

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

The mission of Albany Unified School District is to provide excellent public education that empowers all to achieve their fullest potential as productive citizens. AUSD is committed to creating comprehensive learning opportunities in a safe, supportive, and collaborative environment, addressing the individual needs of each student.

REGULAR MEETING

ALBANY CITY HALL

1000 San Pablo Ave., Albany, CA 94706

Tuesday, October 23, 2018

Closed Session: 6:00 p.m. - 7:00 p.m.

***Open Session: 7:00 p.m. - 9:45 p.m.**

The public is encouraged to address the Board on any topic on the agenda. The President will also invite the public to speak during the section titled "Persons to Address the Board on Matters Not on the Agenda". To ensure accurate information is captured in the Board meeting minutes, please complete the "Speaker Slip" provided on the table and hand it to the clerk when speaking.

AGENDA

<p style="text-align: center;">Meeting Norms</p> <ol style="list-style-type: none"> 1. Maintain a focus on what is best for our students. 2. Show respect (never dismiss/devalue others). 3. Be willing to compromise. 4. Disagree (when necessary) agreeably. 5. Make a commitment to effective deliberation, each one listening with an open mind while others are allowed to express their points of view. 6. Participate by building on the thoughts of a fellow Board member. 7. Make a commitment to open communication and honesty; no surprises. 8. Commit the time necessary to govern effectively. 9. Be collaborative. 10. Maintain confidentiality (which leads to the building of trust). 11. Look upon history as lessons learned; focus on the present and the future. <p style="text-align: center;">All meetings are videotaped. (To view the videos, visit www.ausdk12.org)</p>	<p>I. OPENING BUSINESS 6:00 p.m.</p> <p style="padding-left: 40px;">A) CALL TO ORDER</p> <p style="padding-left: 40px;">B) ROLL CALL</p> <p style="padding-left: 40px;">C) IDENTIFY CLOSED SESSION PURSUANT TO AGENDA SECTION III BELOW</p> <p>II. PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS</p> <p><i>General public comment on any Closed Session item will be heard. The Board may limit comments to no more than three (3) minutes.</i></p> <p>III. CLOSED SESSION 6:05 p.m.</p> <p>With Respect to Every Item of Business To Be Discussed In Closed Session:</p> <p style="padding-left: 40px;">A) APPEAL OF STUDENT MATTER</p> <p style="padding-left: 40px;">B) PURSUANT TO GOV. CODE SECTION 54957.6: CONFERENCE WITH LABOR NEGOTIATOR (Superintendent Valerie Williams, District Representative), REGARDING NEGOTIATIONS AS IT PERTAINS TO:</p> <ul style="list-style-type: none"> • Albany Teachers Association (ATA) • California School Employees Association (CSEA) • Service Employees International Union (SEIU)
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IV. OPEN SESSION**7:00 p.m.**

(20 mins.)

Depending upon completion of Closed Session items, the Board of Education intends to convene to Open Session at 7:00 p.m. to conduct the remainder of its meeting, reserving the right to return to Closed Session at any time.

A) CALL TO ORDER (Reconvene to Open Session)**B) ROLL CALL****C) PLEDGE OF ALLEGIANCE****D) READING OF AUSD MISSION & VISION STATEMENT****E) REPORT OF ACTION TAKEN IN CLOSED SESSION****F) APPROVAL OF AGENDA****G) RECOGNITION OF AUSD FUNDRAISING GROUPS:**

Albany Athletic Boosters, Albany Community Foundation, Albany Education Foundation, Albany Music Fund, Albany Performing & Fine Arts Boosters, Albany Rotary Club, SchoolCARE, Cornell Elementary School Parent Teacher Association (PTA), Marin Elementary School Parent Teacher Association (PTA), Ocean View Elementary School Parent Teacher Association (PTA), Albany Middle School Parent Teacher Association (PTA), Albany High School Parent Teacher Student Association (PTSA)

H) APPROVAL OF CONSENT CALENDAR

The Consent Calendar includes routine items that may be handled with one action. Board Members may request any item be removed from the Consent Calendar without formal action.

1) Superintendent

a) Board Bylaw 9322 - Agenda/Meeting Materials------(pg.5)

2) Human Resources

a) Certificated Personnel Assignment Order & Classified Personnel Assignment Order------(pg.11)

I) BOARD AND SUPERINTENDENT REPORTS**7:20 p.m.**

(5 mins.)

J) STUDENT BOARD MEMBERS' REPORT**7:25 p.m.**

(5 mins.)

K) PERSONS TO ADDRESS THE BOARD ON MATTERS NOT ON THE AGENDA**7:30 p.m.**

(5 mins.)

Board practice limits each speaker to no more than three (3) minutes. The Brown Act limits Board ability to discuss or act on items which are not on the agenda; therefore, such items may be referred to staff for comment or for consideration on a future agenda.

L) STAFF REPORTS**7:35 p.m**

- 1) 2018 Smarter Balanced Summative Assessment Results -----(pg.13)
(10 mins.)

M) REVIEW AND DISCUSSION**7:45 p.m.**

- 1) Superintendent
 - a) Albany Unified School District Board Governance Handbook - Annual Reorganization of the Board----- (pg.29)
(15 mins.)
 - b) Board Bylaw 9320 - Meetings and Notices----- (pg.31)
(15 mins.)
 - c) Board of Education Self Evaluation - Evaluation Instrument----- (pg.39)
(30 mins.)
 - d) Plan For Elementary Temporary Student Housing----- (pg.85)
(30 mins.)

N) REVIEW AND ACTION**9:15 p.m.**

- 1) Business Services
 - a) Independent Contractor Agreement with Mercoza for Removal and Replacement of Concrete Area At Entrance to Cornell Elementary School----- (pg.87)
(5 mins.)
 - b) Amendment for Design-Build Services with Alten Construction for the Albany High School Addition Project----- (pg.94)
(5 mins.)
- 2) Student Services
 - a) Independent Contractor Agreement with ProCare Therapy, Inc.----- (pg.97)
(5 mins.)
- 3) Superintendent
 - a) Resolution No. 2018-19-07: Opposition to Proposition 5 - Property Tax Transfers----- (pg.106)
(10 mins.)

AGENDA ITEMS/MATTERS INTRODUCED BY THE BOARD**9:40 p.m.**

(5 mins.)

V. ADJOURNMENT**9:45 p.m.**

The Board believes that late night meetings deter public participation, can affect the Boards decision-making ability, and can be a burden to staff. Regular Board Meetings shall be adjourned by 9:30 p.m. unless extended to a specific time determined by a majority of the Board.

FUTURE BOARD MEETINGS

Date	Time	Location
November 13, 2018	7:00 - 9:30 p.m.	Cornell Elementary Multi-Purpose Room
November 27, 2018	7:00 - 9:30 p.m.	Albany City Hall

The Board of Education meeting packet is available for public inspection at: Albany Unified School District, 1200 Solano Avenue, and is available on the Albany Unified School District web site: www.ausdk12.org. If you provide your name and/or address when speaking before the Board of Education, it may become a part of the official public record and the official minutes will be published on the Internet. In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Superintendent's Office at 510-558-3766. Notification must be given forty-eight (48) hours prior to the meeting to make reasonable arrangements for accessibility (28 CFR 35.102.104 ADA Title II).

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: BOARD BYLAW 9322 - AGENDA/MEETING MATERIALS

PREPARED BY: VAL WILLIAMS, SUPERINTENDENT

TYPE OF ITEM: CONSENT

PURPOSE:

For the Board of Education to approve Board Bylaw 9322 - Agenda/Meeting Materials

BACKGROUND INFORMATION/DETAILS:

AUSD Board Bylaws are board policies that apply to the School Board as a governance body. Board Bylaw 9322 was adopted by the AUSD Board of Education on May 19, 2009. Board Bylaw 9322 was brought back to the School Board on October 9, 2018 for review and discussion of proposed revisions. It is being brought to the School Board on Consent for approval.

STRATEGIC OBJECTIVES ADDRESSED:



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: The Board of Education to approve Board Bylaw 9322 - Agenda/Meeting Materials

Albany USD

Board Bylaws

BB 9322

Agenda/Meeting Materials

Agenda Content

Board of Education meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code [54954.2](#))

(cf. [9320](#) - Meetings and Notices)

(cf. [9321](#)- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code [35145.5](#); Government Code [54954.3](#))

(cf. [9323](#) - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code [54957.5](#))

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code [54954.2](#))

Agenda Preparation

The agenda for each regular and special meeting shall be developed by the agenda committee. The agenda committee shall consist of the Board president, the Board vice president, and the Superintendent. In the case of the unavailability of either the president or vice president, the president may appoint any other Board member as a pro tem member of the agenda committee, or failing that, either the president or vice president can work alone with the Superintendent to develop the agenda. In the case of unavailability of the Superintendent, the assistant Superintendent, if any, shall serve as pro tem member of the committee or, if there is no assistant Superintendent, the Superintendent shall appoint an administrator to act in the Superintendent's

stead. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. [0000](#) - Vision)

(cf. [0200](#) - Goals for the School District)

(cf. [9121](#) - President)

(cf. [9122](#) - Secretary)

A Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. If there are at least two Board members, including student Board members, who wish to place the item on the agenda, it shall be placed on a future agenda in a timely manner. Failing that, the request shall be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the next scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The agenda committee shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the agenda committee shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The agenda committee shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated. If the item is accepted as an agenda item, the agenda committee shall determine the date on which the item will be on the agenda.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code [53635.7](#))

(cf. [9323.2](#) - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination to Board Members

At least three days before each regular meeting, a copy of the agenda and agenda packet shall be forwarded to each Board member, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code [54954.1](#))

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a

regular Board meeting. The Superintendent or designee may also post the document on the district's website in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code [54957.5](#))

(cf. [1113](#) - District and School Websites)

(cf. [1340](#) - Access to District Records)

Any documents prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code [54957.5](#))

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code [54954.1](#))

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code [54954.1](#))

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

[35144](#) Special meetings

[35145](#) Public meetings

[35145.5](#) Right of public to place matters on agenda

GOVERNMENT CODE

[6250-6270](#) Public Records Act

[53635.7](#) Separate item of business

[54954.1](#) Mailed agenda of meeting

[54954.2](#) Agenda posting requirements; board actions

[54954.3](#) Opportunity for public to address legislative body

[54954.5](#) Closed session item descriptions

[54956.5](#) Emergency meetings

[54957.5](#) Public records

UNITED STATES CODE, TITLE 42

[12101-12213](#) Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.160](#) Effective communications

[36.303](#) Auxiliary aids and services

COURT DECISIONS

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, Agenda Online: <http://www.csbaagendaonline.net/>

Bylaw ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

Revised: October 23, 2018

Personnel Assignment Order: Pending Approval

BOE Meeting: 10/23/2018

Class: Certificated

Category: New Hire

<i>Position</i>	<i>Name</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
School Psychologist Intern	Griffiths, Joseph	SE		8/28/2018		Approve	SE

Class: Classified

Category: New Hire

<i>Position</i>	<i>Name</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
Mental Health Intern	Miklos-Illes, Agnes	DO	\$1,000.00	8/28/2018	6/14/2018	Approve	GF
Para-educator: Transitional Kindergarten	Sibai, Maya	ACC	0.467	9/11/2018		Approve	GF
Para-educator: Special Education	Nazir, Sabrina	AHS	0.80	9/19/2018		Approve	SE
Para-educator: Special Education	Karmacharya Shrestha, Sahana	AHS	0.80	9/20/2018		Approve	SE
Clerk I	Bradley, Aaron Taylor	AHS	0.133	9/21/2018		Approve	SE
Para-educator: Special Education	Bradley, Aaron Taylor	AHS	0.80	9/21/2018		Approve	SE
Para-educator: Special Education	Bouchentouf, Sanae	SE	0.80	9/24/2018		Approve	SE
Para-educator: Special Education	Campos, Esperanza	AHS	0.80	9/24/2018		Approve	SE
Custodian	Porter, Wajanique	ACC	0.25	9/27/2018		Approve	ACC
Secretary I	Brown, LaShunda	AHS	0.50	10/1/2018		Approve	GF
Para-educator: Transitional Kindergarten	Chik, Tammy	ACC	0.467	10/2/2018		Approve	GF
Coach, Girls Volleyball 7A	Dubinsky, Milo	AMS	18-19 Season			Approve	GF

Category: Separation of Service

<i>Position</i>	<i>Name</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
Yard Aide	Chik, Tammy	OV	0.25	10/1/2018		Approve	
Para-educator	Christentery, Mika	CO	0.6667	10/20/2018		Approve	

Class: Uncompensated Service

Category: Volunteer

<i>Position</i>	<i>Name</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
	Chou, Ifan			10/24/2018			
	Chung, Miri			10/24/2018			
	Davidson, Paul			10/24/2018			

	Gamba, Thomas			10/24/2018			
	Gies, Samantha			10/24/2018			
	Lui, Camilia			10/24/2018			
	Rhodes, Mary			10/24/2018			
	Sarah, Rachel			10/24/2018			
	Scaglione, Janet			10/24/2018			
	Strohmeier, Eva			10/24/2018			
	Tran Davidson, Hong			10/24/2018			
	Wu, San-Yun			10/24/2018			

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: 2018 Smarter Balanced Summative Assessment Results

**PREPARED BY: MARIE WILLIAMS, DIRECTOR III-
CURRICULUM, INSTRUCTION & ASSESSMENT**

TYPE OF ITEM: STAFF REPORT

PURPOSE: The purpose of this item is to share the results of the 2017-2018 administration of Smarter Balanced Summative Assessments.

