that it is an excellent idea.

Mrs. Tafoya
-noted that the House of Representatives has designated October as National Principals Month and said, if her colleagues are in agreement, she would like the Board to send the principals a letter thanking them for their leadership.

Mr. McDougale

-attended the Junior High/Middle School Choir Festival and thanked Mike Stone and Stan Holcomb for their outstanding work.

-attended the Bond Oversight Committee meeting at Wayside School and toured the new permanent modular classrooms.

-attended the professional development training on suspensions and expulsions given by Steve Castro and Mike Skiba and found it very informative and noted that last year there were 1,554 fewer days of suspension which is a savings of over \$50,000 in revenue for the district.

-attended the Washington Middle School Carnival and thanked Jeff Fenske and his staff for a great event.

-attended the Red Ribbon Rally at Harris School along with the superintendent and others and thanked the school for putting on a great program.

-commended Nancy Olcott for her service as a council representative on the ACSA Urban Education Committee.

Mr. Tate

-noted that he did not make it out to schools much this past month because he and his wife were touring Asia from October 1 through the 22.

Mr. Lingo

-commented that he also attended the Red Ribbon Rally and said the enthusiasm of the students is revitalizing.

-noted that for the last two years, we have had a consultant come from the Arizona State University who is an expert in Pre-K, and Dr. Christie has had nothing but praise for our Pre-K Program. He commended Storiann Camps and Ruth Van Worth for their work.

-responded to Mr. Abromaitis' earlier comments that the Kern High School District and the Panama-Buena Vista School District undertook the program to offer retirement incentives for a specific reason, they were doing a certificated layoff, and did so to lay off a lower number.

-responded to Mr. Barnes that his concern is an issue for the bargaining table. Mr. Lingo noted that he does appreciate the hard work of our teachers and explained that many of the meetings take place because of our status as a Program Improvement District, but that does not mean that we are not sensitive to the time that our teachers put in. If we are doing something wrong, we want to fix it.

-explained to Mr. Brown that the consultant agreements he mentioned are for special education services required in settlement agreements. Mr. Lingo said the costs are excessive, and we have looked for employees to meet these needs. Under FAPE, if we cannot fill every requirement with respect to a child's needs, we are required to fill those wherever we can. Mr. Lingo said we would be glad to find employees within the District to meet these needs.

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| Report No. 1
Williams Act
Requirements | A quarterly report on the Williams Act Requirements was provided for the Board's information. There were two complaints received this quarter relating to facilities. |
| Report No. 2
PAR Summary | A year end summary of the Peer Assistance and Review (PAR) was provided for the Board's information. |
| Report No. B-1
Public Hearing
Tier III Funds | A public hearing was held at 6:55 p.m. to allow the public an opportunity to provide input regarding the use of Tier III State Categorical Funds. No one addressed the Board at this time. |
| Report No. B-2
Approved Use of
Tier III State
Categorical Funds
for 2009-10
<u>100</u> | On motion by Mr. Van Horne, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the Tier III State Categorical Funds and Programs/Purposes for which these funds will be used for the 2009-10 school year be approved. Copy of Report No. B-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-1
Approved
Certificated
Personnel
Report:
<u>101</u> | On motion by Mrs. Tafoya, 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, changes, resignations, retirements, separations, and extra-time for certificated employees be approved. Copy of Report No. E-1 in the minutes file is hereby 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:
<u>102</u> | On motion by Mrs. Tafoya, 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, dismissals, terminations, changes, resignations, retirements, and separations 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 MOU
with BETA
103

On motion by Ms. DeWalt, seconded by Mrs. Tafoya, it was ordered by the affirmative vote of the members present that the Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teachers Association signed on September 23, 2009, representing resolution of BETA Grievances 148, 149, 150, 152, 155, and 159 and revisions to the Collective Bargaining Agreement Article 4 – Hours; Article 8 – Transfers; and Article 10 – Association Rights, 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.

Approval or
Ratification
of the Consent
Agenda:
104

On motion by Mr. Van Horne, seconded by Mr. McDougale, 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 and Harding Schools
Chavez: HP Projection Unit valued at \$1,000 from Jesus and Alexandra Garcia
Harding: \$4,474.94 to purchase a Smart Board from Craig and Marci Neville
- A-2 **Revision** to Policies and Procedures, Section 100.61, Conflict of Interest Code, *as a first reading*
- A-3 **Revision** to Policies and Procedures, Section 500.5, Leaves of Absence – Certificated and Classified Employees, *approved as a first reading on September 22, 2009*
- A-4 **Revision** to Policies and Procedures, Section 500.12, Health Examinations (Employees), *approved as a first reading on September 22, 2009*
- A-5 **Revision** to Policies and Procedures, Section 500.19, Work-Related Injuries, *approved as a first reading on September 22, 2009*
- A-6 **Revision** to Policies and Procedures, Section 500.29, BloodBorne Pathogens Exposure Control Plan, *approved as a first reading on September 22, 2009*
- A-7 **Revision** to Policies and Procedures, Section 500.42, Employment of Relatives, *approved as a first reading on September 22, 2009*
- A-8 **Revision** to Policies and Procedures, Section 500.48, Workers' Compensation Return-To-Work Program, *approved as a first reading on September 22, 2009*

