

## MINUTES

### REGULAR MEETING OF THE BOARD OF TRUSTEES

MONDAY, JULY 9, 2012, 6:30 P.M.  
Oakdale Joint Unified School District Office  
168 South Third Avenue, Oakdale, CA

CALL TO ORDER	1.1	The meeting was called to order at 5:32 P.M. by President Mike Tozzi.
TRUSTEES PRESENT	1.2	Bill Dyer, Mike House, Tina Shatswell, and Mike Tozzi.
LATE ARRIVALS	1.3	None
TRUSTEES ABSENT	1.4	Diane Gilbert
VISITORS PRESENT	1.5	Dave Snyder
CLOSED SESSION	2.0	Board President Mike Tozzi adjourned the meeting into Closed Session at 5:32 p.m. Open Session reconvened at 6:31 p.m.
PLEDGE OF ALLEGIANCE	3.0	The Pledge of Allegiance was led by Armida Colon, Director of Categorical Programs.
ACTION FROM CLOSED SESSION	4.0	President Tozzi reported the Board took no action in Closed Session.
PUBLIC COMMENTS	5.0	President Tozzi opened the Public Comments portion of the agenda at 6:33 p.m. There being none, Public Comments closed at 6:33 p.m.
APPROVE ORDER OF AGENDA	6.0	It was <b>M/S/C (House/Dyer)</b> to approve the order of agenda items for this meeting. Passed unanimously.
ANNOUNCEMENTS	7.0	None
ORGANIZATION REPORTS	8.0	None
REMOVE ITEMS FROM CONSENT CALENDAR	9.1	Trustee Dyer requested removal of Items 9.4.2, 9.4.4, 9.5.6, 9.6.1, and 9.6.3 from the Consent Calendar.
ADOPT CONSENT CALENDAR	9.2	It was <b>M/S/C (Shatswell/House)</b> to adopt the amended Consent Calendar. Passed unanimously.

- |   |       |  |
|---|-------|--|
| ADOPT MINUTES OF<br>6/11/12 AS PRESENTED                                    | 9.3.1 | On adoption of the Consent Calendar, the Board adopted the minutes of its regularly scheduled meeting held Monday, June 11, 2012, as amended.  |
| APPROVE QTRLY REPORT,<br>WILLIAMS COMPLAINTS                                | 9.3.2 | On adoption of the Consent Calendar, the Board approved the Quarterly Report on Williams Settlement Complaints, as presented.  |
| APPROVE INTERDISTRICT<br>& ALLEN BILL REQUESTS,<br>2012-13                  | 9.4.1 | On adoption of the Consent Calendar, the Board approved interdistrict attendance transfer or Allen Bill requests, 2012-13 school year, as presented.   |
| APPROVE OVERNIGHT FIELD<br>TRIPS, OHS WATER POLO TEAMS                      | 9.4.3 | On adoption of the Consent Calendar, the board approved Overnight Field Trips, OHS Water Polo Teams, as presented.   |
| ACCEPT DONATION,<br>ERGOTRON EQUIPMENT                                      | 9.4.5 | On adoption of the Consent Calendar, the Board accepted donation of Equipment from Ergotron, Inc., as presented.   |
| APPROVE WARRANTS THRU<br>6/27/12, AND CYCLE I & II<br>PAYROLL FOR JUNE 2012 | 9.5.1 | On adoption of the Consent Calendar, the Board approved district warrants prepared for payment through June 27, 2012, and Cycle I & II Payroll for June 2012, as presented.                                  |
| AUTHORIZE DISPOSAL OF<br>OBSOLETE EQUIPMENT &<br>MATERIALS                  | 9.5.2 | On adoption of the Consent Calendar, the Board authorized Disposal of Obsolete Equipment and Materials, as presented.  |
| APPROVE TRANSPORTATION<br>AGREEMENT (EAST VALLEY)                           | 9.5.3 | On adoption of the Consent Calendar, the board approved the Transportation Contract (East Valley), as presented.   |
| APPROVE TRANSPORTATION<br>AGREEMENT (VALLEY HOME)                           | 9.5.4 | On adoption of the Consent Calendar, the board approved the Transportation Contract (Valley Home), as presented.   |
| APPROVE TRANSPORTATION<br>AGREEMENT (EMPIRE)                                | 9.5.5 | On adoption of the Consent Calendar, the board approved the Transportation Contract (Empire), as presented.  |
| APPROVE PROMOTION,<br>K. CURTIS   | 9.6.2 | On adoption of the Consent Calendar, the Board approved Promotion, effective 8/14/12, as presented: Kendra Curtis, from ASPL1 to ASPL2, Fair Oaks  |
| APPROVE EMPLOYMENT ,<br>N. DEGRAEF & L. STASTNY                             | 9.6.4 | On adoption of the Consent Calendar, the Board approved Employment, effective 8/9/12, as presented: Nicole DeGraef, Temp. 6th Grade Teacher, Cloverland<br>Lauren Stastny, Temp. 5th Grade Teacher, Magnolia |