BACKGROUND INFORMATION:

The California Assessment of Student Performance and Progress (CAASPP) consists of several assessments administered to students in grades 3-8 and 11 (as appropriate). CAASPP is designed to give information to teachers, students, and families about what students know and are able to do and whether they are on track to be ready for success in college or a career when they graduate from high school.

Smarter Balanced Summative Assessments utilize computer-based tests and performance tasks aligned to Common Core State Standards (CCSS) for English language arts/literacy (ELA) and mathematics. The assessment includes a range of computer-adaptive items such as selected response (multiple choice), constructed response (short answer response), table, fill-in, and graphing. The Performance Tasks is an extended activity that measure a student's ability to integrate knowledge and skills across multiple standards—a key component of college and career readiness.

Smarter Balanced Summative Assessment results are reported as a component of each school and District's California School Dashboard which measures student success through a number of state and local indicators: academic achievement (measured by Smarter Balanced Summative Assessments), preparedness for college and career, graduation rates, English learner progress, chronic absenteeism, suspension rates, parent involvement, school climate, access to a broad course of study, implementation of standards, and basic conditions of learning.

DETAILS:

Smarter Balanced Assessment results in English language arts and mathematics are reported as one of four overall performance levels (Standard Exceeded, Standard Met, Standard Nearly Met, or Standard Not Met). For the English language arts assessment, performance in the areas of writing, listening and research/inquiry is reported as one of three levels (Above Standard, At/Near Standard, or Below Standard). For the mathematics assessment, performance in the areas of concepts & procedures, problem solving and modeling & data analysis, and

communicating reasoning is also reported as one of three levels (Above Standard, At/Near Standard, or Below Standard).

The results shown in the attached slides report overall performance (percentage of students meeting or exceeding standards) over time by grade level and by student group. Reporting results over time allows for the identification of achievement trends for a single group of students.

The following are some preliminary observations of the Smarter Balanced Summative Assessment Results:

- District performance on the Smarter Balanced Summative Assessments in English language arts and mathematics exceeds overall performance county and statewide.
- Overall, the percentage of students meeting and exceeding standards on the English language arts summative assessment has increased moderately from 2015-2018.
- Overall, the percentage of students meeting and exceeding standards on the mathematics summative assessment has increased slightly from 2015-2018.
- Overall, performance gaps persist for Black/African American students, Hispanic/Latino students, students with disabilities, socioeconomically disadvantaged students, and English learners in English language arts and mathematics.


With the implementation of the Local Control Funding Formula and the Local Control and Accountability Plan, student success is measured using a number of indicators and metrics. Smarter Balanced Assessment Results, when used in conjunction with other qualitative and quantitative metrics, can guide our work in meeting our District's strategic goals around increasing academic success, supporting the whole child, and communicating and leading together.

STRATEGIC GOALS ADDRESSED:



Objective #1: *Assess and Increase Academic Success. Goal: We will provide a comprehensive educational experience with expanded opportunities for engagement, assessment, and academic growth so that all students will achieve their fullest potential.*

RECOMMENDATION: RECEIVE THE 2018 SMARTER BALANCED SUMMATIVE ASSESSMENT RESULTS STAFF REPORT.



California Assessment of Student Performance and Progress: Smarter Balanced Assessment Results

October 23, 2018



California School DASHBOARD

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6 State Indicators

Performance Categories:



College & Career *

Percent of students
prepared for college &
career

Graduation Rate

Percent of students
who earn a regular
H.S. diploma

Academics

Distance from the
lowest score needed
for "Standard Met"

English Learner Progress

Percent of English
Learners making one
year's progress

Chronic Absenteeism *

Suspension Rate

Percent of students
who were suspended

5 Local Indicators

Performance Categories:

Met / Not Met / Not Met for 2+ Years

Basic Conditions

Implementation of Academic Standards

Parent Engagement

School Climate

Access to a Broad Course of Study *

Smarter Balanced Summative Assessment Results¹⁷

California Assessment of Student Progress and Performance:

- Smarter Balanced Assessment
- California Alternate Assessment (CAA)
- California Science Test (CAST)
- California Spanish Assessment (CSA)

Components of Smarter Balanced Assessments

English Language Arts

- Writing
- Listening
- Research/Inquiry

Mathematics

- Concepts & Procedures
- Problem Solving and Modeling & Data Analysis
- Communicating Reasoning

Smarter Balanced Summative Assessment Results

Smarter Balanced Assessment Results Reporting

- 4 Overall Performance Levels (Standard Exceeded, Standard Met, Standard Nearly Met, Standard Not Met)
- 3 Claim Performance Levels (Above Standard, At or Near Standard, Below Standard)
- Scale Score
- Distance from Standard (the number of points between the scale score and the minimum score needed for “Met Standard”)

Smarter Balanced Summative Assessment Results¹⁹

Uses for Smarter Balanced Assessment Results:

- Identify patterns in performance and underperformance and determine action steps
- Compare with local assessment data
- Guide curricular and/or instructional emphasis
- Identify target student groups for subsequent intervention and monitoring

Limitations of Smarter Balanced Assessment Results:

- Cannot be used to adjust instruction in real time (“Autopsy Data”)
- Not explicitly aligned to a standards blueprint to guide instruction
- Grade level student group data are not reported publicly for all student groups due to cohort size
- Results report student mastery of grade level standards based on a single assessment

Smarter Balanced Summative Assessment Results²⁹

2018 Smarter Balanced Summative Assessment Results (% of Students Meeting or Exceeding Standards)

	AUSD	Alameda County	State of California
English Language Arts	76%	56%	50%
Mathematics	70%	49%	39%

AUSD Smarter Balanced Summative Assessment Results (% of Students Meeting or Exceeding Standards)

	2015	2016	2017	2018
English Language Arts	72%	77%	79%	76%
Mathematics	69%	73%	74%	70%

Smarter Balanced Summative Assessment Results-Performance over Time

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Grade Level Cohort A (% Students Meeting or Exceeding Standards)				
	2015	2016	2017 (Gr 3)	2018 (Gr 4)
ELA	NA	NA	78%	78%
Mathematics	NA	NA	80%	77%

Grade Level Cohort B (% Students Meeting or Exceeding Standards)				
	2015	2016 (Gr 3)	2017 (Gr 4)	2018 (Gr 5)
ELA	NA	78%	80%	77%
Mathematics	NA	76%	77%	72%

Smarter Balanced Summative Assessment Results-Performance over Time

Grade Level Cohort C (% Students Meeting or Exceeding Standards)				
	2015 (Gr 3)	2016 (Gr 4)	2017 (Gr 5)	2018 (Gr 6)
ELA	64%	69%	77%	66%
Mathematics	60%	70%	69%	62%

Grade Level Cohort D (% Students Meeting or Exceeding Standards)				
	2015 (Gr 4)	2016 (Gr 5)	2017 (Gr 6)	2018 (Gr 7)
ELA	68%	80%	73%	74%
Mathematics	71%	70%	68%	67%

Smarter Balanced Summative Assessment

Results-Performance over Time

Grade Level Cohort E (% Students Meeting or Exceeding Standards)				
	2015 (Gr 5)	2016 (Gr 6)	2017 (Gr 7)	2018 (Gr 8)
ELA	83%	82%	86%	83%
Mathematics	77%	74%	81%	73%

Grade Level Cohort F (% Students Meeting or Exceeding Standards)				
	2015 (Gr 6)	2016 (Gr 7)	2017 (Gr 8)	2018
ELA	71%	78%	77%	NA
Mathematics	70%	76%	73%	NA

Smarter Balanced Summative Assessment Results-Performance over Time

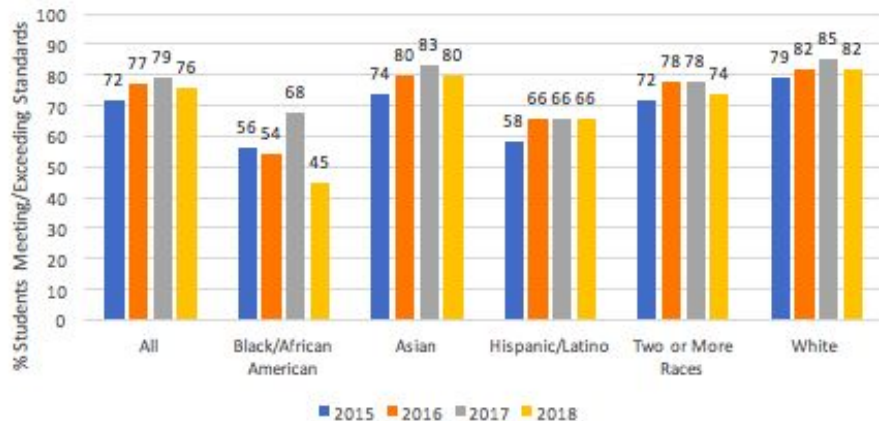
Grade Level Cohort G (% Students Meeting or Exceeding Standards)				
	2015 (Gr 7)	2016 (Gr 8)	2017	2018
ELA	70%	66%	NA	NA
Mathematics	72%	72%	NA	NA

Grade Level Cohort H (% Students Meeting or Exceeding Standards)				
	2015 (Gr 8)	2016	2017	2018 (Gr 11)
ELA	68%	NA	NA	72%
Mathematics	65%	NA	NA	61%

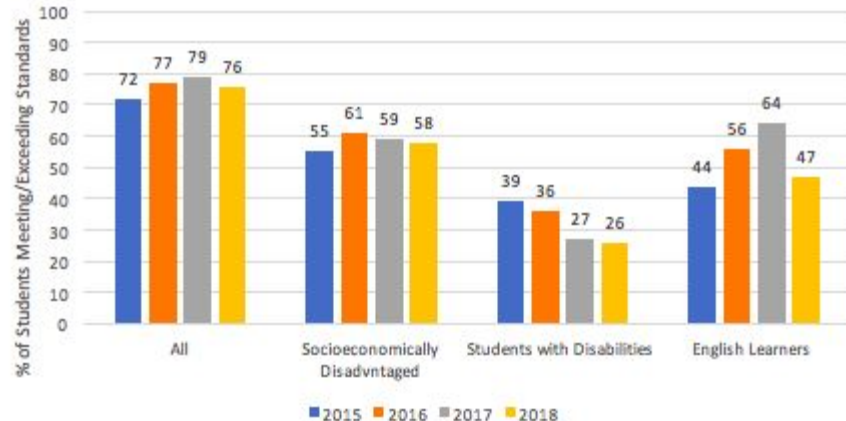
Smarter Balanced Summative Assessment Results

