

MINUTES

REGULAR MEETING OF THE BOARD OF TRUSTEES

MONDAY, MARCH 11, 2013, 6:00 P.M.
Oakdale City Council Chambers
277 N. Second Avenue, Oakdale, CA

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| CALL TO ORDER | 1.1 | The meeting was called to order at 6:15 P.M. by President Mike Tozzi. |
| TRUSTEES PRESENT | 1.2 | Bill Dyer, Diane Gilbert, Mike House, Tina Shatswell, and Mike Tozzi. Student representative Madison Lane was present for Open Session. |
| TRUSTEES ABSENT | 1.3 | None |
| VISITORS PRESENT | 1.4 | Maggie Banducci, Heather Ellis, Danelle Garcia, Gary Gery, Lora Gery, Stacy Graham, John Lane, C. Meiggs, Esther Rupe, David Snyder, Jenny Stueve, Terry Trowbridge |
| CLOSED SESSION | 2.0 | President Tozzi adjourned the meeting into Closed Session at 6:15 p.m. Open Session reconvened at 6:33 p.m. |
| PLEDGE OF ALLEGIANCE | 3.0 | President Tozzi introduced Cloverland Elementary students: Emory Harned, Grade K, Ayden Hamby, Grade 1, Aaliyah Sophia Wiggs, Grade 2, Carson Stueve, Grade 3. These students led the Pledge of Allegiance and were presented with certificates for their participation. |
| ACTION FROM CLOSED SESSION | 4.0 | President Tozzi reported that in Closed Session the Board voted (5-0) to approve the stipulated expulsions of students for the spring semester 2013 and fall semester 2013:
#12-13-11 for Violation of Education Code 48900 (a) (2), 48900 (k), 48915 (b) (1), and 48915 (b) (2)
#12-13-12 for Violation of Education Code 48900 (b), 48900 (k), 48915 (a) (2) and 48915 (b) (2)
#12-13-013 for Violation of Education Code 48900 (c), 48900 (k), 48915 (a) (3), 48915 (b) (1) and 48915 (b) (2)

No other action was taken in Closed Session. |
| PUBLIC COMMENTS | 5.0 | President Tozzi opened the Public Comments portion of the agenda at 6:44 p.m. |

KELLY OLIVER

Kelly Oliver addressed the Board as a mother of three children who attend Sierra View, and expressed concern about an incident that involved a sixth grade student in her son's class who brought three bullets to school. She stated that her son saw the bullets in another boy's pencil box and reported it to the teacher, who then sent the boy to the office. She questioned the schools' handling of this incident in which there were no consequences to the boys actions, and the message that was sent to children about doing the right thing, because she feels the school failed to follow appropriate guidelines. She also stated that another parent had filed a formal complaint with the District Office and was told that it was harmless because the bullets were in the boy's backpack and weren't accessible; but she said that was not the case because the boy's pencil box was in his desk.

She also questioned the boy being allowed to attend sixth grade camp the following week and that the boy should have suffered some consequences for his actions. She also felt that other parents and teachers should be notified of this type of incident. She questioned district priorities where a child loses recesses for popping open a bag of chips or will be suspended for derogatory slurs, while a student who brings bullets to school is not reprimanded and is allowed to attend sixth grade camp. She stated that she'd like to see better communication with parents, consistent and appropriate punishment.

MIKE TOZZI

Board President Tozzi stated that if there were other speakers on this same topic, if they would come to the podium and give their name and add to the comments if they like.

LORA GERY

Lora Gery stated that she has a 6th grade son who attends Sierra View, and felt it was unconscionable to have allowed the student who brought the bullets to school to be allowed to attend Outdoor Ed. She stated that she is a credentialed teacher and felt she would have called CPS and the police if this had happened in her class. She also stated that she was appalled by the lack of concern, felt the parents' concerns had been dismissed, that the parents have a right to be heard, and expected more from the school district.