ACCEPT RESIGNATION,  
A. BROWN

9.6.5 On adoption of the Consent Calendar, the Board accepted Resignation, effective 8/3/12, as presented: Andrew Brown, ASPL1, Fair Oaks

ACCEPT RESIGNATION,  
S. DAMATO & M. ZAPIEN

9.6.6 On adoption of the Consent Calendar, the Board accepted Resignation, effective 6/30/12, as presented: Stacie Damato, Elementary Teacher, Cloverland Michelle Zapien, Elementary Teacher, Magnolia

DISPOSITION OF ITEMS  
REMOVED FROM CONSENT,  
9.4.2, OHS FOOTBALL TEAM TRIP

10.0 Trustee Dyer asked about the financial implications of this trip. Superintendent Malone explained the team has been invited to play in this showcase game in southern California and there will be no general fund request for this particular trip because their travel expenses will be covered by the sponsoring organization. Trustee Dyer felt this would be considered a donation and should be formally accepted by the Board. Superintendent Malone stated they are not actually providing a donation, but are covering travel expenses. It was suggested that the recommendation language should be changed to include acceptance of the donation of travel expenses/reimbursement as well as permission to participate in the overnight trip.

Trustee Shatswell asked if it was necessary for the students to miss two days of school, as opposed to leaving mid-day on August 30. Superintendent Malone explained that two teams are playing and have to schedule practice time, and the team will practice Thursday night and play on Friday. Trustee House noted it would be a safety issue for students to be on a bus that long and step off to play a game without practice.

It was **M/Shatswell** to approve the Overnight field Trip, OHS Football Team, as presented. Motion died for lack of a second.

The Board asked that this item be brought back to the next meeting with appropriate wording for accepting the donation of travel expenses.

9.4.4, OHS ATHLETIC SCHEDULE

Trustee Dyer noted a correction in the recommendation to approve fall sports rather than spring sports, and asked if the Athletic Director and principal have checked for scheduled games on furlough days. Superintendent Malone explained that the key is that we do not schedule home football games on furlough days, and that as sports

schedules are made out by the league, other schools may not have a furlough day on the same day that we do, and it is up to the school to coordinate and adjust; if we have a game on a furlough day we have an agreement with staff that they will cover.

It was **M/S/C (Dyer/House)** to approve OHS Athletic Schedules, Fall 2012, as presented.

#### 9.5.6, CONSULTANT AGREEMENTS

Trustee Dyer asked about some of the consultant agreements and fees, and Chief Business Officer Susan Dyke provided explanation.

It was **M/S/C (Dyer/House)** to approve Consultant Agreements, as presented.