- A-9 **Revision** to Policies and Procedures, Section 605.3, Uniform Complaint Procedures, ***approved as a first reading on September 22, 2009***
- A-10 Short-term Consultant Services
- A-11 Letter of Understanding between California State University, Bakersfield and Bakersfield City School District for the Intensive Writing Academy, Math Academy and English Language Learner Academy for Migrant Education Students (November 2, 2009 through February 5, 2010)
- A-12 Renewal Contract with the Kern County Superintendent of Schools for services of half-time deputy district attorney (October 28, 2009 through August 29, 2010)
- B-3 Payments of warrants to vendors for the period October 28 through November 24, 2009
- C-1 Request to Approve Change Orders from individual contractors as summarized in Ordiz-Melby Architect's Change Order CO-A for the Curran Middle School Modernization, Phase II in the amount of \$193,042.01 (***as corrected***)
- C-2 Request to Approve Change Order No. 1 in the amount of \$4,620 to Jarrett Electric, Inc. for Ramon Garza School –Five Temporary Modular Classrooms and Site Work (Electrical)
- C-3 Request to Approve Change Order No. 1 in the deductive amount of \$1,200 to Spring Mountain Industries for the Pauly School Permanent Modular Classrooms Project, Bid Package No. 5 (Electrical and Fire Alarm)
- C-4 Request to Approve Change Order No. 1 in the amount of \$11,888.19 to Tumblin Company for the Evergreen School Permanent Modular Classrooms Project, Bid Package No. 1 (Site Demolition, Earthwork, Site Utilities, Concrete Foundations, Fencing and Sidewalks)
- C-5 Request to Approve Change Order No. 1 in the amount of \$152.02 to A-C Electric Company for the Wayside School Permanent Modular Classrooms Project, Bid Package No. 3 (Electrical, Data, Fire Alarm and Communications)

- C-6 Request to File a Notice of Completion with the Kern County Recorder's Office for the Project Casa Loma HVAC Remodel
- C-7 Request to Award Contract to JTS Construction, the lowest responsible bidder for the Project, Education Center HVAC, in the amount of \$528,000
- C-8 Approval of District Utilization of the 2005 Santa Rita Union School District Cooperative Bid valid through December 16, 2009, for modular classrooms furnished by American Modular Systems, Inc.
- C-9 Use of Casa Loma Elementary School Ball Fields by Kern County Soccer League on Sundays (November 1 through December 20, 2009)
- D-1 Maintenance and Support Agreement with E-School Solution, Inc. for SmartFind Express Substitute Calling System (October 1, 2009 through September 30, 2010)
- D-2 Renewal of Food Service Agreement with the Kern County Superintendent of Schools to provide meal services for county special education students (August 24, 2009, continuing indefinitely)
- D-3 Request to Advertise for Proposals for Equipment and Services
- D-4 Request to Advertise for Bids – Paper Products (NCR/Index)
- D-5 Request to Advertise for Bids – Toner, Ink Cartridges, and Printer Supplies
- E-4 Business, conference and workshop travel by Board of Education Members, superintendent and assistant superintendents
- E-5 Memorandum of Understanding between the Bakersfield City School District and the Bakersfield Elementary Teacher Association regarding the donation of sick leave to an employee at Nichols School
- E-6 Variable Term Waiver to assign teachers with their consent to teach out of their credentialed area for the 2009-10 school year, in accordance with the provisions of Education Code 44268: Professional Preparation Program for the Clinical or Rehabilitative Services Credential

- E-7 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
- F-1 Administrative Hearing Panel Action
- F-2 Interdistrict Agreement for Attendance
- G-1 Class Size Reduction Operations Funding Program Application and Resolution for Class Size Reduction in grades kindergarten, first, second and third
- G-2 Due Process Settlement Agreement Regarding Special Education OAH Case #N2009070229
- G-3 Due Process Settlement Agreement Regarding Special Education OAH Case #N200907032
- G-4 Individual Service Agreement with Oralingua School for Hearing Impaired to provide Non-Public School Agency Services for the 2009-2010 School Year
- G-5 Individual Service Agreement with Oralingua School for Hearing Impaired to provide Non-Public School Agency Services for the 2009-2010 School Year
- G-6 Supplement Agreement with Terrio Therapy Fitness Incorporated for Non-Public Agency Services for the 2009-2010 School Year
- G-7 Master Contract Agreement with The Center for Behavior Research and Education for Non-Public Agency Services for the 2009-2010 School Year
- G-8 Individual Service Agreement with The Center for Behavior Research and Education for Non-Public Agency Services (October 28, 2009 through June 30, 2010)
- G-9 Individual Service Agreement with The Center for Behavior Research and Education for Non-Public Agency Services (October 28, 2009 through June 30, 2010)
- G-10 Individual Service Agreement with The Center for Behavior Research and Education for Non-Public Agency Services (October 28, 2009 through June 30, 2010)

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:
105

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

The meeting adjourned at 7:01 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, November 24, 2009.

ATTEST:
MR. MICHAEL D. LINGO
SUPERINTENDENT OF SCHOOLS

Clerk

ML/ld