



**MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF EDUCATION  
AUGUST 2, 2011**

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PLACE	James Areida Education Support Center, 1305 E. Vine Street, Lodi
TIME	Closed Session: 5:30 p.m.; Regular Meeting: 7:00 p.m.
CALL TO ORDER	The meeting was called to order at 5:30 p.m. There were no public comments on closed session items and the Board adjourned to Closed Session.
RECONVENE	The meeting was reconvened at 7:08 p.m. Attendance was recorded and the President led in reciting the Pledge of Allegiance.
PRESENT	<p><u>Board Members:</u> Mr. George Neely, President; Ms. Bonnie Cassel, Vice-President; Mr. Joe Nava, Clerk; Mr. Michael Abdallah; Mr. Ken Davis; Ms. Ruth Davis; Mr. Ron Heberle</p> <p><u>Administrators:</u> Dr. Cathy Washer, Superintendent; Mr. Mike McKilligan, Assistant Superintendent, Personnel; Mr. Tim Hern, Chief Business Officer</p> <p><u>Student Representatives:</u> Ms. Anh Nguyen, Bear Creek High School and Ms. Marysela Padilla, McNair High School</p> <p><u>Recorder:</u> Mrs. Lois John, Executive Assistant</p>
ABSENT	<p><u>Administrator:</u> Mr. Art Hand, Assistant Superintendent, Facilities &amp; Planning</p>
CLOSED SESSION	Action taken in closed session was reported as follows:
Student Matters	<p>Motion was made by Mr. Abdallah, seconded, and carried unanimously to approve the Placement of Non-Public Agency Students 2011-12 #'s 1 through 26.</p> <p>Motion was made by Mr. Abdallah, seconded, and carried unanimously to approve the Placement of Non-Public School Students 2011-12 #'s 78 and 79.</p>
Personnel Matters	<p>Motion was made by Mr. Nava, seconded, and carried unanimously to approve the appointment of Richard Shipley, Assistant Principal, McNair High School.</p> <p>Motion was made by Mr. Nava, seconded, and carried unanimously to approve the appointment of Deborah Chiene, Vice Principal, Adult Education/ROP.</p>
SUPERINTENDENT'S REPORT	Dr. Washer presented a report highlighting the beginning of the new school year, updating the Board on activities and events, and specific issues being addressed throughout the District.
RECOGNITIONS	Ms. Nancy Hennefer, PE teacher, Julia Morgan Elementary School, was recognized for receiving the Southwest District Elementary School Physical Education Teacher of the Year award by the National Association for Sport and Physical Education.

Ms. Sue Kenmotsu, Vice President, Lodi Education Association (LEA), recognized LEA's first Golden Apple Award recipients: Pat Browning, Nichols Elementary School; Phyllis Yeager, Reese Elementary School; Marcus Goodman, Lodi High School; Tammy Boschee, Lodi High School; and Rosemary Baschal, Lodi Middle School. The Special Friend of Education Award was presented to Mr. Neely.

ACTION  
ITEMS  
Consent  
Agenda A -  
Routine  
Business

Mr. Heberle requested the removal of Item A-2 Contract List. Ms. Davis requested the removal of Item A-8 Adoption of Revised Policy 4020 Drug and Alcohol-Free Workplace. Mr. Dan Morris, CSEA, requested the removal of Item A-7 Adoption of Policy 4113.4 Temporary Modified/Light Duty Assignment. Motion was made by Mr. Nava, seconded, and carried unanimously to approve amended Consent Agenda A, as follows:

- A-1 Changes to the Adopted Budget
- A-3 Purchase Order Detail Report
- A-4 Minutes of the July 5, 2011, Regular Board Meeting
- A-5 Credential Waiver Application and Approval
- A-6 Consolidated Application for Funding Categorical Aid Programs Part 1  
Fiscal Year 2011-12
- A-9 Construction Project Change Orders

The student representatives' preferential vote was unanimously aye.

Contract  
List

Referencing #6 on the Contract List, Mr. Heberle reminded staff of his request on behalf of Stockton Parks & Recreation for detailed information on the Bridge After-School Program. In response to a question by Mr. Neely regarding the difference between #5 and #6, Dr. Washer clarified that the City of Lodi contributes 50% for four officers; however, the City of Stockton does not contribute to the program, so the District pays the total cost for two officers.