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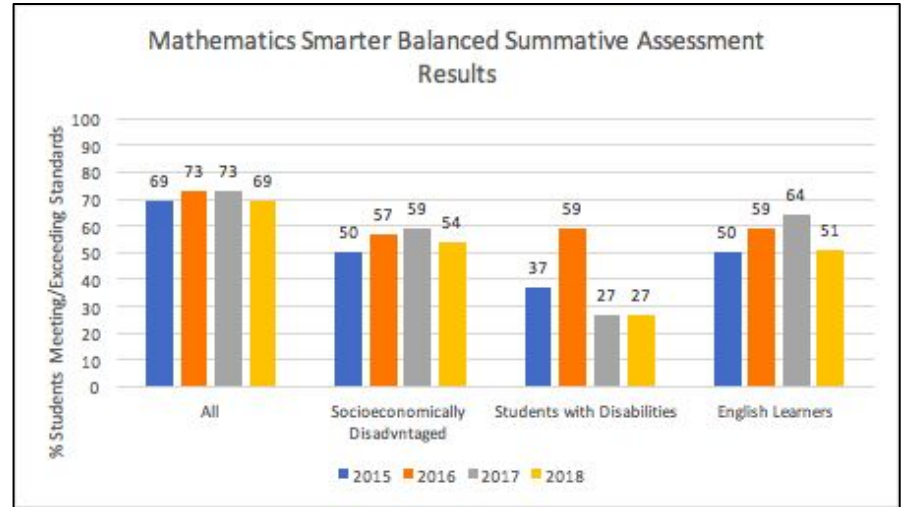
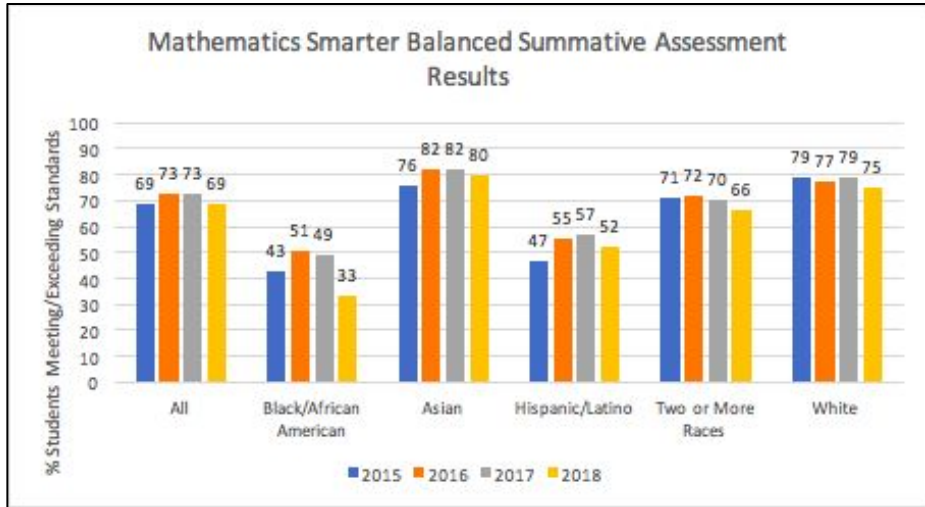
ELA Smarter Balanced Summative Assessment Results



ELA Smarter Balanced Summative Assessment Results




Smarter Balanced Summative Assessment Results



Smarter Balanced Summative Assessment Results

Next Steps:

- Conduct Additional Summative Assessment Data Analysis
- Implement Progress Monitoring Tools (Local Assessments and District Assessment Platform)
- Provide Professional Development: Culturally Responsive Teaching, Social Emotional Learning and Social Justice Competencies (LCAP Goal 1)
- Provide Academic Intervention (LCAP Goal 1)
- Continue to support District Wide Parent Engagement Efforts (LCAP Goal 3)



California Assessment of Student Performance and Progress: Smarter Balanced Assessment Results

October 23, 2018

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: **ALBANY UNIFIED SCHOOL DISTRICT BOARD GOVERNANCE
HANDBOOK - ANNUAL REORGANIZATION OF THE BOARD**

PREPARED BY: **VAL WILLIAMS, SUPERINTENDENT**

TYPE OF ITEM: **REVIEW & DISCUSSION**

PURPOSE: The Albany Unified School District Board of Education to review and discuss the District Board Governance Handbook - Annual Reorganization of the Board

BACKGROUND INFORMATION/DETAILS:

On July 20, 2018, Governor Brown approved Assembly Bill 2449 (Chapter 146/2018) which extends the date to the **second Friday** in December, by which a newly elected member of a school district governing board, county board of education, or community college district governing board is to assume office after an election.

Existing language in the [AUSD Board Governance Handbook](#) - Annual Reorganization of the Board states “At the **first regular meeting** in December, the Board elects a president and vice-president.” AUSD holds regularly agendized School Board meetings on the second and fourth Tuesday of the month. The first Board meeting in December is on December 11th which is three days prior to the second Friday in December. AUSD has traditionally held only one regularly agendized Board of Education meeting in December due to Winter Break.

The Board Governance Handbook - Annual Reorganization of the Board is being brought to the Board of Education for review and discussion to determine if the Board wants to revise existing language to reflect the provisions of AB 2449 and to make additional revisions to this section.

STRATEGIC GOALS ADDRESSED:



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: The Board of Education to review and discuss the District Board Governance Handbook - Annual Reorganization of the Board

ALBANY UNIFIED SCHOOL DISTRICT BOARD GOVERNANCE HANDBOOK

22) Issue: Annual Reorganization of the Board

Principles: It is in the best interest of the Board that its officers be both willing and able to carry out the relevant duties. Effective Board members are not necessarily effective Board presidents, nor do all members have the time needed to provide effective leadership.

Protocols:

- **Prior to the nominations or election of the Board president and vice-president, each Board member should make known whether he or she would be willing to retain/assume either office.**
- At the first regular **School Board** meeting in ~~December~~ **January**, the Board **shall conduct nominations and elect a Board president and vice-president.**
- ~~elects a president and vice-president.~~
- ~~Board members should be polled before the vote so that each can state whether they would be willing to retain/assume either office.~~
- At the reorganization meeting, the Superintendent will preside over the election of the president. The newly elected president will preside over the election of the vice-president.
- Any Board member may nominate any other member, including the current officers, for either office.
- There is no limit to the number of times a member may serve as an officer, nor is there any expectation that all members will serve as officers or automatically rotate into either position.
- The presiding officer shall ask each member whether he or she wishes to nominate someone for the position. The member may nominate him/herself or another member, or may decline to make a nomination. The nominated member will be asked to accept the nomination.
- If the member declines to accept the nomination, he/she will not be considered to have been nominated. No second is required for a nomination.
- After all nominations have been made, the Board shall take a vote for each nominee. If nominated, a member may vote for him/herself. No member may abstain from voting. In the case of a tie, the presiding officer will hold a runoff vote.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: BOARD BYLAW 9320 - MEETINGS AND NOTICES

PREPARED BY: VAL WILLIAMS, SUPERINTENDENT

TYPE OF ITEM: REVIEW AND DISCUSSION

PURPOSE: For the Board of Education to review and discuss Board Bylaw 9320 - Meetings and Notices

BACKGROUND INFORMATION/DETAILS:

AUSD Board Bylaws are board policies that apply to the School Board as a governance body. Board Bylaw 9320 was adopted by the Board of Education on May 19, 2009, and was revised on September 11, 2012. BB 9320 is being brought to the School Board for review and discussion.

STRATEGIC OBJECTIVES ADDRESSED:



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: The Board of Education review and discuss Board Bylaw 9320 - Meetings and Notices

Albany USD
Board Bylaw
BB9320
Meetings And Notices

Meetings of the Board of Education are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)
 (cf. 9321.1 - Closed Session Actions and Reports)
 (cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

Regular Meetings

The Board shall hold two regular meetings each month. Regular meetings shall be held at 7:30 p.m. on the first and third Tuesday of each month at the Albany Community Center, or at a time and place agreed to by the agenda committee. Regular meetings shall be recorded and broadcast on local cable to KALB.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956) A special meeting may be proposed by any Board member to the Superintendent, who shall then poll the remaining Board members. If a majority of the Board members approve the meeting, the Superintendent shall work with the agenda committee to agendize and schedule it in a timely fashion.

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other

activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)
 (cf. 2111 - Superintendent Governance Standards)
 (cf. 9000 - Role of the Board)
 (cf. 9005 - Governance Standards)
 (cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to,

religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within district boundaries, except to do any of the following:
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
5. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
6. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
7. Attend conferences on nonadversarial collective bargaining techniques
8. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
9. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-9 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Legal Reference:

EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
 - 54953 Meetings to be open and public; attendance
 - 54954 Time and place of regular meetings
 - 54954.2 Agenda posting requirements, board actions
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42
 12101-12213 Americans with Disabilities Act
 CODE OF FEDERAL REGULATIONS, TITLE 28
 35.160 Effective communications
 36.303 Auxiliary aids and services
 COURT DECISIONS
 Wolfe v. City of Fremont, (2006) 144 Cal.App. 544
 ATTORNEY GENERAL OPINIONS
 88 Ops.Cal.Atty.Gen. 218 (2005)
 84 Ops.Cal.Atty.Gen. 181 (2001)
 84 Ops.Cal.Atty.Gen. 30 (2001)
 79 Ops.Cal.Atty.Gen. 69 (1996)
 78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

WEB SITES

CSBA: <http://www.csba.org>

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

Bylaw ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised: September 11, 2012

DRAFT:

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: BOARD OF EDUCATION SELF EVALUATION - EVALUATION INSTRUMENT

PREPARED BY: VAL WILLIAMS, SUPERINTENDENT

TYPE OF ITEM: REVIEW & DISCUSSION

PURPOSE: For the Board of Education to discuss the evaluation instrument Board members would like to use when conducting their Annual Board of Education Self-Evaluation.

BACKGROUND INFORMATION:

AUSD Board of Education members are committed to providing quality leadership for the district and as such, developed a Board Governance Handbook that includes provisions for conducting an annual self-evaluation.

DETAILS:

The AUSD Annual Board of Education Self-Evaluation is a key step to promoting a continuous cycle of improvement in board governance. This strong commitment to continuously evaluate and improve practices and procedures serves to:

- 1) Improve communication and relationships;
- 2) Strengthen agreements about roles and responsibilities;
- 3) Promote better board-superintendent teamwork; and
- 4) Create more effective leadership for the district.

The Board has previously used *The Role of the School Board* developed by Vice President, Paul Black and Board Trustee, Pat Low (approved February, 2015) and the CSBA article titled *Governing to Achieve; A Synthesis of Research on School Governance to Support Student Achievement* to guide the Board in refining the roles of the school board and in evaluating how well the Board fulfills those roles.

STRATEGIC GOALS ADDRESSED:



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: For the Board of Education to discuss the evaluation instrument it would like to use when conducting their Annual Board of Education Self-Evaluation.

Board Self-Evaluation Result







SAMPLE

1. Conditions of Effective Governance






Number of members responded

Almost Always Often Less Often Rarely Not Sure



Board unity

1. The board is focused on achievement for all students.		2	1	1	1	0
2. The board is committed to a common vision.		3	2	0	0	0
3. The board stays focused on district priorities.		4	1	0	0	0
4. The board works well together.		1	1	3	0	0
5. The board commits the time to become informed.		2	3	0	0	0
6. Individual board members do not undermine board decisions.		1	1	2	1	0

Roles and responsibilities

7. Board members agree on the role and responsibilities of the board and the superintendent.		3	1	1	0	0
8. Board members follow board agreements regarding speaking for the board.		4	1	0	0	0
9. Board members keep confidential matters confidential.		5	0	0	0	0
10. The board gives direction to the superintendent only at board meetings.		1	2	1	0	1
11. Individual board members do not attempt to direct the superintendent.		0	0	0	2	3

Board culture

12. The board treats the superintendent with respect.		3	1	0	0	1
13. The board manages internal conflicts in a productive manner.		4	1	0	0	0



A strength for most members



A strength for simple majority



Area of growth for simple majority



Area of growth for most members

Other topic discussed:

1. Conditions of Effective Governance

Board operations

Board meetings

Board development

2. Board Responsibilities

Setting directions

Structure

Support

Accountability

Community leadership

Governing to Achieve

A Synthesis of Research on School Governance to Support
Student Achievement

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Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement

Christopher Maricle, California School Boards Association | August 7, 2014

Introduction

The California School Boards Association developed the Professional Governance Standards in 2000 through a collaborative process including hundreds of board members, superintendents and other educational leaders throughout the state of California. The intent of the standards was to enhance the public's understanding about the critical responsibilities of local boards and to support boards in their efforts to govern effectively.¹ Since that time, the body of research on school boards has grown. This report synthesizes and summarizes some common findings from the research as well as from the concepts and theories suggested by governance practitioners. The findings suggest an evidentiary basis for the Professional Governance Standards. In addition, the findings identify some new governance practices that have come to light in the decade since the standards were developed.

The purpose of this report is to describe the research-based activities of boards that contribute to raising student achievement in a framework that can serve as the foundation for informing boards and communities about how to strengthen local governance as an important step in improving education for all students in California.

Why school governance matters

There is wide consensus that students graduating from high school will need at least some post-secondary training to acquire the skills necessary to participate in the emerging economy of the 21st century. School boards bear the ultimate responsibility for ensuring that students leave our K-12 schools prepared for post-secondary success. A growing body of literature and research suggests that boards can add value to raising student achievement. Therefore, understanding the research on how boards contribute to school effectiveness should be a primary concern to board members, the communities that elect them, and the professional educators they support and direct.

