



## H.U.S.D. BOARD MEETING SUMMARY Wednesday, May 11, 2011

### Board Roll Call:

Present: Ms. Lisa Brunner, President  
Mr. William McGee, Vice President  
Mr. Luis Reynoso, Clerk  
Ms. Maribel Heredia, Member  
Mr. Jesús Armas, Member

### CONSENT ITEMS

1. **The Board Approved** – Personnel Appointments, retirements, changes of status, waivers, leaves of absence, and terminations (Human Resources)
2. **The Board Approved** – The following warrants between March 23, 2011 through April 20, 2011, (Business Services)

Payroll – Direct Deposit	\$6,765,049.16
Payroll – Warrants (658739-659232; 591763-591770; 591772-591785)	685,310.70
General Fund - Total Non-Payroll (115170-115176; 127202-127873; 164002-164195)(115169, 127201, 164001, 046383-046400; 047181-047200; 047992- 048000; 079185-079200 all voids)	7,940,030.61
Adult Education Fund	86,171.04
Food Services Fund	235,435.09
Child Development Fund	28,005.96
Deferred Maintenance Fund	60,325.27
Special Reserve Fund for Capital Outlay Projects	97,069.86
Building Fund 2008 Measure I Bond	6,489,624.40
School Facilities/Proposition 1A	113,750.00
Building Fund	7,771.00
Capital Facilities/Developer Fees Fund	<u>5,280.00</u>
<b>TOTAL EXPENDITURES</b>	<b>\$22,513,823.09</b>

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3. **The Board Approved** – The following overnight study trip, in accordance with Board Policy 6153 (Educational Services)

- a) Tennyson – **May 20-22, 2011:** Twenty 9-12<sup>th</sup> grade students will participate in an environmental study trip to Point Reyes, California.
- b) Mt. Eden – **May 26-27, 2011:** Approximately one hundred 12<sup>th</sup> grade students will participate in grad night at Disneyland in Anaheim, California.
- c) Bret Harte – **May 26-30, 2011:** Six 8<sup>th</sup> grade students will participate in a musical performance in Anaheim, California.
- d) Hayward High – **June 2-4, 2011:** Fourteen 9-12<sup>th</sup> grade students will participate in the CIF State Championships in Fresno, California.

4. **The Board Approved** – Representatives to the North Coast Section/ Interscholastic Federation Athletic League for 2011-2012 (Educational Services)

The North Coast Section, California Interscholastic Federation (C.I.F.), requires that the Board of Education ratify the appointment of persons who will serve as school representatives to the athletic league in order to ensure the voting privileges of the affected schools. The following will serve as school representatives for the 2011-2012 school year:

Principal	Hayward, Mt. Eden, Tennyson High Schools
Assistant Principals	Hayward, Mt. Eden, Tennyson High Schools
Athletic Director	Hayward, Mt. Eden, Tennyson High Schools

5. **The Board Adopted** – Resolution 1011-40, Year End Budget Transfers (Business Services)

The Board of Education may approve a resolution to delegate the authority to allow necessary year-end budget transfer of funds. Section 42600 of the Education Code specifies that actual expenditures may not exceed the total amount budgeted for each major classification of expenditures. Consequently, during the year-end close of the District's books, it will be necessary to transfer funds between expenditure classifications to permit the payment of obligations incurred during the 2010-11 school year. Section 35161 authorizes the Board of Education to delegate authority to the Superintendent, or his/her delegate to transfer funds between expenditure categories as necessary. This is a common practice that school districts adopt a resolution to delegate the authority to the Superintendent and Assistant Superintendent Business to allow necessary year-end budget transfer of funds. The Superintendent or Assistant Superintendent Business will report the results of the year-end budget transfers executed by her/him to the Board of Education of the Hayward Unified School District following the close of the District's ledgers.