Motion was made by Mr. Heberle, seconded, and carried unanimously to approve Item A-2 Contract List. The student representatives' preferential vote was unanimously aye.

Policy 4113.4  
Temporary  
Modified/Light  
Duty Assignment

Mr. Dan Morris, CSEA, Labor Relations Representative, questioned why this policy was placed back on the agenda, as it is currently being discussed in negotiations and directly effects the terms and conditions of employment. Mr. Neely stated that he does not perceive Board policies as being included in labor negotiations. Mr. McKilligan concurred, explaining that the Board establishes and adopts policies that apply to all employees, which then provides for labor unions to bargain the impacts and effects of the policies. Discussion ensued, and at the conclusion, motion was made by Mr. Nava, and seconded, to approve Item A-7 Adoption of Policy 4113.4 Temporary Modified/Light Duty Assignment. The vote on the motion was as follows:

Ayes: Abdallah, Cassel, K. Davis, R. Davis, Nava, Neely  
Noes: Heberle

Motion carried

The student representatives' preferential vote was unanimously aye.

Revised

In response to a question by Ms. Davis, Dr. Washer clarified that the term "any

Policy 4020  
Drug and Alcohol-  
Free Workplace

controlled substance” is inclusive of all substance abuse, and therefore, the word “alcohol” was omitted from the body of the policy. Motion was made by Mr. Nava, seconded, and carried unanimously to approve Item A-8 Adoption of Revised Policy 4020 Drug and Alcohol-Free Workplace. The student representatives’ preferential vote was unanimously aye.

CONSENT  
AGENDA B -  
Student Discipline  
Cases

Mr. Neely removed Item B-3 Readmission: Student #09/10-7-44; and, Item B-5 Admission: Student #11/12-11-A2 from Consent Agenda B. Motion was made by Mr. Heberle, seconded, and carried unanimously to approve amended Consent Agenda B – Student Discipline Cases, as follows:

- B-1 Readmission: Student #08/09-8-14
- B-2 Readmission: Student #09/10-6-5
- B-4 Admission: Student #11/12-10-A1

Student  
#09/10-7-44

Mr. Neely called for a motion on Item B-3 Readmission: Student #09/10-7-44. There was no motion and no vote taken on this item.

Student  
#11/12-11-A2

Motion was made by Mr. Abdallah, and seconded, to approve Item B-5 Admission: Student #11/12-11-A2. The vote on the motion was as follows:

Ayes: Abdallah, Cassel, R. Davis, Heberle, Nava, Neely  
Abstain: K. Davis

Motion carried

OTHER  
ACTION ITEMS  
Resolution  
2011-66  
Elimination of  
Classified Staff  
Due to Lack of  
Work or Funds

Mr. McKilligan presented an overview of the Resolution, which recommends the elimination of four Speech Language Pathology Assistant (SLPA) positions due to the hiring of the mandated number of credentialed Speech Language Pathologists (SLPs). Dr. Washer explained that the goal has always been to have credentialed employees providing the service, but due to a shortage in the past of SLPs for hire, the money was used to pay for SLPA’s as an alternate means to provide services. She noted that retaining the SLPA’s would require additional funding to support the positions.

Discussion was held with Dr. David Wax, Administrative Director, Student Services/SELPA, and Ms. Ivie Gonzalves, Coordinator, Special Services responding to questions. The Board was addressed by members of the audience who spoke in support of retaining the SLPAs to support students and assist the SLPs with their case loads. Several Board members inquired if time allowed for further research to be done on this issue.

Following the discussion, motion was made by Ms. Cassel, and seconded, to table Resolution 2011-66 Elimination of Classified Staff Due to Lack of work and/or Funds. The vote on the motion was as follows:

Ayes: Abdallah, Cassel, R. Davis, Neely  
Noes: K. Davis, Heberle, Nava

Motion carried

Measure L  
Citizens’ Oversight

Mr. Neely reported that the Board Subcommittee has interviewed and is now recommending for appointment to the Measure L Citizens’ Oversight Committee,