Not only have our expectations for student outcomes evolved, the way in which we teach students is also undergoing major changes. Technology is bringing vast informational resources to some teachers and students, though not all have equitable access. The digital divide creates a significant challenge, and overcoming the inequity can translate into significant cost. Technology also brings the possibility of online learning, and alternative forms of instructional delivery. It has been predicted that 50% of all high school classes will be online by 2019, making the typical high school experience a blended learning experience, mixing the best of online and face-to-face learning. In addition to technology, recent advances in neuro- science, specifically on how the brain learns, are causing researchers and practitioners to talk about the structures we need for 21st century learning, and there are calls for teacher education to include neuroscience coursework. These changes are inspiring new conversations about the assumptions we have for learning. For decades, time and space for learning was fixed and student outcomes varied. Now, educators

are talking about keeping time and space flexible, but making student outcomes fixed: all students meet standards of performance. Because of their authority and responsibility to set goals and policies that guide districts, boards have a crucial role to play in transforming how K-12 schools will work in the 21st century.

Finally, our K-12 schools serve a deeper purpose. According to historian David Tyack:

The founders of the nation were convinced that the republic could survive only if its citizens were properly educated ... The common school was a place for both young and adult citizens to discover common civic ground, and, when they did not agree, to seek principled compromise ²

Professor Benjamin Barber, director of the Democracy Collaborative at the University of Maryland contends that the founding fathers “agreed that the success of the new experimental Constitution depended as much on the character and competence of the citizenry as on the clarity and farsightedness of the Constitution.”³ Public schools are the place where we develop the character and competence of young people.

Schools teach students how democracy works. Schools also engage students in collaboration, preparing them for participating in public life. Schools model the democratic process because they are governed by locally elected boards. Our country desperately needs schools that are committed to modeling, teaching and engaging young people in the practice of democratic citizenship. Thus, the importance of a clear and coherent understanding of how local school governance can be most effective is directly related to one of our most important goals as a free society. Our ultimate goal must be that every student become, in the words of Michigan State College president John Hannah in 1944, “an effective citizen, appreciating his opportunities and fully willing to assume his responsibilities in a great democracy.”⁴ Locally, school boards must make decisions that will prepare the next generation not only to govern, but to want to govern.

Context: The evolution of K-12 education and governance

Though most school classrooms may look similar to the one’s our grandparents knew, K-12 public education has experienced tectonic changes that have significantly shifted the work of school boards. Several major changes in the last sixty years that deeply impacted K-12 schools nationally include:

1. Teaching grew as a profession. The requisite knowledge and skills have become more specialized over the decades.
2. The business of schools became increasingly complex.
3. Federal and state government regulation dramatically increased. Federally, this included the National Defense Education Act of 1958, the Bilingual Act of 1968, Title IX in 1972, Education for All Handicapped Children in 1975 (renamed in 1991 as the Individual with Disabilities Act), leading up to No Child Left Behind Act in 2000.
4. School districts grew fewer in number and larger in size, reducing the total number of districts nationally by more than 50,000 in just 13 years. On any given day the 1970s, “three district disappeared forever between breakfast and dinner.” (Figure 1)
5. As result of the growth of districts, the relative number of constituents represented by board members increased significantly. In the 1930s, school board members represented an average of about 200 people. By 1970, that number had jumped to an average of 3,000.⁵

6. More recently, the county is being changed by

sweeping demographic and economic shifts. The U.S. Census Bureau estimated that by 2015, net international migration will account for more than half of our nation's population growth. At the same time, our country is experiencing a wide disparity in literacy and numeracy skills which are not evenly distributed across race, ethnic or socioeconomic subgroups. In addition to the skills gap, there have been major changes in the economy, including a dramatic decrease in manufacturing jobs.⁶

At the state level, there are additional factors in California that impact school boards.

7. California communities are becoming increasingly diverse. More than 1.4 million English language learners made up 23% of California's K-12 student population in 2010-11.⁷

8. California has one of the lowest per-pupil spending rates among the 50 states.

9. Initiated after years of funding cuts triggered by a national recession, the implementation of Common Core is requiring changes in instructional pedagogy, learning materials and assessments. This initiative requires significant and ongoing investments in teacher professional development and technology hardware and infrastructure.

10. The state is changing its state assessments and revising its accountability system at the same time.

11. The Local Control Funding Formula and Local Control and Accountability Plans (approved in 2013) are changing the how district funding is allocated and how districts and boards must align budgets to outcomes.

In summary, districts became larger, the business of schools more complex and the profession of education more specialized. Government regulation became more prescriptive and the overall level of funding declined. There are several significant changes taking place simultaneously in the educational system, and there is a high degree of uncertainty. The population is increasing in size and diversity, the economy has been turbulent, and the job market is changing significantly.

Despite all these challenges, public opinion still supports local school boards. When asked, in a 2006 Phi Delta Kappa poll, who should have the greatest influence on what is taught in public schools, 55% of respondents chose school boards, 26% chose the state, and 14% chose the federal government. Despite this support, the public is not engaged in school governance. This is evidenced by the consistently low voter turnout at school board elections, especially off-cycle elections.⁸

Yet, if boards can help raise student achievement, and the research indicates that they can, then all have a vested interest in the effectiveness of school boards. Students will be best served when community members, parents, staff and board members share an understanding of what effective boards do. There is room for hope—a growing body of research is clarifying how boards contribute to raising student achievement, and we turn now to that research.

100,000

50,000

0

89,000

Fig. 1

Disappearing districts

55,000

31,000

14,000

1948 1953 1961 2007

Executive Summary

Effective boards engage in three kinds of governing activities that are separate but interrelated, and all take place at board meetings. In addition, both in and outside of school board meetings, effective boards engage the community. The individual concepts summarized below are not difficult to understand. Collectively, however, they constitute a wide array of individual and group knowledge and skills that are practiced in very unique context—board meetings. These meetings address a wide variety of issues, with varying levels of detailed information in the public view of constituents with very different interests. Because the boards can only do their work at board meetings, there is a considerable time constraint. This makes the practice of governance difficult.

This report summarizes research on effective school governance that can provide boards with a framework to assess how the board can best improve its own performance, and to do so in ways that contribute to student achievement. Great governance happens when board members and superintendents implement these simple ideas with uncommon discipline.

Effective boards establish governance commitments

- Embrace a common set of core beliefs about public education, the ability of students and staff to perform at high levels, and the elements of good school governance.
- Build and sustain productive partnerships among board members and between the board and the superintendent.
- Reach clear internal agreements regarding board values, norms and protocols to organize board operations.

Effective boards adopt practices to increase their effectiveness

- Improving their capacity to govern by creating protected time and structure for their development as a board.
- Understanding successful reform structures by practicing systems-thinking, continuous learning, and extending leadership for learning.
- Using data to make decisions and monitor district performance.

Effective boards focus on core governing decisions

- Set direction by making student achievement a high priority, prioritizing all district improvement efforts and clarifying the board's expectations for performance.
- Align all district resources and policies to ensure improvement efforts are supported.
- Establish a comprehensive framework for accountability that includes board, superintendent and district performance and involves and is responsive to the needs and interests of parents and community members.

Effective boards engage the community

- Create a sense of urgency for reform.

- Involve stakeholders in vision and long-term planning.
- Develop and maintain district partnerships.
- Build civic capacity in the community to support district reform.

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Chapter 1: Governance Defined

To guide this research effort, it is necessary to first unpack our definition of school governance. What is governance? What do school boards do? A working definition emerges from a combination of 1) general theories of governance and concepts of K-12 school governance, 2) the purpose and complexity of K-12 education, 3) the representative, fiduciary and instrumental roles of school boards, and 4) the scope and limits of school board authority.

Concepts of governance and school governance

Government, for-profit (corporate), and non-profit/philanthropic entities offer similar definitions for governance. For-profit governance has been described as “the framework of rules and practices by which a board of directors ensures accountability, fairness, and transparency in a company’s relationship with its stakeholders.” The International Federation of Accountants published a 2001 report entitled *Governance in the Public Sector—A Governing Body Perspective* which states “Governance is concerned with structures and processes for decision-making, accountability, control, and behavior at the top of organizations.” A 2009 article in *Australian Philanthropy* defines governance as the “framework of rules, relationships, systems, and processes within and by which authority is exercised and controlled.”

At first glance, the definitions above could be applied to school boards generally, but they do not account for the differences between school boards and other elected governing bodies or between schools and other for-profit and nonprofit entities. A 2006 Wallace Foundation report posits a definition that applies to all levels of education from federal to local: “governance creates the framework through which high-quality leadership can be exercised throughout the educational system.”⁹

The purpose and complexity of K-12 education

The governance of any organization must be partly defined by its desired ends. One of the overarching purposes of K-12 schools is to ensure that all students are prepared for post-high school success. Achieving this is the work of education professionals with special training. The requisite knowledge and skills have become more specialized over the decades and boards have increasingly looked to the expertise provided by the superintendent and staff, since this expertise is neither required nor expected of board members. In addition, the business of schools has also become increasingly complex. It is “heavily statutorily regulated, usually unionized, responsible for large employment costs, policy-laden, and financially challenged.”¹⁰ As a result, boards have increasingly looked to the professional staff for research-based and field-tested practices that inform the board regarding what the district ought to do.

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The roles of school boards

There are three distinct and sometimes conflicting roles that boards and board members must balance in their governing work.¹¹

Representative role

School boards are elected or appointed to serve the community, so individually and collectively board members have a responsibility to ensure that their governing work is guided by the values and interests that the community has for its schools. Community input is critical; it informs the board what the community wants the district to do for its students. The representational role can be endangered by low voter turnout. In a recent election in Austin, Texas, school board election turnout was less than 3% of registered voters. With so few voters, local school board elections can be significantly shaped by special interest groups, who may exert a disproportionate influence on the outcome. A second challenge that communities face is a lack of clarity of the authority and role of local school boards, and the skills and characteristics that most often result in effective board service. The representational role of the board is strengthened when communities: 1) understand the role of the board, 2) help to identify high-quality candidates, and 3) participate in local elections.¹²

Instrumental role

There are some things that boards must do, regardless of public sentiment. California Education Code 35161 mandates that boards “shall discharge any duty imposed by law upon it” In this role, boards must ensure that the district is legally compliant with state and federal law, including ensuring that all district policies remain consistent with the California code as laws change. This can create a conflict for boards— when the local community supports a course of action that is inconsistent with legal requirements.

Fiduciary role

Boards have a fiduciary obligation to ensure the financial health and long-term stability of the district. Boards must hold the assets and resources of the districts in trust—literally acting in the district’s best interests. The fiduciary role requires boards to balance costs for operations and change initiatives with district capacity. Therefore, one of the key responsibilities of the board is to monitor district revenues and expenditures throughout the year. The annual calendar for the board’s budget oversight activity is established in law including budget adoption, first and second interim reports, unaudited year-end financial reports, and an annual audit. This role focuses the board on what the district is able to do.

These three roles, combined with purpose of K-12 education, create a framework of four perspectives within which boards govern:

- the community perspective: what stakeholders want the schools to do;
- the legal perspective: what the law says the schools must do;
- the professional perspective: what educators say the schools ought to do; and,
- the fiduciary perspective: what the schools are able to do.

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School board authority

Boards of education in California's K-12 school districts and county offices of education receive their governing authority from state law. California law specifies what board must do, may do, and may not do. These are contained in multiple education and government codes too numerous to summarize or analyze here. There are, however, three specific codes that establish the general scope of school board authority.

Education Code 35160: "On and after January 1, 1976, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established."

Education Code 35160.1(b): "It is the intent of the Legislature that Section 35160 be liberally construed to effect this objective."

Education Code 35161: "The board ...

- may execute any powers delegated by law to it
- shall discharge any duty imposed by law upon it
- may delegate to an officer or employee of the district any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated."

Limits of authority

While California Code clearly provides broad authority for boards to act, it also very narrowly defines how and when boards exercise these governing powers. Boards are authorized to take action:

- only at meetings open to the public. [Education Code 35145, with some exceptions outlined in Government Code 54954.2]
- only on items listed on the board's agenda—posted 72 hours in advance. [Government Code 54954.2, with some exceptions for emergencies and other qualifying criteria.]
- only by a formal vote of the board majority. [Education Code 35163-4]

It is important to clarify that neither California Education Code nor Government Code grant any authority to individual school board members. The board's power is collective only, and only when they convene at publicly-noticed meetings that are open to the public.