6. **The Board Approved** – Declaration of Surplus Items (Business Services)

A list of materials and equipment that have become obsolete is presented to the Board of Trustees. After approval by the Board these items can be removed from the District asset list. Some items have a residual value and are sold to the public, some are recycled and some are disposed of. This action is authorized by California Education Codes 17545-17555. A list of items owned by the District has

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been determined to be surplus. The items are either obsolete or not economically repairable. Once declared as surplus, the items will either be disposed of or sold via an auction, pursuant to the aforementioned California Education Code, at the discretion of the Director of Maintenance, Operations and Transportation. The District will also exert certain efforts to make the surplus items available to the local community by posting public notifications in English and Spanish.

### 7. **The Board Adopted** – Resolution 1011-43 Excusing Board Member’s Absence from Special Board Meeting on April 20, 2011 (Office of the Superintendent)

Board Clerk Luis Reynoso was absent from the April 20, 2011 Special Board Meeting. The Board’s revised By Law 9250 states that “*Members may be paid for meetings missed when the Board, by action, finds that they were performing designated duties of the District at the time of the meeting or they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board of Education (Ed. Code 35120)*”. The Board approved Mr. Reynoso’s absence from the Special Board Meeting of April 20, 2011.

### 8. **The Board Adopted** – The minutes of the regular Board Meeting of March 23, 2011, and the minutes of the Special Board Meetings of April 12, 2011 and April 20, 2011 (Office of the Superintendent)

### 9. **Information to the Board** – Impact Academy Charter School Update (Educational Services)

The BOE approved Envision School’s Charter Renewal Petition for Impact Academy at the April 13, 2011 Board meeting. At the Board’s request, HUSD staff met with Envision School staff to review the “Points of Clarity/Follow-Up With Petitioner” outlined in the legal counsel memo. The meeting between HUSD staff and Envision School staff took place on April 19, 2011. The documents presented at the meeting are a summary of the responses agreed upon by Envision Schools and HUSD staff. In addition, in regard to the area of Special Education, HUSD staff has reviewed the data of Impact Academy’s Special Education students as stated in the legal counsel memo section IV B. Element I: Educational Program (Special Education), Part 2 Eligible Students. The disability breakdowns presented by Envision Staff do add up to 100%. In regard to the area of Suspension/Expulsion, Envision Staff presented sample Stipulated Expulsion Agreement which was reviewed by HUSD staff. Further, Expulsion data from Envision Schools for Impact Academy shows that of the 5 expulsion cases for the 2010-11 school year, only 1 student was expelled. The other 4 students were placed on suspended expulsion at Impact Academy. As we move forward, HUSD is the authorizing agency for Envision School’s Charter for Impact Academy. We will continue to work together to monitor the progress of students attending Impact Academy and address any issues that arise during the term of their Charter.

### 10. **The Board Accepted** – Hayward Unified School District Certificated Layoff Agreement, 2010-2011 (Human Resources)

On February 23, 2011, and March 9, 2011, the Board of Education adopted Resolution Nos. 1011-19 and 1011-29, approving reductions in particular kinds of certificated service. The District subsequently notified employees that they might be dismissed at the end of the 2010-2011 school year as a consequence of these reductions; at the same time, the Superintendent recommended to the Board of Education, in correspondence on March 18, 2011 that it lay off specified employees in accordance with the Board’s resolutions. Based on the required process for layoff, employees were given an opportunity to request an administrative hearing to contest any area of the process or

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procedure. Through their representative council, the District and council resolved all outstanding issues and concerns and entered into an agreement to not proceed with the layoff hearings. This agreement allows the district to proceed with the layoff without a hearing based on documented procedures and resolution of issues. Management employees who were given preliminary notice of layoff and requested a hearing have subsequently withdrawn their request for hearing. The District will disseminate a final seniority list in accordance with this agreement. Employees' signatures on this agreement constitute final notice that the services of the employees will not be required for the ensuing school year, 2011-2012.

### **11. The Board Approved** – Contract for Assistant Superintendent of Business Services (Human Resources)

On April 13, 2011, the Board of Education approved the appointment of Stanley Dobbs to the position of Assistant Superintendent of Business Services. His contract was brought to the Board of Education for approval. The contract reflects five furlough days for the 2011-2012 school year which were approved in February 2011. With the approval from the Board for the contract of the Assistant Superintendent of Business Services, the District will now proceed with the employment process.