CINDY MEIGGS

Ms. Meiggs stated that she'd approached Mr. Kindred with concerns about safety, and was disappointed that she felt her concerns were not taken seriously. She then went to the District Office that Friday afternoon and spoke with Larry Mendonca, who did his best to alleviate her concerns given the fact that students were scheduled to leave for Outdoor Ed on Monday. Ms. Meiggs stated that she'd also brought up the fact that a bullet is an explosive and was told that three bullets do not contain enough gun powder to fall under that category, but she noted there is nothing that specifies the amount of gun powder needed for it to be considered an explosive.

ESTHER RUPE

Esther Rupe shared that her son is in the same class with the boy who brought the bullets, and that she was upset that her son now feels there are no consequences for doing something like this, and that she feels her concerns for student safety were not taken seriously by the site administration. She also felt that educational professionals cannot promise that no harm will come to their students, given the fact that offices are a distance from the classrooms, and given the fact that it could take just a minute for someone to do harm.

KERI BRASIL

Keri Brasil commented on the consequences of her son's actions in which he lost three lunch recesses for popping a bag of potato chips while the student who brought three live bullets to school received no consequences. She cited Student Conduct Code, *Education Code 48900 (b), Possess, Sold, or otherwise furnished any firearm, knife, explosive or any other dangerous object*, which lists 5-day suspension for this offense and possible further recommendation for expulsion and notification of police. She also felt it was important to inform parents when incidents like this occur.

KEN OLIVER

Ken Oliver stated there were many other parents who would have liked to have been here tonight but were not able to make it.

MIKE TOZZI

Board President Tozzi stated that the Board is very concerned about school safety and will take comments made tonight very seriously. He will direct the Superintendent to provide an incident report to the Board, including the transcript of parent comments, and the Board will review and report to the public as appropriate, being careful to not violate personnel rights or student privacy. He expressed appreciation for the parents' comments and noted it took courage for them to be here.

FRANK CLARK

Frank Clark addressed the Board regarding the SOS Family Fun Run this past weekend, and reported on a record-breaking number of 527 race participants from 2 to 86 years of age, including 281 children, of which 84 were sponsored by donations, 100 volunteers, participation by Oakdale Rotary, Lions Club, OEF, Kiwanis, and Soroptomists. He also reported there was a net of \$19,529, and thanks to an anonymous donation of \$471, race proceeds are now at \$20,000 and that money goes right into classrooms to stimulate teachers' and students' interest. He lauded Oakdale's continued support of this event, "community pride, community wide".

Trustee Tozzi expressed appreciation to Mr. Clark and everyone involved for their continued support of the district through this event.

Public Comments closed at 7:05 p.m.

