

BAKERSFIELD CITY SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education, Tuesday, November 24, 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 5:40 p.m. by President Tate.

Members Present: The following members were present:

Ms. DeWalt  
Mr. McDougle  
Mrs. Tafoya  
Mr. Tate  
Mr. Van Horne (arrived at 5:45 p.m.)

Also present:

Mr. Lingo, Superintendent  
Mr. McClain, Chief Business Official  
Mrs. Goodspeed, Director, Personnel Services  
Mr. Ranes, Director, Instructional Support Services  
Mrs. Driskill, Administrative Assistant  
Mrs. Sutton, Administrative Secretary

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

Recessed to Closed Session: On motion by Ms. DeWalt, seconded by Mrs. Tafoya, 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 5:45 to 6:27 p.m. for the purpose of the following:

- Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.
- Public Employee Performance Evaluation, Title: Principal, School Secretary, 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:  
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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 Board reconvene to regular session.

The regular session of the Board of Education reconvened at 6:32 p.m.

Pledge to Flag:

The Pledge of Allegiance was led by Mrs. Nancy Olcott, Director, Learning Support.

Approval of  
Minutes:  
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On motion by Mr. Van Horne, seconded by Mr. McDougle, it was ordered by the affirmative vote of the members present that the minutes of October 27, 2009, be approved.

Hearings:

- >> Dolores Huerta, Rosemary Cervantes, Marbella Martinez, Antonio Sanchez, Angela Jimenez, and Josefina Martinez all addressed the Board to request that Bertha Barrera be returned as Counselor at Bessie Owens Primary School and to note concerns with the treatment of students and parents by the current office staff and administrator at the school.
- >> Karen Howard, Ann Yuon, Tammy William, Soledad Benavidez, and Devon Johnson all addressed the Board in support of the principal, office staff and current leadership at Bessie Owens Primary School.
- >> Michael Cunningham addressed the Board representing the School Site Council for Casa Loma School and stated that he was asked to provide the Board with an overview of the issues surrounding their school site plan. He informed the Board that the School Site Council voted not to amend their plan and not to remove the barriers to student achievement as the principal asked them to do.
- >> Anna Sanchez, Casa Loma Parent, addressed issues that she said were brought before the Board in September regarding overcrowding at the school site. She stated that there are over 800 students at the school site and 261 students at one recess with only two bathrooms with two toilets each for the students to use. She said that she received a response from the September Board meeting stating that Casa Loma is not the only school with this problem, and she has requested to receive the number of students at each school in the district, but has not received this information yet.
- >> Edward Mijarez, BETA Rep at Casa Loma School, distributed to the Board copies of “A Guide and Template for The Single Plan For Student

Achievement” from the California Department of Education and quoted sections from page 6. He noted the responsibilities of the principal, but stated that the principal has no administrative authority over the school site council, may not veto decisions made by the school site council, and may not make changes to the Single Plan for Student Achievement after it has been approved by the school site council. Mr. Mijarez stated that the superintendent has asked the principal to violate these sections and go against the will of the school site council. He stated that the Casa Loma School Site Council feels that they are not being heard and asked the Board to act in good faith.

- >> Susan Moran, PTA President at Emerson Middle School, stated that parents feel their school community is not safe enough to hold a school graduation. She stated that they understand that there have been budget cutbacks, but they feel that they can raise enough funds to pay to have the graduation at another site.
- >> Katrina Brooks, parent, shared a concern regarding an incident that occurred while her daughter was in the after-school program at Pauly School and the contacts she has made to district staff. She said she has yet to get the incident resolved.

Comments of  
Board Members  
and Staff:

Mr. Lingo

-noted an amendment to Consent Agenda item G-1, School Site Plans for 2009-2010 Consolidated Application for Funds for Educational Programs, placed in front of the Board.

-reminded everyone that the 14<sup>th</sup> Annual Teddy Bear Picnic is scheduled on Thursday, December 10 at the Doubletree and tickets are still available for \$25.00 in the Community Partnership Office. This is a fundraiser for the BCSD Education Foundation to raise funds for teacher classroom projects.

-responded to Emerson Parent Mrs. Moran that the administration shares her concerns regarding the safety of our students. This year, because of budget cuts, we will need to hold all of our graduations on site, but we will work with our principals to provide safe venues and a special event for our graduating eighth graders.