#### 9.6.1, SUPERINTENDENT'S CONTRACT APPROVAL

Trustee Dyer commented that the Board has tried hard to use the term "transparency", and we have two agencies we do create contracts with and those items are usually line items for acceptance rather than consent items, and thinks all contracts should be line item rather than consent. Mr. Dyer questioned the term of contract, which is June 2014. Mr. Dyer commented on the Superintendent contract which includes increases of +3% and +5%, and considering discussion with labor groups, finds it hard to say, regardless of amount, we have money for one group but not for another.

Trustee Tozzi stated that he does not want to negotiate a contract in public, and there will be no negotiation. The contract is available to anybody in the public to review, we have a public session with questions about a consent item, and no one from the public is asking question about the item. Mr. Tozzi explained that he can't allow discussion on conditions of personnel contract which would be negotiated during open session. Trustee Dyer stated that he feels he is asking for disclosure, not discussion, and it is a public document using public funds. Trustee Tozzi asked Mr. Dyer if there is something in the contract that he wants to bring to the attention of the public. Trustee Dyer indicated that he doesn't care for the Superintendent's contract to be on the consent calendar, and is most concerned that nobody else got a 3% raise stipulated for making goals + additional raise of 5%, and other people were told there was no money for increases. Mr. Tozzi stated that he

appreciated Mr. Dyer's concerns, but the item before the board is to seek to approve an employment agreement, the Superintendent contract.

Trustee House commented that the Board has tried to make salary commensurate with other districts for other groups and for the superintendent. We've leaned staff at the District Office, and rationale for the Superintendent's lower starting salary last year was whether or not we would continue with that structure, and after a year's experience we see we don't need to backfill those positions and are in position now, in responsible fairness, to bring our superintendent up to comparable districts. Mr. House noted we were less than forthcoming and transparent at that time, but now it seems to be an issue for Mr. Dyer. Mr. Dyer felt it was semantics. Trustee House questioned why Mr. Dyer didn't feel we needed to do it before when we were saving money but wants to do it now when we are spending a little money, and he didn't grandstand when we were saving money. He also noted we are paying Marc far less than any other Superintendent and a sufficient amount of money has been saved with his plan, and we didn't make a point of that.

Superintendent Malone noted previous Superintendent's contract was put on the consent calendar. He also noted he interviewed for this position with a specific plan for this district, and in his duties this past year part of that plan was reorganization of staff without layoff which saved the district \$200,000; and this re-organization will have saved the district \$500,000 after five years. He signed a contract at significantly less than his predecessor, and even with adjustments as afforded by contract, he will still be at a lower starting salary of the previous superintendent. Mr. House felt this contract is an excellent return on investment.

Trustee Tozzi commented that when the Board had previously discussed in Closed Session, the Board had all salary information at that time and the majority of the board was amenable to the contract and had sufficient discussion and directed Mike to sign the contract on behalf of board.

DAVE SNYDER

Dave Snyder addressed the Board about approval of this contract, and Trustee Tozzi explained the Board

had previously negotiated in Closed Session and it is now on the consent calendar for approval.

It was **M/S/C (House/Shatswell)** to approve Superintendent's Contract, as presented. Passed 3-1 (Ayes: House, Shatswell, Tozzi; Opposed: Dyer)

9.6.3, EMPLOYMENT OF P. MISTRY,  
COMPUTER EDUCATION INSTR.

Trustee Dyer asked about this position, and it was explained that a Computer Education Instructor position is at all elementary sites.

It was **M/S/C (Dyer/House)** to approve employment of Pat Mistry, Computer Education Instructor, Sierra View, effective 8/10/12, as presented.

REPORT, FIRST READING,  
BP/AR 5131.2, BULLYING

- 11.1 Larry Mendonca, Director of Pupil Services presented revised board policy 5131.2, Bullying, for first reading. He explained this policy reflects new law aimed at preventing and acting upon student bullying in schools. In response to a question from Trustee Tozzi about the district's handling of bullying, Mr. Mendonca explained that Kristi Rapinchuk handles prevention and he handles enforcement. He also explained that we have a draft procedure in place where students are given specific information about what do to if they are bullied or observe bullying, and instructions for staff on what to do if bullying is reported or observed.