- APPROVE ORDER 6.0 OF AGENDA It was **M/S/C (House/Dyer)** to approve the order of agenda items for this meeting. Passed unanimously.
- RECOGNITION, 7.1 Superintendent Malone introduced OHS student Sabrina DISTINGUISHED YOUNG Franciosa, who was recently named Oakdale Distinguished WOMAN 2014 Young Woman 2014.
- RECOGNITION, 7.2 Certificates were presented to three students who received CHAMBER YOUTH the Oakdale Chamber Junior Achievement Award: Madison ACHIEVEMENT AWARD Lane, OHS; Candy Jauregui and Garrett Paulus, OJHS
- RECOGNITION, 7.3 Oakdale High School FFA students were presented with STATE FFA DEGREES certificates recognizing recently earned State FFA Degrees: Logan Douglas, Zane Gookin, Jenna Heaton, Tanner Morgan, Haley Munns, Austin Padock, Melissa Thompson
- RECOGNITION, 7.4 Oakdale High School FFA students were presented with FFA CREED CONTEST certificates recognizing recent FFA Awards: AND BEST INFORMED Creed: Madison Morgan - 1st Place, Sophia Piper - 2nd Place GREENHAND Best Informed Greenhand: Carley Azevedo, Cori Barney, Alyssa Gouveia, Haley Hayes
- Ag teacher Ed Hartzel announced that each year FFA Officers select someone from the community who supports FFA to receive an Honorary FFA Degree, and this year's recipients are Bill and Jean Dyer. They will be honored at the awards banquet in May.
- ORGANIZATION 8.1 OTA President Stacy Graham was pleased to report that REPORT, OTA Ann Wenzel is back at Cloverland. She also reported that many teachers volunteered at the SOS Fun Run; teachers Judy Alvey and Jeff Aprile are phenomenal on the committee, dedicating many hours to this event. She also reported on recent attendance at four conferences by OTA members, and announced that the School Bell Award Dinner will be May 3, at Seasons in Modesto.
- ORGANIZATION 8.2 CSEA President Marc Mutoza was unable to attend. REPORT, CSEA
- ORGANIZATION 8.3 Student Representative Madison Lane reported on activities at REPORT, STUDENT elementary sites which included Sierra View at Outdoor Ed last week and Cloverland and Fair Oaks this week, with several high school students volunteering to serve as counselors; several elementary schools held book fairs in March, Science Fair starts March 11, Science Olympiad in April.
- The Junior High has spring sports going on, Science Olympiad March 2 and Pennies for Patients Drive.

Oakdale High is busy with drama department performances of Diary of Anne Frank and auditions for Little Shop of Horrors, Staff vs. Seniors basketball game which the seniors won, Sadie Hawkins Dance, the Mr. Mustang contest has been cancelled, Science Olympiad Team competed and won 4th place overall and will go to State competition in April, and Aca Deca goes to the State Aca Deca competition this weekend. OHS Wrestling Team had a very successful season and qualified 6 wrestlers for the State Tournament, Spring Sports start-up, CAHSEE Testing this week, and WASC Visitation occurred last week.

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| REMOVE ITEMS FROM CONSENT CALENDAR | 9.1 | Trustee Dyer requested Items 9.5.6, 9.5.6, and 9.6.1, and Trustee Shatswell requested Item 9.6.3, be removed from the Consent Calendar. |
| ADOPT CONSENT CALENDAR | 9.2 | It was M/S/C (Shatswell/House) to adopt the Consent Calendar as amended. Passed unanimously. |
| ADOPT MINUTES OF 2/04/13 AS PRESENTED | 9.3.1 | On adoption of the Consent Calendar, the board adopted minutes of its regularly scheduled meeting held Monday, February 4, 2013, as presented. |
| ADOPT MINUTES OF 1/28/13 AS PRESENTED | 9.3.2 | On adoption of the Consent Calendar, the board adopted minutes of its special meeting held Monday, January 28, 2013, as presented. |
| APPROVE INTERDISTRICT TRANSFER & ALLEN BILL REQUESTS, 2012-13 & 2014-15 | 9.4.1 | On adoption of the Consent Calendar, the board approved interdistrict attendance transfer and Allen Bill requests, 2012-13 and 2013-14 school year, as presented. |
| ACKNOWLEDGE STUDENT DISCIPLINE REPORT, JANUARY 2013 | 9.4.2 | On adoption of the Consent Calendar, the Board acknowledged the Student Discipline Report for the month of January 2013, and Prior Two-Year Comparison, as presented. |
| APPROVE OVERNIGHT FIELD TRIP, ACA DECA | 9.4.3 | On adoption of the Consent Calendar, the Board approved Overnight Field Trip for the OHS Academic Decathlon team to attend the State Academic Decathlon in Sacramento, March 14-17, 2013, as presented. |
| ACCEPT DONATION OF STORAGE SHED TO CLOVERLAND | 9.4.4 | On adoption of the Consent Calendar, the Board accepted Donation of Storage Shed to Cloverland Elementary School, as presented. |
| APPROVE LEA PLAN ADDENDUM | 9.4.5 | On adoption of the Consent Calendar, the Board approved LEA Plan Addendum, as presented. |
| APPROVE TITLE III IMPROVEMENT PLAN ADDENDUM | 9.4.6 | On adoption of the Consent Calendar, the Board approved Title III Improvement Plan Addendum, as presented. |