-responded to the Casa Loma issues, and presented facts regarding the issues that were brought forward in September and stated that he would respond to the issues brought forward by Mr. Cunningham and Mr. Mijarez at a later date. He noted that each year the school district is required to file a comparability report with the State of California, comparing the twenty-two Title I elementary schools in the district. One of the measures of comparability is the ratio of classroom teachers to

students including special education teachers, but excluding classroom teachers paid by state QEIA funds and federal funds. Casa Loma's ratio is one classroom teacher for each 20.5 students, which is substantially better than the district average for K-5 schools of 23.17 students per classroom teacher. Casa Loma has a class average of 19.2 students in grades kindergarten through third. Of those four grades, the only grade exceeding twenty students is kindergarten. The school principal has the ability to lower kindergarten class sizes by forming a combination class and moving students, as is done at all other district schools.

The custodial staff at Casa Loma is no different than any other district elementary school. The site custodians are responsible for cleaning student restrooms among their other duties. The site custodians are required to file a check list of their completed assignments with the school office each week. The site custodians are under the direct supervision of the school principal and it is that school principal's responsibility to assure that the student restrooms are being properly cleaned.

There are six elementary schools in the district with more students than Casa Loma. Five of those six schools have fewer student toilets than Casa Loma School. And yet somehow those schools are able to deal with the situations that were presented this evening. There are eight student restrooms at Casa Loma, four near the playground and four near the end of the two classroom wings. It is the school's responsibility to facilitate equal access for students to all eight student restrooms so the students do not have to wait. We have observed the recesses at Casa Loma and only on one occasion did we see a brief waiting period for first and second grade students. By changing the number of recesses, all of these issues can be handled at the school level.

Last year, our Research and Evaluation Department found that there is no difference in student achievement between students in extended-day kindergarten classes and shared am/pm kindergarten classes. That finding was announced to all district principals. About half of the kindergartners in the district are in shared am/pm kindergarten classes now. Casa Loma's are not. The school principal at Casa Loma can gain additional playground space for the students by moving to an am/pm kindergarten program next year and the district will remove many relocatable classrooms from that campus over the summer.

Mr. Lingo thanked the parents for bringing their concerns to the Board of Education and administration. He said as you have heard that Casa Loma School, which received over \$800,000 in facility improvements last summer, more than any other district school not in a state reconstruction project, has facilities equal to or better than many other district schools.

The concerns that were brought forward are all solvable at the school level.

Regarding the situation at Owens Primary, Mr. Lingo reported that approximately three weeks ago, there was a personnel incident at Owens Primary School. Since that time, misinformation has been circulating among employees and community members. Due to its responsibilities to maintain the confidentiality of certain personnel matters, the District has been unable to dispel a lot of this bad and in some cases, hurtful misinformation. The District has handled this matter appropriately and it will soon be brought to a close.

From the beginning of this incident, the District administration immediately began contacting parents and staff members to conduct a thorough investigation of the allegations. Mr. Lingo stated that he sent a letter to every parent and all the staff at the school inviting them to communicate their concerns. Those that filed complaints were contacted to meet in person. Throughout this process, most of the feedback from parents and employees was constructive and positive and the vast majority of complaints were immediately resolved.

We also received ideas on how we all can improve services to students and parents. We were touched by the many, many letters of support for Mrs. Lopez. Our thanks and appreciation goes to all of you who took the time to share your experiences, thoughts and concerns by letter, telephone and here this evening.

After thoughtfully considering the substantial amount of information the District administration has gathered from the various parties to this incident, the District will take actions in the best interest of the school.

Mr. Lingo urged parents, employees and community members to bring any concerns they may have to the principal at the school first, so that the issues may be resolved as early as possible. If an issue cannot be resolved at the school level, there are established District procedures required by law to investigate complaints. By following these procedures and by keeping the lines of communication open, the District hopes to be able to meet the needs of students and our employees without the unnecessary escalation of an incident, as in this case, at the expense of any one individual.

Mr. Lingo stated that we are all here for the same reason, and that is to meet the needs of our children.

Report No. 1  
Williams Act

A quarterly report for the Williams Lawsuit Settlement for the first quarter of July through September 2009, was provided for the Board's information.