### **12. The Board Approved** – Annual Declaration of Need for Fully Qualified Educators (Human Resources)

The district has a need to use emergency permit teachers in assignments in areas difficult to fill such as bilingual, special education, mathematics, and life and physical science. Emergency permit teachers are also used to fill part-time assignments and long-term assignments. Before a district can apply for an emergency permit or limited assignment permit, the governing board must adopt a declaration certifying that there is an insufficient number of certificated persons who meet the district's employment criteria. Emergency permits are used for Cross cultural, Language and Academic Development (CLAD), Bilingual Authorization Permits, Resource Specialist Permit, and Teacher Librarian Services. A Limited Assignment Teaching Permit is used for a credentialed teacher to teach the subject outside his/her credential authorization. It is used for both general education and special education teachers. The District has been diligently working to minimize the number of teachers hired with emergency and limited assignment permits.

<u>School Year</u>	<u>Emergency Permits Requested</u>	<u>Actual Number of Emergency Permits</u>	<u>Limited Assignmen Permits Requested</u>	<u>Actual Number of Limited Assignment Permits</u>
2008/09	345	<b>90</b>	120	<b>23</b>
2009/10	105	<b>61</b>	90	<b>39</b>
2010/11	35	<b>6</b>	40	<b>14</b>
2011/12	33	N/A	30	N/A

The numbers indicated on the declaration are the maximum that the District would expect in any one area. The declaration is in anticipation of needs for the 2011-2012 school year. We will hire teachers with emergency and limited assignment permits only if we are not able to find highly qualified candidates.

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### 13. The Board Approved – The Following Consultant Contracts (Educational Services)

	<b>Vendor</b>	<b>Purpose</b>	<b>Div/Program</b>	<b>Amount</b>
a)	College Board	Provide professional development to facilitate and support the development of a college going culture as outlined in the School Improvement Grant (SIG) for Tennyson High School	Educational Services	\$42,000 – SIG Grant Funds
b)	Cheryl Ambler	Provide neuropsychological assessment for HUSD student	Educational Services	\$4,875 added to existing contract of \$4,495 for a total of \$9,370 (Special Education Funds)

### ACTION/DISCUSSION ITEMS

#### 1. The Board Adopted – Resolution 1011-35 Declaring the week of May 15 – 21, 2011 as “Classified School Employee Week (Human Resources)”

Annually, in the State of California, the third full week in May is designated “Classified School Employee Week.” This year “Classified School Employee Week” is May 15 – 21. School Districts throughout California will observe this week by recognizing the contributions made to the education of our children by this group of employees. A resolution was prepared for the Board to officially recognize the contributions of our classified staff. The resolution is formal recognition by the Board of Education. The Hayward Unified School District Board of Education has traditionally acknowledged classified employees by attending the annual celebration hosted by the Hayward Unified School District Personnel Commission. This year, the reception will be held on Wednesday, May 18<sup>th</sup> at 3:30 p.m. in the Board Room, recognizing retirees and the exemplary work of all classified employees.

#### 2. Information to the Board – Mapping the Road to Fiscal Recovery-Staying Qualified and Reaching Positive Certification (Office of the Superintendent/Business Services)

The Board of Education was presented with recommendations for budget reductions and potential revenue enhancements for the 2011-12 school year and beyond. These recommendations are being made in response to the on-going budget crisis at the state level and its significantly negative impact on school districts’ financial solvency across the state. The presentation will be the first of two opportunities for the Board to receive, review and discuss the recommendations (May 9 and May 11). Board action on the recommendations is scheduled for the May 25, 2011 meeting. The Board was presented with information on items that have already been approved by them, as well as a list of recommended reductions and potential revenue enhancements for their consideration.