- APPROVE WARRANTS THRU 2/27/13, CYCLE I AND CYCLE II PAYROLL FOR FEBRUARY 2013 9.5.1 On adoption of the Consent Calendar, the board approved district warrants prepared for payment through February 27, 2013, and Cycle I and Cycle II Payroll for February, 2013, as presented.
- APPROVE CONSULTANT AGREEMENTS 9.5.2 On adoption of the Consent Calendar, the board approved Consultant Agreements, as presented.
- APPROVE ASB ACCOUNTS, OJHS, JANUARY 2013 9.5.3 On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale Junior High School, January 2013, as presented.
- APPROVE ASB ACCOUNTS, OHS, JANUARY 2013 9.5.4 On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale High School, January 2013, as presented.
- APPROVE E-RATE CONTRACT, SCOE, INTERNET SERVICES 9.5.7 On adoption of the Consent Calendar, the Board approved E-Rate Contract with SCOE for Internet Services, as presented.
- ACCEPT RESIGNATIONS 9.6.2 On adoption of the consent calendar, the Board accepted resignations, as presented:
Tina Fisher, ASPL I, Effective 5/23/13
Michael Ruhland, Science Teacher, OJHS, Eff. 6/30/13
- DISPOSITION OF ITEMS REMOVED FROM CONSENT, 9.5.5 AND 9.5.6, APPROVE E-RATE CONTRACTS, VERIZON WIRELESS & AT&T, FOR TELECOMMUNICATIONS EQUIPMENT & OHS FIBER OPTICS 10.0 Trustee Dyer asked why we deal with two wireless companies. Ms. Dyke explained we have gone to bid each year with these contracts but recently learned that the contracts need to go to the Board. It was noted that the contract with Verizon is for Wireless Telecommunications and Equipment and the contract with AT&T is for OHS Fiber Optics.

It was **M/S/C (Dyer/Lane)** to approve Items 9.5.5, E-Rate Contract with Verizon Wireless for Wireless Telecommunications and Equipment, and Item 9.5.6, E-Rate Contract with AT&T for OHS Fiber Optics, as presented. Passed unanimously.
- APPROVE JOB SHARE, H. ELLIS & D. GARCIA 2013/14 SCHOOL YEAR 9.6.1 Trustee Dyer asked about the proposed job share proposal and how it would benefit the students. Assistant Supt. Terri Taylor explained that job sharing has happened twice in the past ten years, and this proposal is for a 60/40% workload in which the 40% teacher will work Monday and Tuesday and the 60% teacher will work Wednesday through Friday. Both teachers are in the audience tonight, and are committed to making sure that what they offer students is better than what one could do,

students would be getting the benefit of two professionals, and they have agreed they would both come to all events like Back to School Night and Open House. Ms. Garcia addressed the Board to explain that she and Ms. Ellis have talked about doing this for years, they are committed to going the extra mile, and this will benefit their families as well as students in the classroom.

It was **M/S/C (Dyer/House)** to approve the job share proposal requested by Heather Elis and Danelle Garcia, Magnolia Elementary, for the 2013/14 school year, as presented.

ACCEPT RETIREMENT

- 9.6.3 Trustee Shatswell acknowledged the services of Donna Bryant. Superintendent Malone noted that Ms. Bryant will be recognized along with other retirees at the Retiree Reception in May.