Report No. E-1  
Approved  
Certificated  
Personnel  
Report:  
109

On motion by Mrs. Tafoya, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the personnel report and supplements 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:  
110

On motion by Mrs. Tafoya, seconded by Ms. DeWalt, it was ordered by the affirmative vote of the members present that the personnel report covering employments, suspensions, dismissals, terminations, 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:  
111

On motion by Mr. McDougle, 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-1 ***Revision*** to Policies and Procedures, Section 100.61, Conflict of Interest Code, ***approved as a first reading on October 27, 2009***
- A-2 Short-term Consultant Services
- A-3 Establish Date of December 8, 2009, for Annual Organizational Meeting of the Board of Education
- A-4 Deny Claim for damages to person or property – Abigail Houston
- A-5 Memorandum of Understanding with University of La Verne for the Intern Program (July 1, 2010, through June 30, 2013)
- A-6 Memorandum of Understanding with University of Phoenix for the Intern Program (July 1, 2010, through June 30, 2013)
- A-7 Memorandum of Understanding with National University for the Intern Program (July 1, 2010, through June 30, 2013)
- A-8 Memorandum of Understanding with Fresno Pacific University for the Intern Program (July 1, 2010, through June 20, 2013)

- A-9 Memorandum of Understanding with California State University, Bakersfield for the Intern Program (July 1, 2010, through June 20, 2013)
- A-10 Agreement Regarding Student Teacher Assessment between BCSD and University of Phoenix (March 24, 2009, through March 24, 2014)
- B-1 Payments of Warrants to Vendors for the period November 25, through December 8, 2009
- B-2 Resolution Regarding Annual Accounting of Development Fees for the 2008 – 2009 Fiscal Year
- C-1 Letter of Consent for the Kern County Treasurer – Tax Collector to Proceed with the Sale of Tax Defaulted Property
- C-2 Resolution to Grant Nonelected Agency Officer, Steve McClain, Chief Business Official, the authority to order action in case of an emergency
- C-3 Request to Approve Change Order No. 1 in the amount of \$3,645 to Central California Construction, Inc. for the Pauly School Permanent Modular Classroom Project, Bid Package No. 2 (Concrete Foundations, Sidewalks, Curbs, and Gutters)
- C-4 Request to Approve Change Order No. 2 in the amount of \$6,249.39 to Tumblin Company for Evergreen School Permanent Modular Classroom Project, Phase I of Bid Package No. 1 (Site Demolition, Earthwork, Site Utilities, Concrete Foundations, Fencing, & Sidewalks)
- C-5 Request to Approve Change Orders from several contractors summarized in Ordiz-Melby Architect's Change Order CO-B in the amount of \$28,682.37 for the Curran Middle School Modernization, Phase II
- C-6 Construction Management Contract with Lundgren Management (November 24, 2009, through the completion of all construction management facets of the new elementary school and new middle school construction projects)

- E-3 Variable Term Waiver to assign teachers with their consent to teach out of the credentialed area for the 2009-2010 school year, in accordance with the provisions of Education Code 44265: Professional Preparation Program for a Specialist Instruction Credential in Special Education, Reading, etc.
- 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
- F-1 Administrative Hearing Panel Action
- F-2 Interdistrict Agreement for Attendance
- G-1 School Site Plans for 2009-2010 Consolidated Application for Funds for Educational Programs (*School Plans are available for review in the Office of Academic Improvement and Accountability*) **(As amended to remove Casa Loma's School Plan)**
- G-2 Interagency Agreement with Kern County Department of Mental Health Children's Services System of Care for the 2009-2010 School Year (July 1, 2009, through June 30, 2010)
- G-3 Due Process Settlement Agreement Regarding Special Education OAH Case #N2008007167
- G-4 Facilities Renovation and Repair Contract (CPRM-9033) in the amount of \$50,000 for the District's California State Preschool Program and Resolution authorizing designated personnel to sign (July 1, 2009, through June 30, 2012)
- 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 7:43 p.m.

The next regular meeting of the Board of Education will be held on Tuesday, December 8, 2009.

ATTEST:  
MR. MICHAEL D. LINGO  
SUPERINTENDENT OF SCHOOLS

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Clerk

ML/ld