The District has been responding to the continuing fiscal downturn at the state level by making budget adjustments in excess of \$26 million dollars over the past three years. These include;

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increases in class sizes, reduction in support services to school sites such as maintenance and operations, reduction in support staff, including administrators and support staff at both the site and district levels, and the shift of \$9 million in Tier III categorical program funds from their original required programs to support the general fund, such as Adult Education, Arts and Music Block Grants, CAHSEE Intensive Instruction and Services, and Instructional Materials. Multi-year projections have indicated over the past two years that the continued decline in state revenues will require further program reductions to both adopt a budget for the fiscal year that the county office will approve and provide at minimum a qualified certification status, as well as the necessary cash flow to meet the District's financial obligations. The 2<sup>nd</sup> Interim Report for 2010-11 projected continued deficit budgeting in 2011-12 and 2012-13. In 2011-12, expenditures are projected to be \$7.1M in excess of the projected revenues for the year. Although it is projected there will be unappropriated reserves available at the end of 2010-11 to cover some of this deficit, it is necessary to make further program reductions or generate additional revenue sources to reduce and eventually eliminate this situation and return to a positive certification.

The District enlisted the assistance of a broad-based group of community and school district stakeholders (Fiscal Integrity and Transparency Advisory Group) to first familiarize them with the financial status of the District, have the opportunity to provide input and generate suggestions for potential budget reductions or revenue enhancements, and ultimately rank those items and submit them to the Superintendent for consideration. In addition, District administration and HEA (Hayward Education Association) worked successfully together to provide nearly \$3M in interim reductions and suspension of salary and other costs. The third major area that has improved the District's financial position has been an in-depth review of all expenditures in the general fund unrestricted to ensure that no budgets have been funded beyond what is required, and on-going scrutiny of new expenditures has continued to assist with both budget and cash flow conditions.

### 3. **The Board Approved** – Secondary ELD Textbook Adoption (Educational Services)

During the 2010-2011 school year a 7-12 ELD Textbook Adoption Committee was formed to select and recommend textbooks for adoption. The committee consisted of teachers and administrative staff from middle and high schools and the district office. The following timeline and activities describe the adoption process:

- Jan. 5, 2011—All interested teachers and administrators attended a meeting during which they signed Disclosure Statements, agreed to attend all meetings as a prerequisite for having a vote in the final selection process, reviewed the adoption process and data. An Evaluation Tool was developed to be used by the committee and at the site level.
- Jan. 25, 2011—Committee members reviewed the textbooks available for adoption using the Evaluation Tool.
- Feb. 15, 2011—Committee members met with selected textbook publishers to learn about the various materials through presentations as well as a question/answer process.
- Feb. 22 – Mar. 8, 2011—Materials were displayed at sites for staff review and evaluation.
- Mar. 8, 2011— Committee members reviewed and discussed the feedback from site staff and voted to move the following program forward as a recommendation to the HUSD Board for final approval:

<u>Program</u>	<u>Publisher</u>	<u>Grades</u>
<i>Milestones, c2009</i>	Heinle/ Cengage Learning	7-12

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The 7-12 ELD program recommended for adoption was thoroughly examined, to ensure that all materials are aligned to the California Content Standards, ELD Standards and State Textbook Standards Maps. At the April 14, 2011 meeting, the Secondary Curriculum Council approved a recommendation to move the selected program forward to the HUSD Governing Board for approval.

### **4. Information to the Board – Hayward High WASC Update (Educational Services)**

Staff presented an overview of the Western Association of Schools and Colleges (WASC) accreditation visit at Hayward High School. On Sunday, April 10, 2011 through Wednesday, April 13, 2011, Hayward High School took part in their WASC review. The WASC review is a process that is used to strengthen the quality and delivery of instructional and educational programs. The accreditation process and accreditation itself is crucial to schools because it impacts students in a variety of ways. An accredited high school demonstrates that the school has been evaluated to conform to general expectations of quality and performance. Accreditation requires a self review and also a process for self-improvement to assure that the school community is consistently striving to reach high standards of quality instructional practices and programs offered to our students. During the WASC visit, the 7 team members visited classrooms, interviewed teachers, parents, students, and district administrators, site administrators, and spoke with Board of Education members. The terms of accreditation can be awarded in the following way: Six year term, six year term with midterm review required, three year term, or limited term (1-2 year term). Principal George Bullis, presented the process and the informal report that was given to school staff and the community. He shared the general observations that were given by the committee members and the next steps of implementation. The formal report and the terms of accreditation will not be released by the WASC until July, 2011.