It was **M/S/C (Shatswell/Dyer)** to accept retirement, as presented:

Donna Bryant, Teacher, Fair Oaks, effective 6/30/13
 Laurel Doerksen, History Teacher, OJHS, Eff. 6/30/13
 Denise Molles, Manager of Food Services, Eff. 6/30/13
 Linda Morgan, Food Driver, Central Kitchen, Eff. 5/23/13
 Marilyn Pickering, Secretary II, Charter, Eff. 4/12/13

REPORT, ASSEMBLYWOMAN KRISTIN OLSEN ON PENDING LEGISLATION

- 11.1 Assemblywoman Kristin Olsen apologized for not being able to attend the special board meeting on school safety and stated that she takes this issue seriously. She explained that she is here tonight to talk about the proposed California State Assembly Constitutional Amendment 2, which would prohibit the legislature from deferring payments to California's schools. She noted that due to this practice in Sacramento of deferrals, 1/5 of the entire education budget is being deferred for months or even into the next school year, schools have to leverage credit to pay for debt, some schools are going bankrupt over this, and there are 8 districts that might not meet financial obligations. She noted that with OJUSD's budget of \$42 million, \$4.4 million is deferred. She noted deferrals cause financial disparity and that we need to stop the cycle, which is why she and Assemblyman Brian Nestande have introduced Assembly Constitutional Amendment 2. She stated that she is hopeful that the state will begin to pay back deferrals, and wants to make sure cash deferrals are not an option in the future. She shared that other school districts are supporting this proposal and that a draft resolution is available in the packet provided. In response to a comment

from Trustee Gilbert, Ms. Olsen indicated this is a work in progress, and hopes to have bipartisan support over time.

Superintendent Malone clarified for the Board that this doesn't include debt forgiveness; current debt needs to be repaid ASAP. Ms. Olsen explained that an Assembly Constitutional Amendment differs from an Assembly Bill in that it is not subject to legislative deadlines. Ms. Olsen stated that she hopes to get this to the policy committee sooner rather than later, but it could be a two-year bill. Trustee Tozzi reported we will put this resolution on the next board meeting agenda.

REPORT ON VOLZ
SCHOLARSHIP

- 11.2 Superintendent Marc Malone reported that Judge Scott approved modifying the terms of the Volz Will to limit the scholarship award to \$25,000 per year for four years, for a maximum of \$100,000, effective this school year. Trustee Tozzi noted the Board had directed this action after receiving financial reports, and this action benefits future recipients.

REPORT, FIRST READING,
2013-14 CALENDAR

- 11.2 Assistant Superintendent Terri Taylor presented the proposed 2013-14 Calendar for first reading, reporting that the district worked with OTA to come up with the calendar which begins August 8 and ends May 22. It was noted there are three furlough days scheduled in the second semester which are subject to negotiations, and hopes to be able to remove those three days if they reach agreement in negotiations. Trustee Shatswell commented that she likes taking Thanksgiving Week off.

APPROVAL OF
SECOND INTERIM
REPORT, 2012-13

- 12.1 Susan Dyke, Interim Chief Business Officer, presented an overview of the Second Interim Report, reviewing 1st Interim vs. 2nd Interim Revenue and Expenditures, Changes, Three-Year Enrollment History, Multi-Year Projection, Reserves to Budget, Projected Cash Flow, and Deferrals and Receivables. She noted Special Ed costs have been adjusted to what we had last year, that enrollment looks good, that we that are still deficit spending but it is going down and is manageable. She noted cash ending balances are anticipated to be \$5.6 Million or 13.33% for 2012-13, \$6.2 Million or 15.07% for 2013-14, and \$6.2 Million or 14.92% for 2014-15, and what we have to spend is based on cash rather than receivables that we don't know when we will see. She noted we have been flat funded for three years, and it's difficult to stay ahead of deficit spending until we get new reserves.

It was **M/S/C (Gilbert/Shatswell)** to Approve the Second Interim Report and Positive Certification for Fiscal Year 2012-13. Passed unanimously.

APPROVAL OF RESOLUTION
#12-13-06, ARTS EDUCATION

- 12.2 Assistant Superintendent Rapinchuk presented this resolution proclaiming the month of March as Arts Education Month, and requested waiving reading of the resolution.