Trustee Tozzi commented that the Board might want to know what we are going to do to address the affects of bullying and how each student is affected differently. He also noted the bullying prevention paragraph in handbooks leave him cold, and wanted more information on what the district would be doing to address bullying. Ms. Rapinchuk responded there will be a presentation for K-6 during Red Ribbon Week in October, the Rachel's Challenge presentation at OJHS and OHS for which she is soliciting funding to cover costs, the Grandma Rose presentation, updated PowerPoint presentations will be provided for staff and students district-wide to get the message out on what to do if you see bullying, and Action Plans will be further developed through Armida Colon, our new Director of Categorical Programs. Trustee Tozzi suggested that when it (Action Plans) gets to the step of approval for action, it be brought to the Board for review.

Trustee House commented that the italicized bullying paragraph defines what bullying is, and questioned the phrase “including but not limited to”. Mr. Mendonca explained this language is taken specifically from law. There was also a question about the Discipline paragraph, and whether “cyberbullying” should specifically be included along with “bullying”, or whether it is implied.

Trustee Dyer asked if we generally put policies in place and tweak after. Mr. Mendonca explained that for the most part, we try to include what is needed the first time, but so much of the revisions we make after policies are approved are guided by changes in law.

Trustee Shatswell commented that she is hearing students are feeling like bullying is being taken more seriously.

Mr. Mendonca noted that principals will be doing training on policies and procedures, and Trustee Tozzi asked if a statement can be include in policies that ongoing staff training will be scheduled. Mr. Mendonca explained that a big part of the message will come with enforcement, and we can put out periodic reminders to staff. Superintendent Malone also noted that the district Mission and Vision Statement also addresses bulling and prevention programs that Kristi is going to be putting in place.

REPORT, FIRST READING,  
BP/AR 5131, CONDUCT

- 11.2 Larry Mendonca, Director of Pupil Services presented revised board policy and administrative regulation 5131, Conduct, for first reading. He explained that the revisions reflect new law requiring policy prohibiting bullying, defining bullying including prevention plans, providing priority for interdistrict agreements, and expands the definition of bullying to include Cyberbullying. In response to a question from Trustee Tozzi, it was noted the policy includes the consequence of having cell phones confiscated for misuse.

REPORT, FIRST READING,  
BP/AR 1312.3 UNIFORM  
COMPLAINT PROCEDURES

- 11.3 Larry Mendonca, Director of Pupil Services presented revised board policy and administrative regulation 1312.3, Uniform Complaint Procedures, for first reading. He explained that the revisions reflect new law which expands prohibited bases of discrimination.

APPROVAL, 4TH QUARTER  
DEVELOPER FEE REPORT

- 12.1 Susan Dyke, Chief Business Officer, presented the quarterly report of developer fees collected for April–June 2012. She noted collections were almost twice the amount collected in 2010-11.

It was noted that these fees are not earmarked for a specific project, but the Board has the Facilities Committee report and will consider recommendations and prioritize at some point in the future.

It was **M/S/C (Dyer/House)** to approve the Quarterly Developer Fees Report. Passed Unanimously.

## INFORMATION

- 13.1 New Teacher Workday – August 9, 2012
- 13.2 Staff Development Day – August 10, 2012
- 13.3 Staff Workday – August 13, 2012
- 13.4 First Day of School – August 14, 2012
- 13.5 Back to School Nights/Minimum Days  
Elementary Sites – August 16, 2012  
Oakdale Junior High – August 21, 2012  
Oakdale High - August 23, 2012  
East Stanislaus High School – August 28, 2012

## ITEMS FOR NEXT AGENDA

- 14.1 Formal Seating of Student Board Member.
- 14.2 Trustee Dyer requested a report on the amount of time students are out of the classroom due to minimum days, the reason for minimum days and what is accomplished.

## ADJOURNMENT

- 16.0 The meeting adjourned at 7:33 p.m.