### **5. The Board Approved – Forming a Community Interview Panel for School Superintendent (Office of the Superintendent)**

Board Member Jesús Armas requested that the Board of Education consider forming a Community Interview Panel for the Superintendent's Search as part of the process. He requested that this item be placed on the Board Agenda for May 11, 2011 for discussion by the Board of Education. Hayward Unified School District is at a critical juncture. With the cooperation of our employees, we have made significant progress in addressing the District's financial condition. Academically, a number of our schools are reporting noticeable improvement. While we still have a lot of work ahead of us, with the active engagement of parents and other members of the community, together with hard working teachers, administrators and support staff, we are heading in the right direction. This progress is a direct result of administrative leadership provided by the Superintendent and political and policy leadership provided by the Board. Central to continued improvement, however, is the appointment of a qualified individual to serve as the new Superintendent. In this regard, the recruitment process was launched a number of weeks ago. As part of this effort, our Consultant interviewed a variety of individuals, elected and appointed officials, community-based organizations and other interest groups to gain their perspective concerning key issues facing the District and desirable traits in a new Superintendent. More recently, taking this input into account, the Board finalized the recruitment brochure and authorized its publication. As stated in the brochure, the deadline for receipt of applications is June 3. Subsequent to the deadline the Consultant will gather background information and present to the Board its assessment of the top candidates. Thereafter, a select group of candidates will be interviewed and further background and reference checks conducted.

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Mr. Armas believes the ability for the District to advance and progress is dependent on establishing and maintaining effective and positive relationships with the many facets of our community, including parents, business leaders, community activists and employees. It is reasonable therefore to enhance this relationship by calling upon a cross-section of the Hayward community to assist the Board in evaluating the qualifications of the top candidates. Mr. Armas proposes that the Board establish a panel of nine persons to participate in this evaluation. Of the nine members, he proposes that a total of four members be representatives selected by each bargaining unit, and that five be community persons, one each selected by each Board Member. The panel members will collectively interview the candidates selected by the Board, and provide the Board their comments as to strengths and shortcomings of each candidate. The panel will not be asked to rank the candidates. As a prerequisite to their participation in the interviews, members of the panel must sign a confidentiality agreement, agreeing to not disclose the identity of the candidates nor engage in public discussions of their specific qualifications. In addition to information gleaned from its own interviews of the candidates, the Board can consider the panel's observations along with whatever additional information is available to it in selecting the new Superintendent.

- 6. The Board Accepted** – Superintendent's February 23, 2011 and March 9, 2011 Recommendations to Dismiss Employees Due to a Reduction in Particular Kinds of Service, and Direct Superintendent to issue Final Dismissal Notices Consistent with the Board's Decision Regarding Reduction in Particular Kinds of Service and the Requirements of the Education Code (Human Resources)

On February 23, 2011, and March 9, 2011, the Board of Education adopted Resolution Nos. 1011-19 and 1011-29, approving reductions in particular kinds of certificated service. The District subsequently notified employees that they might be dismissed at the end of the 2010-2011 school year as a consequence of these reductions; at the same time, the Superintendent recommended to the Board of Education, in correspondence on March 18, 2011 that it lay off specified employees in accordance with the Board's resolutions. It now remains to issue final notices of dismissal to employees that were listed on attachment A of this Agenda item, consistent with the Superintendent's recommendations and the Board of Education's final decision. The Education Code requires the District to issue final notices before May 15, 2011. The Superintendent will now issue final dismissal notices to specified employees listed on attachment A in accordance with the Board's resolutions of February 23, 2011 and March 9, 2011.

- 7. The Board Continued to the May 25, 2011 Board Agenda** – Traditional and Year-Round Calendars for the 2011-2012 School Year (Human Resources)

This item will return to the May 25, 2011 Board Agenda.

- 8. The Board Approved** – Adult School Calendar for the 2011-2012 School year (Human Resources)

The Hayward Adult School calendar is based on requirements and needs of programs. The calendar will serve the community allowing for maximizing optimum attendance while conserving positive business and fiscal policies. It will support student goals and objectives as well as compliance with all community partners, grant specifications, and District bargaining agreements. The Adult School calendar will be sent to all district employees and posted on the Hayward Unified School District website.