It was **M/S/C (House/Gilbert)** to approve Resolution #12-13-06, Proclamation of Arts Education Month. A Roll Call Vote was taken with all board members voting in favor.

APPROVAL OF REVISED
2012-13 CALENDAR

- 12.3 Assistant Superintendent Taylor presented the revised 2012-13 calendar for approval, noting the two furlough days scheduled March 15 and April 8 have been removed due to negotiations. Trustee Dyer commented that he feels furlough days hurt children and is glad to see them gone.

It was **M/S/C (Gilbert/Shatswell)** to approve the revised 2012-13 School Year Calendar. Passed unanimously.

APPROVAL TO NEGOTIATE
CONTRACT WITH ACME
CONSTRUCTION ON
CENTRAL KITCHEN PROJECT

- 12.4 Superintendent Marc Malone reported that Acme Construction recently completed projects at Gregori High and the SCOE Culinary Arts building and has recent experience constructing this type of facility, and is asking for the Board's permission to go forward to negotiate a contract with Acme Construction. He explained that if we are not able to successfully negotiate a contract with Acme he will come back to the Board and we could go back to another contractor choice for this project.

It was **M/S/C (Shatswell/House)** to approve proceeding to negotiate a contract with Acme Construction for the Central Kitchen Project. Passed unanimously.

APPROVAL OF CONTRACT,
PROPOSED SCOPE & FEES,
ARCHITECT FOR CENTRAL
KITCHEN PROJECT

- 12.5 Superintendent Marc Malone presented the successfully negotiated contract, proposed scope and fee schedule for architectural engineering services with DLR Group, Gary Gery Partner, for the Central Kitchen Project. In response to a question from Trustee Dyer about the term of "Change Order" mentioned, Mr. Gery explained that is fairly standard contract language. It was noted we would not have change orders on LLB unless the Board decided to expand or reduce the scope of the project, which would be initiated by the Board.

It was **M/S/C (Dyer/Gilbert)** to approve the Contract and Proposed Scope and Fee Schedule for Architectural Engineering Services with DLR Group, Gary Gery, Partner, for the Central Kitchen Project. Passed unanimously.

APPROVE CSBA
DELEGATE NOMINATION

- 12.6 Trustee Tozzi requested the Board's action to vote on up to two candidates to represent the CSBA Sub-Region 8C (Stanislaus County) Delegate Assembly. Board members voted and the ballot with the names of the top two vote receivers, Virginia Berry and Amy Elliott Neuman, will be forwarded to CSBA Subregion 8-C.

INFORMATION

- 13.1 District Science Fair, FES Hall, Open to Visitors, March 12-13, 2-5:30 pm; Awards, March 20, Magnolia, 7-8:00 pm
- 13.2 Occupational Olympics, March 20, Turlock Fairgrounds, 8:30 am – 2:00 pm
- 13.3 OCEC, Staff Dev/Tech Center, March 20, 6:00 pm
- 13.4 K-12 Minimum Day / Staff Development / Kindergarten Registration, March 21
- 13.5 Oakdale Chamber Ag Luncheon, March 21, Bianchi Center, 11 am - 1:30 pm
- 13.7 Spring Break, March 29 – April 5
- 13.8 Elementary Science Olympiad, Hickman School, April 20, 7:45 am – 3:45 pm

ITEMS FOR NEXT AGENDA

- 14.1 Volz Scholarship Recommendation
- 14.2 Recognition of OHS Academic Decathlon Team and Regional Science Olympiad Awards
- 14.3 Second Reading and Approval of 2013-14 Calendar
- 14.4 Report on Elementary GATE Program
- 14.5 Report on Sierra View incident including transcripts of public comments.

ADJOURNMENT

- 16.0 President Tozzi adjourned the meeting at 8:15 p.m.