Committee Appointment	Mr. Homar Juarez. Motion was made by Mr. Nava, seconded, and carried unanimously to appoint Mr. Homar Juarez, as an At-Large Representative to the Measure L Citizens' Oversight Committee. The student representatives' preferential vote was unanimously aye.
Appointment of a Board Subcommittee - Surplus Property - Clements School	Mr. Neely announced the need for a Board Subcommittee to review applications and interview candidates, if deemed necessary, to serve on the Surplus Property Advisory Committee for Clements Elementary School. Appointed by Mr. Neely to serve on the committee were: Mr. Abdallah, Ms. Davis, and Mr. Heberle, with Ms. Davis serving as the Chairperson. No vote was taken.
Resolution 2011-67 GOT Kids Articles of Incorporation	Dr. Washer introduced the resolution to approve the Articles of Incorporation for the Giving Opportunities to Kids (GOT Kids) Foundation. The resolution authorizes staff to take the next steps in creating this new District foundation and the names of the six (6) Board members that will sit on the Foundation's Board of Directors: Mr. Abdallah, Mr. K. Davis, Ms. R. Davis, Mr. Heberle, Mr. Nava, and Mr. Neely.  Motion was made by Mr. Nava, seconded, and carried unanimously to approve Resolution 2011-67 Approving the Incorporation of Giving Opportunities to Kids (GOT Kids). The student representatives' preferential vote was unanimously aye.
PERSONNEL MATTERS	Motion was made by Mr. Nava, seconded, and carried unanimously by a roll call vote to approve the Certificated and Classified Personnel Matters as presented.  Ms. Davis inquired about an opening for a teaching position that has remained unfilled for a year and, with interviews having just been concluded, when the position might be filled. Mr. McKilligan will look into Ms. Davis' question and provide a response back to the Board.  Ms. Cassel commended Mr. McKilligan and staff on their kind response to an individual who was in need of kindness.
COMMUNICATIONS Comments from Student Reps.	Student Representatives Ms. Anh Nguyen, Bear Creek High School, and Ms. Marysela Padilla, McNair High School, reported successful opening days to the new school year, but expressed concerns about several overcrowded classrooms. They also commented on upcoming activities, events and academic achievements at their respective schools.
Comments from the Public	Ms. Susan Heberle, 1440 Iris Drive, Lodi, commended the Board and staff on being proactive in hiring early to make a smoother beginning to the school year. She asked that classrooms be restored if General Fund dollars should be available.
Comments from Employee Reps.	Mr. Dan Morris, CSEA Labor Relations Representative, provided the Board with a handout and then spoke to the subject of the handout, which claims that the District is purposely seeking conflict with the union.
Comments from Board Members	Ms. Davis followed up on her earlier comment regarding a teacher vacancy, explaining she was simply seeking information as to the status of the hiring.  Mr. Abdallah commended Mr. McKilligan and staff for the early hiring of teachers. He reported on his recent visits to 20 school sites.

Mr. Heberle reported on attending a gathering of Science Olympiad supporters. He commended a maintenance supervisor he witnessed out working side-by-side with her crew. He thanked teachers for all the work they did to get ready for the opening of school. He reported on visits to several schools.

Ms. Cassel thanked staff, parents and students for their efforts in getting ready for the new school year. She commended Dr. Washer for her hard work in preparing for a a smooth opening.

Mr. Davis thanked Dr. Washer, administrative staff, teachers and students for their cooperative efforts for a smooth start of the school year.

Mr. Neely expressed his gratitude for the efforts made for a good start to the school year. He talked about the effects a positive attitude can have in powering and enabling people to reach the finish line. He reported on his support of a long-range strategic plan for the District, stating that Dr. Washer will bring a report to the Board at the August 16, Study Session.

Comments  
from the  
Superintendent

Dr. Washer highlighted the excellent WASC report received by McNair High School, stating that a report will be forthcoming on the WASC reports from all secondary schools. She commented on the issues with malfunctioning air conditioning units at some schools, stating that the Board may have to consider reinstating eliminated HVAC positions to adequately address the problems.

REPORT  
Quarterly Williams/  
Valenzuela Report

Dr. Washer presented the Quarterly Report Pursuant to the Williams and Valenzuela Settlements, reporting no complaints being filed.

ADJOURN

The meeting adjourned at 9:25 p.m.

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Clerk of the Board

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President of the Board