The definition

By combining the concepts of governance, the purpose and complexity of K-12 education, the various roles of board members, and the scope and limits of school board authority granted in state law, a possible definition emerges.

School boards ensure success for all students Boards ensure the ultimate purpose (mission and vision) of the district.

by making decisions Boards are granted broad decision-making authority in California Education Code.

that fulfill legal mandates and Boards have an enforcement role.

align district systems and resources to ensure long-term fiscal stability of the district.

Boards have a fiduciary role to hold the best interests of the district and students in trust.

Boards must act collectively and openly, Boards have only collective authority. Meetings are open to the public (with certain exceptions permitted in law).

be guided by community interests, and Boards have a representative role.

informed by recommendations of the superintendent and professional staff.

Boards rely on the professional judgment of educational leaders.

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Chapter 2: Governance Commitments

Effective school boards create and abide by governing agreements to which they mutually commit. These agreements are achieved through deep discussions that result in mutual understanding and common ground in three critical areas: board core beliefs, board and board-superintendent partnerships, and board values, norms, and protocols.

Effective school boards commit to core beliefs

These commitments include establishing overarching values and beliefs they share about public education, governance, students and the district that help them transcend their individual differences to develop a cohesive board.

Public education

In order to support the district mission, it is important for board members to articulate a clear and coherent set of beliefs around the purpose of public education. Shared beliefs are a prerequisite for building shared vision for the district; these beliefs guide the district's mission.¹³

Governance

In order to be effective, school boards must develop a coherent understanding of what it means to govern. Board members should discuss thoroughly the purpose and functions of governance, and the value of “high-quality, citizen-owned and -led public education.”¹⁴ These conversations are critical because beliefs and values drive behavior. When board members have conflicting beliefs and understandings about governance, it can lead to confusion as board members practice their governing roles in different and sometimes contradictory ways. Creating clarity among all governing team members about the purpose, definition and practices of good governance is a key step to building and maintaining the trust that is necessary for board members to work effectively with each other and the superintendent.

Students and staff

Core beliefs about students have been correlated with high student achievement. Research has found that “board members in high-achieving districts had more elevating views of their students’ potential.”¹⁵ This is consistent with CSBA’s Professional Governance Standards, but constitutes a more prescriptive standard than keeping “learning and achievement for all students as the primary focus.”¹⁶ Boards that positively impact student achievement do more than simply focus on student achievement; they believe their students are capable of achieving it. In addition, the research findings were not limited to attitudes about students; board member beliefs and attitudes about the capacity of the district also matter. “Board members in high-achieving districts had ... more confidence in district staff’s capacity to effect gains.”¹⁷

Effective school boards establish productive partnerships

Governance researchers and practitioners have reached similar conclusions on the importance of a positive and productive board-superintendent relationship.

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- “Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.”¹⁸
- “Board members have numerous and complex relationships ... the most important are the relationships board members have with one another and with the superintendent.”¹⁹
- A strong school board-superintendent relationship is critical to achieving success”²⁰
- “There is a significant correlation between the superintendent’s relationship with the board president and board alignment with and support of goals.”²¹
- “Exceptional boards govern in constructive partnership with the chief executive, recognizing that the effectiveness of the board and chief executive are interdependent.”²²
- The board nurtures the development of its members as a group; it tends to the board’s collective welfare, and fosters a sense of cohesiveness.”²³
- Superintendents play a key role in ensuring good relations with their boards and among board members.²⁴

The concept of partnership subtly shifts the concept of a ‘governance team’ where the board and superintendent lead together within their respective roles. This is still true, however, teams usually consist of equal members. Partnership is different; it includes people who are not on the same team. They have different roles with shared goals they mutually pursue. Partnership conveys the concept of mutual dependence, but not equality. Superintendents and board members are not the same, but each needs the other to be successful. Board members are usually not professional educators and have neither the special training nor the experience necessary for educational leadership. Superintendents do have these qualities, but they are not elected officials and cannot perform the governance functions that community-elected board members fulfill.

Effective school boards clarify values, norms and protocols

Values, norms and protocols help boards clarify their collective beliefs, how they will work together, and the procedures they will follow to manage board operations.

Values

Values are the principles and ideals that serve as the foundation of board culture. The board and superintendent must specifically articulate the values that will guide their working relationship. These values help answer the question: “What do you need from each other to function well as an effective group?” CSBA’s Professional Governance Standards speak directly to the question of values, and specifically mention openness, trust, integrity, civility and respect.

Norms

Norms are the behavioral expectations that board members have for one another. While his concepts regarding organizational health are directed at executive teams, Patrick Lencioni’s work is pertinent to boards. Lencioni proposes that the question “How do we behave?” is second only to the question “Why do we exist?” because any group of people responsible for the leadership of an organization must be

cohesive, and this cohesion cannot be achieved without clear agreements on the behavior members expect from each other.²⁵ Values answer the question: “What do we stand for and believe in?” Norms answer the question: “What does that look like as we interact with one another?”

Protocols

Protocols are the board’s operational procedures that clarify how the board does its work. Effective boards are intentional and specific in how they structure and organize their governing work so that they can fulfill essential governance duties and focus organizational priorities.²⁶ Protocols provide clarity and remove confusion. Without clear processes, “governance is difficult, maybe impossible.”²⁷ Protocols are often the focus of board development work and clarify how the board will: communicate between meetings, prepare for meetings, conduct meetings, and interact with community members in and outside of meetings.

Failure to establish and abide by values, norms and protocols is a common source of difficulty for boards. Lack of clarity or commitment to these procedures can create confusion as well as anger or distrust among members. This often distracts the board from its real governing work and has a negative effect on board and district culture. Effective boards work hard to maintain clarity and commitment to the board’s values, norms, and protocols.

Summary

Effective school boards establish governance commitments in three key areas: 1) They embrace a common set of core beliefs; 2) They are intentional about building and sustaining productive partnerships; and 3) They have clear agreements regarding board values, norms, and protocols. Reaching clarity around these issues is foundational to working effectively as a governing board. These agreements should be committed to writing, referred to regularly and reviewed periodically. This level of clarity creates the conditions for the smooth and effective functioning of the board, freeing the board to focus all of its energy on the most critical matters facing the district.

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Chapter 3: Governing Practices

Governance research identifies three major areas of effective school board practices, including improving governance, focusing on the foundations of successful education reform, and using data.

Effective school boards focus on improving governance

Effective boards are intentional about developing their own capacity to govern through practices specifically designed to focus their attention on improving their board skills. These practices include board development and monitoring and evaluating board performance.

Board development

Board development can improve the board's ability to work together successfully²⁸ and translate into more effective leadership and governance.²⁹ However, school board members—and newly elected board members in particular—often receive little or no training for their governance work.³⁰ Board development includes learning about education trends and practices, but also focuses on learning about governance roles, knowledge and skills.³¹ When boards are better educated about the work of governing, they are more likely to form an effective team.³² Learning together about board roles has been identified as one of the key practices of boards in districts that effectively advance student achievement.³³ Similar findings are evident in governance research outside education. Exceptional non-profit boards build learning opportunities into their regular governing activities both in and out of the boardroom.³⁴ These learnings ensure that board members are well informed about the organization and the professionals working there, as well as the board's own roles, responsibilities, and performance.³⁵

Monitoring and evaluating board performance

School board researchers conclude that boards in successful districts create mechanisms for accountability within and across the system,³⁶ including holding themselves accountable.³⁷ This is the second core aspect of strengthening a board's capacity to govern: to set governance performance targets, monitor performance toward those targets and conduct board evaluations. CSBA's Professional Governance Standards assert that an effective board periodically evaluates its own effectiveness. Eadie makes the point explicitly.

“every truly high-impact board I have ever worked with has played an active, formal role in managing its own performance as a governing body, not only by taking accountability for the board's collective performance but also making sure that individual board members meet well-defined performance targets ” ³⁸

To sustain their focus on improving governance, boards must create protected time for their developmental work and integrate these practices into the board calendar and meeting agendas.³⁹ A fundamental aspect of the board's development is the effectiveness of its meetings. Boards can only perform their governance work at board meetings, where they have limited time and often extensive issues that require their attention. So the effectiveness of these meetings is critical to effective governance. According to Donald McAdams, founder of the Center for Reform of School Systems, public board meetings can influence community perception about the district and its leadership. “Crisp, efficient, well-ordered meetings send the signal that the board knows its business and is taking its stewardship of the schools seriously.”⁴⁰

Effective school boards focus on the foundations of successful reform

Research and literature on the effectiveness of school districts and boards reveals three core elements of successful reforms that effective boards embrace as foundational to their change efforts: systems thinking, a culture of continuous learning, and distributed leadership.

Systems thinking

K-12 school districts and county offices are complex organizations with many interacting parts. Changes in any one part of the organization will have consequences, often unintended, in other parts of the institution. Embracing systems thinking means that boards are intentional about learning the dynamics of the systems they govern and recognizing how changes will impact the entire organization.⁴¹ Approaching school governance with a systems thinking mindset includes the understanding that large, complex systems are inherently resistant to change without careful planning and strong implementation.⁴² Because the systems are complex, the changes cannot be isolated; “improvement doesn’t mean doing one thing exceedingly well, it is doing many aligned things well.”⁴³ This alignment is not theoretical, but experiential. Systemic change requires support for the change in every school, with all elements of the system interconnected and involved, day after day.⁴⁴

A culture of continuous learning

Boards maximize the performance of educators by creating a culture of continuous learning at all levels. In the field of K-12 teacher professional development, professional learning communities (PLC) have gained strong momentum and wide acceptance. One of the most important characteristics of PLC’s is focusing on collective rather than individual development. The board, working with the superintendent, creates and sustains this ongoing development through goals, policies and resource decisions that create dedicated time and space for collaborative learning. This time is dedicated to collectively studying and addressing classroom challenges in instruction and assessment.⁴⁵ In a culture of high trust, it provides educators the freedom and confidence to openly share mistakes and constructively analyze classroom practice.⁴⁶ Building this culture of continuous learning requires boards to understand the characteristics of quality professional development and to invest in it through intentional changes in the allocation of people, time, and money.⁴⁷

Distributed leadership

Boards and superintendents provide the top-level leadership that moves an education system towards fulfilling its mission. Recent research has revealed the importance of expanding leadership throughout the system. Capacity, accountability, and empowerment—giving adults as much power as possible to do their work—are the foundation of any successfully theory of change.⁴⁸ Others characterize this as a balance between districtwide direction and building-level autonomy, extending the relationship between the board and the superintendent to other district leaders, including central office staff, site principals and teacher leaders. Other researchers have described this empowerment as defined autonomy—giving authority and responsibility to principals within clear parameters for outcomes,⁴⁹ or as a balance between system-wide consistency and flexibility.⁵⁰ This is also described as building instructional and leadership capacity systemically and is predicated on the belief that sustained improvement can only be achieved when all the educators—principals and teachers together—are focused on improving learning.⁵¹

Effective school boards use data for their governing work

The use of data by boards is well-established. Research in the non-profit sector reveals that effective boards are well informed about the institution and the professions that serve there.⁵² These boards are analytical and embrace a culture of inquiry by seeking information and pushing back on assumptions and conclusions.⁵³ Effective school boards also use data.

Data at the system level

School systems are complex and boards need a variety of data to have a complete picture of the system. The kinds of data boards need includes district- and school-level student outcomes data, demographic data, business operational data and perception data. Boards act strategically by not only focusing on the district-level data, but through the board's system-wide response to the data.

Data guides decision-making and accountability

The National School Boards Association's framework of eight interrelated board actions that lead to raising student achievement includes continuous improvement: "Good data empowers the board and staff to refine, strengthen, modify, correct, and/or eliminate existing programs and practices to get better results."⁵⁴ This is echoed in the Center for Public Education's eight research-supported characteristics of board effectiveness: "Effective boards are data savvy: they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement."⁵⁵ The Lighthouse Study identified seven areas of board performance that lead to improvements in student achievement, including using data to set expectations, monitor improvement and apply pressure for accountability.⁵⁶ The board, with the superintendent, works to reach agreement on what the data means qualitatively—the story behind the data. Boards also determine which data will be used to share progress toward district goals.⁵⁷

Data use guided by policy

Data collection and analysis is an intensive task, and not all data is worth gathering. The processes for the use of data and data dashboards should be guided by board policy that clarifies its purpose, content, cycle of review, and sample displays as exhibits to accompany the policy.⁵⁸ Boards need to work with their superintendent to develop a clear and focused plan for collecting data that is necessary for monitoring district performance, and provide sufficient funding for the data functions that the board requests.⁵⁹

Summary

The research on effective K-12 school governance surfaces three practices of governance that are correlated with board effectiveness. First, effective school boards commit to improving their capacity to govern. They create protected time for their developmental work and model the culture of continuous learning by concentrating their efforts on learning about governance, setting performance targets, and monitoring and evaluating their performance. Second, effective boards focus on the foundations of successful reform of employing systems-thinking in their governance work, building a culture of continuous learning and extending leadership for learning throughout the system. Finally, boards use data to make decisions and monitor district performance. They study demographic, operational, outcome, and perception data. Boards use this data to reach agreement on the relative strength of the district's systems so they can set goals to address areas where growth or improvement is desired.