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### **9. Information to the Board – Review Duties to be Assigned to Elementary School Assistant Principal (Human Resources)**

The purpose of the presentation was to review the duties assigned to Elementary School Assistant Principals. As we analyze the staffing allocations for Elementary Assistant Principals, it is important to identify the duties to be performed. The current job description is outdated and does not represent the current scope of the duties. This item will be brought back for approval at the next Board of Education meeting.

### **10. Information to the Board – Review Duties to be Assigned to Youth Intervention Specialist (Human Resources)**

The purpose of the presentation was to review essential duties performed by this position. As the Board of Education addresses the needs of our elementary schools, it is important to look at a continuum of services provided. Early intervention is critical for educational, social-emotional, and behavioral issues. A holistic wrap-around approach addresses all of these issues. The traditional job descriptions of school counselor, social worker, or psychologist presume a specific model of addressing the needs of students. The Youth Intervention Specialist blends the three positions to better meet the needs of our schools and community. This job description articulates specific functions that would support students and families. This person would also provide support to teachers and administrators by giving guidance through 504's and behavior plans, SST, IEP and discipline process. This person would assure that lower level interventions have been appropriately implemented and analyzed for effectiveness prior to moving to the next level of intervention. Also a focus for this position will be preventative, proactive workshops, counseling groups and programs. This item will be brought back for approval at the next Board of Education meeting.

### **11. Information to the Board – Review Duties to be Assigned to Coordinator, Special Education (Human Resources)**

At the April 27, 2011 Board meeting the Board of Education requested that staff investigate the development of a Coordinator of Special Education position. The intent of the request is to develop a position which allows for a broader scope of responsibility in order to more efficiently administer the Special Education program. This position will then eliminate the need for the position of Compliance Officer as it exists in the current administrative structure. To respond to the Board's request, the attached job description was developed for the Board to review. This item will be brought back for approval at the next Board of Education meeting.

### **12. The Board Approved – Resolution 1011-33, Temporary Interfund Borrowing (Business Services)**

With the current fiscal crisis in California, the state faces cash flow problems, and has delayed payments to Districts for the 2010-11 fiscal year. Although current cash projections show that the District will likely have enough cash to meet its financial obligations through the end of the year, current projections show that the District will likely have cash flow problems the first three months of fiscal year 2011-12. Temporary interfund borrowing of cash is permitted by Education Code Section 42603 for K-12 districts. It is not uncommon for a district to borrow cash temporarily between funds to meet cash flow shortages. The Governing Board needs to adopt a resolution authorizing that monies held in other funds may be temporarily transferred to the General Fund if necessary to meet cash needs. The amount transferred must be repaid either in the same fiscal year or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. The General Fund must pay interest on the cash amount transferred from other funds. The

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interest amount will be calculated the same as the interest rate paid by the Alameda County Treasury. District staff will closely monitor the cash balances and, only if necessary to cover cash deficits, will transfer cash from the Bond Fund to the General Fund and its related repayment within the legally required time frame with interest.

### **13. Item Removed from Agenda – Item from the Public – Presentation - Litigation Expenses/Misuse of Public Funds (Human Resources)**

Pursuant to Education Code 35145.5, members of the public have the right to request items to be placed on the Agenda. The District had received this request from Gurbakhash Bittikofer. Although the item is in the format that senior staff uses for presentations, this item is a presentation in Ms. Bittikofer's capacity as a community member. At the Board Meeting last night, Ms. Bittikofer requested the removal of this item from the Board Agenda because it was posted on the Agenda as an information item and not an action item.

### **Future Board Meetings:**

Regular Board Meeting: Wednesday, May 25, 2011 – 6:30 p.m. (Open Session)  
City Hall

Special Board Meeting: Thursday, June 14, 2011 – Time (tbd) – Closed Session  
HUSD Board Room/Superintendent's Conference Room

Regular Board Meeting: Wednesday, June 22, 2011 – 6:30 p.m. (Open Session)  
City Hall