Chapter 4: Governing Actions

Effective boards set direction

Non-profit sector governance research has established setting direction as a core board responsibility. Boards establish a vision for organizational direction and help to ensure a strategic approach to the organization's future.⁶⁰ This important work takes time and requires the board to align board meeting agendas to strategic priorities.⁶¹ These research findings on non-profit boards translate well to the school board context: setting direction is also a critical activity of effective school boards. Specifically, effective school boards:

- make student learning a priority,
- prioritize goals to ensure that the most important changes are addressed first, and
- clarify expectations for outcomes.

Making student learning a high priority

School districts successful in raising student achievement have board members for whom improving student learning is a high priority.⁶² Research on districts that successfully raised student achievement found that board members were knowledgeable about learning conditions in the district, could articulate specific initiatives that the district was implementing, and could clearly describe the work of staff related to the goals.⁶³ Other research has described the importance of the school board playing an active role in leading innovation and change in order to raise student achievement.⁶⁴ A 2012 report based on case studies of thirteen large U.S. districts concluded that boards are most effective when their strategic role includes setting high-level goals for improving student achievement.⁶⁵ This focus on student learning is founded on what board members believe about students. The ability of the board to have an explicit agenda for student learning:

“rests, in part, on a fundamental belief that all children can learn Where policymakers and decision makers at all levels bring this to the table, there is a greater likelihood that the board will act in the best interests of the young people served by the district ”⁶⁶

Prioritizing goals

Setting priorities means deciding which goals matter most. If the top two most important changes require most of the districts resources, then other changes, however desirable, will have to wait. Goals and priorities express the school organization's core beliefs. Effective boards recognize that “mission, vision and values are the bedrock upon which the board conceives and articulates change.”⁶⁷ Effective boards define clear goals to move the organization toward the vision.⁶⁸ This focus on student learning also means deciding what not to do and limiting administrative initiatives to those identified by the board as key priorities.⁶⁹ The board needs to hone its focus in order to prevent goal-creep—the tendency of the district to take on too many changes—and resist allocating precious resources to too many goals, thus underfunding all of them.

Clarifying expectations for outcomes

A critical element of the board's strategic direction work is setting clear expectations for results.⁷⁰ The clarity of these expectations is expressed through the data that the board will use to determine if they have been met. Boards use data to define what must change and to measure if and to what extent change has been achieved. In districts making significant progress in raising student achievement, board members received a variety of information that allowed the board to identify student needs and to set goals based on the data.⁷¹

Effective boards align the system

Effective boards focus on systemic alignment to ensure that all aspects of district operations are pursuing the same goals in a coherent manner. This alignment has two fundamental components: resources and policies.

Aligning resources

The importance of the district budget as a direction-setting tool cannot be overstated. Boards fund the changes they seek by allocating resources for all the things that money pays for: buildings, technology, instructional materials, services, and most importantly, people. Boards know that the largest percent of a district budget is spent on salaries and benefits, often constituting more than 80% of all district expenses. Therefore, boards need to ensure that the allocation of staff supports the district's operations and aligns with the district's priorities. For example, if establishing district partnerships with other organizations is a priority for the board as a long-term strategic effort, that effort may require the dedicated time of key staff.⁷²

A study of three Texas school boards characterized this alignment work as building efficacy—the power to produce a desired effect. Specifically, school leaders committed a very high level of knowledge, skills, resources, and support to change efforts. When responding to the challenge of limited resources, priority was given to using funds in ways that most directly supported instruction.⁷³ The importance of resource allocation is well stated by Schmoker: “The key is to marry a priority on learning to an obsession with funding and the school calendar.”⁷⁴

Aligning policies

The board's strategic direction includes creating and improving district structures through policies that drive district operations and performance. Effective school boards spend less time on operational issues and more time focused on policies to improve student achievement.⁷⁵ A majority of district policies are often driven by changes in state law. These are usually brought to the board by the administration as recommendations to ensure the policy language remains consistent with the law. These policies might be considered operational because they ensure stability and consistency in the district's systems for learning, business operations, transportation and facilities, and more.

However, boards can also create policies to drive change. These reform policies are proactive; they are designed to make significant changes in the district.⁷⁶ For example, in addition to setting a goal for establishing Professional Learning Communities (PLCs) the board could also develop a district policy that establishes the purpose of PLCs in the district, expectations for teacher participation in PLCs, and how the effectiveness of PLCs will be assessed.⁷⁷ By placing the practice of PLCs in policy, the board elevates PLCs to a higher level of strategic direction. In the Lighthouse study, board members in effective districts believed that providing guidance for district improvement efforts in written policies would sustain the initiatives in the event that key district leaders or board members left their positions.⁷⁸

Ensuring accountability

The accountability expected from governing boards is commonly understood as monitoring organizational performance and reporting results to stakeholders. In the non-profit sector, exceptional boards are results-oriented, measuring the effectiveness, efficiency and quality of programs and services.⁷⁹ It has been suggested that focusing directly on accountability does not create the incentive and intrinsic motivation that lead to successful reform in K-12 school districts.⁸⁰ However, this does not relieve boards of their statutory authority and responsibility for oversight. K-12 school and governance research suggests three aspects of accountability that can increase a school board's effectiveness:

- accountability as a framework
- accountability as a cycle
- accountability as shared responsibility

Accountability as a framework

Effective boards establish districtwide accountability systems to measure the performance of the board, superintendent and the district:

- **Board performance:** Effective boards hold themselves accountable,⁸¹ periodically evaluating their own performance.⁸² Examples include regularly reviewing their governance functions, monitoring progress toward board performance goals, and the evaluating the effectiveness of board meetings.
- **Superintendent evaluation:** Holding the superintendent accountable for results is a critical practice of effective boards.⁸³ This process is often considered a board's most important accountability tool. Unfortunately, it sometimes receives insufficient attention because boards either do not recognize its importance, feel uncomfortable evaluating their superintendent, or do not feel competent to conduct the evaluation. Three key elements of an effective process include 1) working with the superintendent to set very clear performance targets, 2) monitoring performance regularly (not just annually), and 3) focusing the process on improving performance as well as improving the board-superintendent relationship.
- **District performance:** This includes monitoring improvements in student achievement and other district goals, as well as the district's operations and fiscal performance. Student achievement data should include indicators for achievement (where are they now) and improvement (how far have they come).

In each of these areas, the school board has the ultimate authority and responsibility for establishing and monitoring key indicators of success.⁸⁴ Specifically, effective boards use quantitative and qualitative data to: 1) set expectations, 2) monitor improvement, and 3) apply pressure for accountability.⁸⁵ Without clear expectations, professional staff has no way of knowing which information will be considered most important by the board.⁸⁶

Accountability as a cycle

Effective boards use the accountability framework not only to provide district oversight, but also to organize their governing work. Accountability is not an annual event; it is an ongoing cycle of reporting and review. Boards work with superintendents to determine how frequently data should be provided, and these reports are embedded into the board's regular meetings so that some accountability measures are

reported on a regular basis, if not at every meeting.⁸⁷ To ensure board and community understanding, these reports should be in consistent formats that are easy to understand.⁸⁸

Accountability as shared responsibility

According to a 2011 study,⁸⁹ community members have different views and definitions of accountability. Organizational leaders generally see accountability as primarily focused on using quantitative measures to improve performance and find technical solutions to problems. They believe that transparency is the basis of building community trust in the organization. In contrast, members of the public describe accountability as individuals at all levels behaving responsibly, ensuring fairness, acting honorably, listening to the public, and responding to public concerns with courtesy and respect. They also described it as shared responsibility—they do not believe that educational leaders bear the accountability burden alone. “They see it as a shared duty, and many seemed as frustrated by the irresponsibility of neighbors and fellow citizens as they were by irresponsibility among the powers that be.”

A follow up study in 2013⁹⁰ concluded that the public believes that most schools should do better and that some recent accountability reforms, including raising standards and education requirements, are good reforms. The study also reported some parent perspectives on school accountability that boards should consider.

- The critical role of parent accountability: Parents believe that their primary responsibility is to instill the “values and habits of behavior that will help their children lead responsible and successful lives.”
- The impact of the larger culture: Parents say that schools cannot be successful without greater social support.
- The over-emphasis on testing: Parents indicated that testing needs “to be put in context with other important elements of teaching and learning.”
- The vital role of schools in communities: Parents strongly reject the strategy of closing schools as ways to improve accountability.
- The benefit of choice: Parents were not united in weighing the sometimes conflicting goals of giving parents more choices or having good neighborhood schools everywhere.
- Ongoing conversations: Good communication is the goal, not more data. Parents want two-way communication. More information may be valuable, but it does not ensure that communication is taking place.

These findings about accountability suggest that as boards develop district accountability structures, it is important to engage parents and community members in determining how the district will demonstrate good accountability and what that means.

Summary

Effective boards set direction by making student achievement a high priority, prioritizing all district improvement efforts and clarifying the board’s expectations for performance. They align all district resources and policies to ensure that the improvement efforts are supported. Effective boards also establish a comprehensive framework for accountability that includes board, superintendent and district performance and they review accountability results as a regular activity at board meetings. Finally, effective boards ensure that the district accountability system involves and is responsive to the needs and interests of parents and community members.

Chapter 5: Engaging Community

Evolving context and perceptions of community engagement

As noted earlier, a decades long reduction in the number of school districts across the county increased the relative number of constituents that boards are elected to represent. The populations of school districts have increased significantly. Also, California communities are becoming increasingly diverse. More than 1.4 million English language learners made up 23% of California's K-12 student population in 2010-11 and there are about 60 different spoken languages in the schools. In addition, the rapidly growing access to information and digital devices is impacting concepts and practices of community engagement while simultaneously creating a digital divide that must be bridged.

Recent research on community engagement and participative democracy offers valuable insights regarding how community members value and perceive engagement efforts. A 2009 report suggests that at least two critical elements of increasing engagement include maximizing the relevant and credible information community members need and increasing their capacity to engage with information.⁹¹ However, data alone does not always address people's concerns, particularly if community members come to the table of engagement with a history of skepticism or distrust. In addition, while many agree that public engagement is essential to school improvement, a shared understanding of what that engagement should look like is often lacking.⁹² Community engagement has to be a two-way conversation based upon a shared understanding of what the problems are. When conversations are framed thoughtfully, community participants assert that K-12 education is important to them. They believe they have insights worth sharing and that schools do not bear the responsibility for educating children alone.

Effective boards create clear community engagement processes

Effective boards clarify their expectations for community engagement through district policy.⁹³ Information is essential to effective engagement, and district and board leadership is essential to ensuring that these discussions are respectful and productive.⁹⁴ Researchers identify some common mistakes that districts and boards make in stakeholder engagement. One is for leaders to assume that good works speak for themselves and as a result, to under-invest in community relations. Another is to communicate only in times of need or crisis. Finally, approaches to stakeholder engagement are often limited and superficial.⁹⁵

In contrast, research by the Public Education Network,⁹⁶ a national organization working to improve public schools and build citizen support for quality public education, identifies the characteristics of effective engagement between districts, boards, and community members. Such effective engagement is:

1. Strategic: focusing on student achievement with enough specificity to give participants confidence that the engagement will lead to real change.
2. Systemic: ensuring participants understand the interconnectedness and complexity of the school system.
3. Structured: establishing processes that capture participants' insights regarding outcomes and courses of action, which can create momentum and lead to accountability.

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4. Cyclical: ensuring engagement efforts are ongoing. An iterative process can provide continuous support and pressure for implementing change.

Research conducted by Public Agenda, a nonprofit, nonpartisan organization dedicated to strengthening democracy, identifies two key strategies that support such effective stakeholder engagement.⁹⁷

1. Provide consistent opportunities for meaningful dialogue.

This may include learning about community perceptions of previous attempts at communication and reform. Information provided by the district in these conversations should be easy to access and understand. Districts should clarify who is responsible for receiving and responding to stakeholder inquiries and ensure that outreach efforts include a wide range of constituents and a variety of approaches.

2. Invest more in existing resources.

(a) Invest in teachers. Teachers are often underutilized for community outreach and communication.

Teachers can serve as the first point of contact for parents, students and community members. They are often in the best position to build strong, individual relationships with stakeholders, and to become a trusted source of information. For example, teachers of students who are not proficient in English often have the language skills to communicate with non-English speaking community members.

(b) Work with community-based organizations. These organizations often have deep experi-

ence working with communities. If boards and districts can identify shared interests with local community outreach organizations, the district may be able to increase its capacity for effective engagement through partnerships.

(c) Re-invigorate existing local school councils. In surveys, district staff and community organizers agree that these councils are an under-used resource.

Effective boards use engagement processes to support school improvement

In effective districts, these processes for community engagement established by the board are the means through which boards: 1) create a sense of urgency for district improvement; 2) encourage participation; 3) develop partnerships; and 4) build civic capacity.

Effective boards create a sense of urgency

CSBA's Professional Governance Standards 98 assert that effective boards "provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels." In districts that successfully raise student achievement, boards take responsibility for informing the local community about the status of student achievement, identifying problems, and offering a compelling case for the urgent need for change. This role of sharing data that identifies problems and creates a sense of urgency about the need for change can be a difficult shift for board members, who are accustomed to building confidence in the school system by articulating its strengths and accomplishments.⁹⁹

Research indicates that while data might highlight critical need, the sharing of data alone may not garner support for change.¹⁰⁰ Gaining support for district change requires building trust with parents and community leaders, anchored in a shared concern for the children in their community.¹⁰¹ Beyond establishing the need for change, effective districts build consensus with stakeholders that the change will be a top priority for the district and will focus on improving student achievement.¹⁰²

Effective boards involve community in vision and planning

Effective boards create opportunities to hear the views of a diverse range of community members. These opportunities, provided during regular board meetings as well as in other public venues, solicit stakeholder input for the district's vision,¹⁰³ and long-range planning processes.¹⁰⁴ Ensuring that these processes include all community voices—particularly from community members who may not have been previously included such as non-English speaking groups—can be challenging and may require complex processes.¹⁰⁵ These major efforts to gain community support are considered necessary for implementing district improvement. In studies of districts that have made significant progress in raising student achievement, researchers found that boards not only involved the community, they “believed in them as part of the larger team.”¹⁰⁶

Effective boards build community partnerships

Establishing partnerships is identified as a key

Fig. 2

activity of effective boards.¹⁰⁷ Boards use district policies to define roles and responsibilities for

Health care (68)

Government & military (62) community partnerships, establish expectations for the participation of district leadership in

Service & volunteer (49) partnership efforts, and allocate resources to support these efforts. Surveys reveal that schools often construe partnerships too narrowly, focusing on a limited range of student-centered efforts. In addition, out of 817 partnerships

Partner organizations

Faith-based (47)

among 443 schools, 366 of these (45%) involved for-profit local and national businesses. Each of the other types of agencies accounted for

Senior citizens (25) less than 10% of partnerships. (Figure 2). These

Cultural &

results indicate that schools have room to broaden their efforts to include family-, school-

University/college (77)

9%

8%

8%

6%

6%

3%

45%

2%

recreation

Small & large local businesses (366)

centers (20)

and community-centered partnerships and to widen their circle of potential partners.¹⁰⁸

Effective boards build support and civic capacity

Building community support for the beliefs, commitments, and reform policies that the board has established to raise student achievement can help districts avoid the abandonment of reform efforts that can follow transitions in board and district leadership.¹⁰⁹ A 2012 study of boards supports this view: “the best outcomes occur when both district leadership and voters understand that successful reform requires a long-term commitment.” When the board, superintendent, and district as a whole reach an understanding with the community about why reforms are needed, the progress being made toward reform goals, and the importance of sustaining reform efforts—community members are more likely to identify potential can-

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didates who can sustain the reforms.¹¹⁰ A report by the Academic Development Institute recommends that districts create “recruitment pipelines” that introduce stakeholders to board member responsibilities and the role and work of the board.¹¹¹ Effective and shared board self-evaluation processes contribute to these efforts. When boards evaluate their performance and share the results, “it tends to attract the attention of qualified board candidates.”¹¹²

Summary

Effective school boards build and maintain strong relationships in their local communities by clarifying the purpose of community engagement, and ensuring that engagement processes are strategic, systemic, structured and cyclical. Through the engagement process, effective boards build a sense of urgency for reform, and involve stakeholders in establishing a vision and long-term plan. Effective boards also create structures and processes for establishing and maintaining partnerships, and build the capacity of the community to support district reform through transitions in leadership as well as to attract future leaders to the work of school governance.

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Chapter 6: Discussion

Governing schools is hard work. Board oversight and decision-making is complicated, involving a great deal of information, often at a very technical level. In addition, board members have a difficult task of understanding and representing often extremely large and diverse groups, who differ in culture, language, expectations and interests. Finally, boards have limited time; they can only act during board meetings and the volume of work is considerable. Given the challenges, one of the most important decisions boards make on a regular basis is how to spend their very limited time. This research synthesis confirms what we have known about effective governance, reveals strategies for strengthening governance in the short- and long-term, and highlights the importance of participating in future governance research.

Confirming what we know about governance

This synthesis of research supports several basic tenets of effective governance that have long been embedded in governance training programs. Specifically, effective boards make governance agreements as the foundation of their work (chapter 2); focus their governing work on three key kinds of decisions: setting direction, aligning the system and ensuring accountability (chapter 4); and effectively engagement the local community. These are found in CSBA's training programs and in the literature of other state associations as well as the National School Boards Association.

Strengthening governance now

The research supports governance practices that have emerged more recently. Two of these are practices in which boards can invest now to improve their effectiveness almost immediately.

Focus on increasing their capacity to govern is something boards can do tomorrow. By developing a sense of mindfulness—being attentive to how well the board is fulfilling its governance commitments both during and outside of meetings—board members become attuned to how deliberations on difficult issues can lead the board to unintentionally violate those agreements, potentially damaging trust and respect among members, and making difficult topics even more difficult.

Using data has been a growing practice for school boards for many years. However, as schools have become more complex, the amount of data has multiplied. Without clarity for district staff on which data is the most important to bring to the board, district staff often very naturally over-inform the board. They can bring all the data. Boards can increase the focus and efficiency by working with the superintendent to determine which data the board needs for its governing work. Once agreed upon, that data can be formatted in easy to read layouts that can replace lengthy written reports. Because of the importance of data for monitoring and setting direction, determining what data the board needs and how and when it will be shared is high-leverage governing activity.

Developing the accountability framework has long been a core governance activity. Assembly Bill 97, signed by Governor Brown on July 1, 2013, reinforced this board responsibility by requiring boards to adopt Local Control Accountability Plans. Local boards have a historically unique opportunity to use those regulations as the floor—not the ceiling—of accountability. Developing a comprehensive framework for local accountability can be a powerful strategy for ensuring accountability and organizing the board's governing work.

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Strengthening governance in the long term

Understanding the foundations of successful reform has been identified as an important attribute of effective governance. In the research on effective school and district reform, boards are not expected to have a level of understanding equal to that of the superintendent. But they do need to pass budgets that fund these reforms. To do this, boards need to have a basic understanding of the research basis of reforms—so that they can support them. If board members can reach agreement on the characteristics of effective reform, it will make the adoption of goals and the adoption of budgets that fund those goals easier. It will also increase the board's ability to build a sense of urgency in the community, as well as attract strategic partnerships and build civic capacity (see below).

Building partnerships is a high-level governing activity. Because they are elected—i.e., they have often run a campaign—board members have political capital and influence. Board members can leverage this influence to help establish and maintain district partnerships. Because they have fiduciary responsibilities, attracting resources to the district fits well into their governance role. Boards create policies and allocate resources to build partnerships which ideally are long-term, mutually beneficial, and support strategic district priorities.

Building civic capacity is a long-term strategic investment of board time and attention. Increasing community understanding of long-term district efforts and of the board's governing work can lead to better informed citizens. So informed, the community can help identify and elect future board members who will support and sustain the reforms and sustain effective governance practices.

Participation in future research

Everyone—board members, administrators, teachers, students, parents, and community members—benefit when school boards govern effectively. The effectiveness of boards has been studied, but K-12 education needs more and it cannot be done without board members. Research on K-12 governance and its effect on student achievement necessarily draws upon student achievement data, board action, and board member perception. Researchers need board members to participate in this research. Without the input of board members, researchers will find it difficult, if not impossible, to identify correlations between board member attitudes, preparation, or action and student achievement. Participating in school board research is a critical long-term strategy for strengthening school board governance and protecting local control.

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The role of the school board
Prepared by: Vice President Black & Member Low

What does the school board do?

In California, members of local school boards are elected directly by residents of a school district. Although school boards must comply with all applicable state and federal laws, they are not governed by city councils or mayors. A school district is parallel to city and county governments but separate from them. In Albany, the school district and the city have the same boundaries, but the school district has more employees and a bigger budget than the city. The board should be responsive to the values, beliefs, and priorities of its community while keeping in mind the greatest good for the district's students in its decisions. The school board is a collaborative body; that is, an individual school board member has no power or authority—it takes a three-member majority of the school board to take any action. All school board discussions and decisions (other than in a few cases, specified by law, where confidentiality is required) take place at open, announced meetings.

For a school district, the school board has roles and responsibilities from every branch of government:

- Executive—the school board hires and supervises the superintendent and sets the direction for the schools
- Legislative—the board writes and adopts policies and regulations
- Judicial—the school board is the last court of appeal in the district for certain administrative and disciplinary matters
- Fiduciary—the board is responsible for the fiscal health of the district and oversees the budget
- Representing the public—the board monitors the performance of the schools in the district, keeps the public informed, and advocates for students and education at the local, state, and national levels

Sets the direction for the community's schools

None of the responsibilities of the school board is more central to the principle of local governance than to establish a long-term vision for the school system. The following statement reflects the consensus of the entire board, the superintendent and district staff, and the community as established during the district's strategic planning process, which was initiated in August of 2009:

The mission of Albany Unified School District is to provide excellent public education that empowers all to achieve their fullest potential as productive citizens. AUSD is committed to creating comprehensive learning opportunities in a safe, supportive, and collaborative environment, addressing the individual needs of each student.

The role of the school board

Prepared by: Vice President Black & Member Low

Hires and oversees the superintendent

The board has only one direct employee: the Superintendent of Schools, who acts as the chief executive for the district. The board hires the superintendent and oversees his or her work. The superintendent's evaluation depends on factors such as how well he or she manages district staff, how well the district's finances are managed, and most importantly, how well the students in district schools do, academically, physically, and emotionally. Toward that end, the school board looks at data such as test scores and graduation rates and hears reports from staff on programs and initiatives in the district. In addition, individual board members visit schools and attend meetings such as PTA and site council.

Acts as a legislative body for the district

The school board must adopt every policy and regulation used to govern the district. Many policies are mandated by state law, but many more are written by the school board to address specific needs in the district. Board policies have the force of law, and range from expectations for employee behavior and rules for student discipline to specifying the nutritional content of snacks served in classrooms. Every aspect of governance of the district is directed and regulated by board policies and accompanying administrative regulations. The board oversees and approves curricula and text books and monitors programs such as professional development for teachers and counseling for students.

Acts as trustees of public funds

The district receives tax money from the state and federal governments and contributions from individuals and local businesses and is responsible to see that the money is spent carefully and wisely. The board reviews and approves the district budget, every check written by the district, and every contract entered into by the district. The board also gives direction to negotiators and approves every collective bargaining agreement with our three labor unions. The board must help develop and approve the facilities master plan and oversees all facilities projects. When necessary, the board can put parcel taxes and bond measures on the ballot to help pay for programs, staff, and facilities.

Acts as a judicial body

In the rare case when a student has been recommended for expulsion, when an expelled student applies to be readmitted to the district, or when a student or employee appeals a decision made by the Superintendent, the board convenes to decide the case. There is no higher court of appeal within the district, though decisions can be appealed to the county school board or the courts.

Represents the public

The board is accountable to the public for the performance of the community's schools. Toward that end, the board directs the superintendent to establish systems and processes to monitor

The role of the school board
Prepared by: Vice President Black & Member Low

results. In collaboration with the superintendent, the board evaluates the school district's progress toward the district's agreed-upon mission and communicates that progress to the local community.

Schools benefit from community involvement. As an elected, representative body, the board must consult with the public and communicate clearly with the community about district policies, educational programs, fiscal condition of the district, and progress on goals. As the only locally elected officials whose primary responsibility is to represent the interests of schoolchildren, board members have a responsibility to advocate for those children, the district's educational programs, and public education in general.



School District Governance Team Board Self-Evaluation Survey

Overview

One of the primary ways a governance team can strengthen or maintain its effectiveness is to periodically assess its own performance. A governance team self-assessment provides the opportunity to step back and reflect on how well it is meeting its responsibilities. This governance team self-assessment will provide the board and superintendent with valuable perception data, revealing the range of perceptions among board members regarding the performance of the board and the governance team.

Individuals will rank the performance of the board and governance team on important characteristics. CSBA determined these characteristics through collaborative efforts with board members from around the state—who defined the *CSBA Professional Governance Standards* for boards; and through our experiences providing board development to school boards across California for more than 30 years.

Content

The evaluation is divided into two parts. Part one consists of questions regarding the conditions of effective governance. Part two contains questions that address the board's five major responsibilities. For each statement, Individuals should select the descriptor that most accurately describes the extent to which the board demonstrates the quality or characteristic.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: PLAN FOR ELEMENTARY TEMPORARY STUDENT HOUSING

PREPARED BY: VAL WILLIAMS, SUPERINTENDENT

TYPE OF ITEM: REVIEW AND DISCUSSION

PURPOSE:

For the Board of Education to receive and discuss the report from the Superintendent on the Plan for Elementary Temporary Student Housing.

BACKGROUND INFORMATION:

The Albany Middle School Annex is scheduled to be completed on January 31, 2019. The AHS New Addition is currently two to three months delayed with a projected completion date of December 2019. The Ocean View construction is projected to begin in January, 2020.

DETAILS:

Ocean View Elementary School students will need to be temporarily housed on a campus during construction. It is a goal to keep Albany students in Albany schools during the term of construction and until students can return to Ocean View. There is also a need to ensure that Measure B & E school bond funds are allocated so that the AMS Annex, AHS New Addition, Ocean View Elementary, and Marin Elementary school construction projects are successfully completed. In order to meet these objectives, the Superintendent, after collaboration with site and district administrators, has created a plan to keep Ocean View students in Albany schools. The plan, rationale, and other options that were explored, will be presented at the Board meeting.

STRATEGIC OBJECTIVES ADDRESSED:



Objective #1: *Assess and Increase Academic Success. Goal: We will provide a comprehensive educational experience with expanded opportunities for engagement, assessment, and academic growth so that all students will achieve their fullest potential.e.*



Objective #2: *Support the Whole Child. Goal: We will foster the social and emotional growth of all students, implement an array of strategies to increase student engagement, identify individual socio-emotional and behavioral needs, and apply collaborative appropriate interventions.*



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: The Board to receive and discuss the report from the Superintendent on the Plan for Elementary Temporary Student Housing.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: INDEPENDENT CONTRACTOR AGREEMENT WITH MERCOZA FOR REMOVAL AND REPLACEMENT OF CONCRETE AREA AT ENTRANCE TO CORNELL ELEMENTARY SCHOOL

PREPARED BY: JACKIE KIM, CHIEF BUSINESS OFFICIAL

TYPE OF ITEM: REVIEW AND ACTION

PURPOSE: To review and approve the Independent Contractor Agreement with Mercoza for removal and replacement of concrete area at entrance to Cornell Elementary School.

BACKGROUND INFORMATION: Staff at Cornell Elementary School have observed that the concrete area at the entrance to the school has deteriorated over time and may represent a risk due to large pits having formed in the concrete. The pits in the concrete may represent a risk to pedestrians in heels and may also represent a disabled access issue.

DETAILS: Removal and replacement of concrete area at entrance to Cornell Elementary School. Expected Timeframe: November 19-23, 2018.

Services will be provided on a Lump Sum Bid basis and shall include:

- Removal and replacement of 531 square feet of concrete area at entrance to Cornell Elementary School, based on field direction from District
- Work will be done at prevailing wage rates
- Work will be done November 19-23, 2018

FINANCIAL INFORMATION: \$16,992 in General Fund

STRATEGIC OBJECTIVES ADDRESSED:



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: To review and approve the Independent Contractor Agreement with Mercoza for removal and replacement of concrete area at entrance to Cornell Elementary School.

ALBANY UNIFIED SCHOOL DISTRICT INDEPENDENT CONTRACTOR SERVICES AGREEMENT

This agreement is hereby entered into this 23rd day of October, 2018, in the County of Alameda, State of California, by and between the Albany Unified School District, hereinafter referred to as "DISTRICT," and

Mercoza

CONTRACTOR

P.O Box 110283

MAILING ADDRESS

Campbell

CA

95001

CITY

STATE

ZIP

hereinafter referred to as "CONTRACTOR." DISTRICT and CONTRACTOR shall be collectively referred to as the Parties.

1. Contractor Services. Contractor agrees to provide the following services to District (collectively, the "Services"): INSTALL NEW 4" BROOM FINISH CONCRETE. 4'x4' SCORE MARK PATTERN. 4" CLASS II BASE ROCK. PREVAILING WAGES. NO COLOR OR REBAR. (See attached proposal)

2. Contractor Qualifications. Contractor represents and warrants to District that Contractor and all of Contractor's employees, agents or volunteers (the "Contracted Parties") have in effect and shall maintain in full force throughout the Term of this Agreement all licenses, credentials, permits and any other legal qualifications required by law to perform the Services and to fully and faithfully satisfy all of the terms set forth in this Agreement. If any of the Services are performed by any of Contractor's Parties, such work shall only be performed by competent personnel under the supervision of and in the employment of Contractor.

3. Term. CONTRACTOR shall:

Provide services under this AGREEMENT on the following specific dates

November 19, 2018 to November 23, 1018, and complete performance no later than November 25, 2018;

OR

☐ Commence providing services under this AGREEMENT on:

There shall be no extension of the Term of this Agreement without the express written consent from all parties. Written notice by the District Superintendent or designee shall be sufficient to stop further performance of the Services by Contractor or the Contracted Parties. In the event of early termination, Contractor shall be paid for satisfactory work performed to the date of termination. Upon payment by District, District shall be under no further obligation to Contractor, monetarily or otherwise, and District may proceed with the work in any manner District deems proper.

4. Termination. Either party may terminate this Agreement at any time by giving thirty (30) days advance written notice to the other party; however the parties may agree in writing to

a shorter time period for the effectiveness of such termination. Notwithstanding the foregoing, District may terminate this Agreement at any time by giving written notice to Contractor if Contractor materially violates any of the terms of this Agreement, any act or omission by Contractor or the Contracted Parties exposes District to potential liability or may cause an increase in District's insurance premiums, Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency. Such termination shall be effective immediately upon Contractor's receipt of said notice.

5. Compensation. DISTRICT agrees to pay the CONTRACTOR for services satisfactorily rendered pursuant to this AGREEMENT a total fee not to exceed (\$16,992.00). DISTRICT shall pay CONTRACTOR according to the following terms and conditions:
- a. Such compensation shall be based on:
 - ☐ An hourly rate of _____ for a total amount of _____ hours.
 - ☐ A daily rate of \$ _____ for a total amount of _____ days.
 - ☒ Total amount of \$ 16,992.00.
 - b. Payment method shall be:
 - ☒ Upon Completion
 - ☐ Date of Service
 - ☐ Other (Specify):

Any work performed by Contractor in excess of said amount shall not be compensated.

Payment shall be made upon approval of DISTRICT and receipt of an invoice from CONTRACTOR one copy clearly marked original. CONTRACTOR's invoice shall be sent to: Albany Unified School District, Attention: Accounts Payable, 1200 Solano Avenue, Albany, CA, 94706.

6. Equipment and Materials. Contractor at its sole cost and expense shall provide and furnish all tools, labor, materials, equipment, transportation services and any other items (collectively, "Equipment") which are required or necessary to perform the Services in a manner which is consistent with generally accepted standards of the profession for similar services. Notwithstanding the foregoing, District shall not be responsible for any damages to persons or property as a result of the use, misuse or failure of any Equipment used by Contractor or the Contracted Parties, even if such Equipment is furnished, rented or loaned to Contractor or the Contracted Parties by District. Furthermore, any Equipment or workmanship that does not conform to the regulations of this Agreement may be rejected by District and in such case must be promptly remedied or replaced by Contractor at no additional cost to District and subject to District's reasonable satisfaction.
7. California Residency. Contractor and the Contracted Parties shall be residents of the State of California.
8. Indemnity. Contractor shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Education, members of the Board of Education (collectively, the "District Parties"), from and against any and all

claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from the performance of this Agreement, including but not limited to Contractor's or the Contracted Parties' use of the site; Contractor's or the Contracted Parties' performance of the Services; Contractor's or the Contracted Parties' breach of any of the representations or warranties contained in this Agreement; injury to or death of persons or damage to property or delay or damage to District or the District Parties; or for any act, error, omission, negligence, or willful misconduct of Contractor, the Contracted Parties or their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.

9. Insurance. Without in any way limiting Contractor's liability or indemnification obligations set forth in Paragraph 8 above, District reserves the right to require contractor to procure and maintain throughout the Term of this Agreement the following insurance: (i) comprehensive general liability insurance with limits not less than \$1,000,000.00 each occurrence and \$1,000,000.00 in the aggregate; (ii) commercial automobile liability insurance with limits not less than \$100,000.00 each occurrence and \$100,000.00 in the aggregate; if applicable; and neither Contractor nor any of the Contracted Parties shall commence performing any portion of the Services until all required insurance has been obtained and certificates indicating the required coverage have been delivered to and approved by District. All insurance policies shall include an endorsement stating that District and District Parties are named additional insured. All of the policies shall be amended to provide that the insurance shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to District. If any of the required insurance is not reinstated, District may, at its sole option, terminate this Agreement. All of the policies shall also include an endorsement stating that it is primary to any insurance or self-insurance maintained by District and shall waive all rights of subrogation against District and/or the District Parties.
10. Independent Contractor Status. Contractor, in the performance of this Agreement, shall be and act as an independent contractor. Contractor understands and agrees that s/he and the Contracted Parties shall not be considered officers, employees, agents, partners, or joint ventures of District, and are not entitled to benefits of any kind or nature normally provided to employees of District and/or to which District's employees are normally entitled.
11. Taxes. All payments made by District to Contractor pursuant to this Agreement shall be reported to the applicable federal and state taxing authorities as required. District will not withhold any money from compensation payable to Contractor, including FICA (social security), state or federal unemployment insurance contributions, or state or federal income tax or disability insurance. Contractor shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to Contractor and the Contracted Parties and otherwise in connection with this Agreement.
12. Fingerprinting/Criminal Background Investigation Certification. Contractor and the Contracted Parties shall at all times comply with the fingerprinting and criminal background investigation requirements of the California Education Code ("Education

Code”) section 45125.1. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:

X Contractor and the Contracted Parties shall **only have limited or no contact** (as determined by District) with District students at all times during the Term of this Agreement.

☐ The following Contracted Parties have **more than limited contact** (as determined by District) with District students during the Term of this Agreement:

[Attach and sign additional pages, as needed.]

☐ All of the Contracted Parties noted above, at no cost to District, have completed background checks and have been fingerprinted under procedures established by the California Department of Justice and the Federal Bureau of Investigation, and the results of those background checks and fingerprints reveal that none of these Contracted Parties have been arrested or convicted of a serious or violent felony, as defined by the California Penal Code.

Contractor further agrees and acknowledges that if at any time during the Term of this Agreement Contractor learns or becomes aware of additional information, including additional personnel, which differs in any way from the representations set forth above, Contractor shall immediately notify District and prohibit any new personnel from having any contact with District students until the fingerprinting and background check requirements have been satisfied and District determines whether any such contact is permissible.

13. **Tuberculosis Certification.** Contractor and the Contracted Parties shall at all times comply with the tuberculosis ("TB") certification requirements of Education Code section 49406. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:

X Contracted Parties shall **only have limited or no contact** (as determined by District) with District students at all times during the Term of this Agreement.

☐ The following Contracted Parties shall have **more than limited contact** (as determined by District) with District students during the Term of this Agreement and, at no cost to District, have received a TB test in full compliance with the requirements of Education Code section 49406: _____

Contractor shall maintain on file the certificates showing that the Contracted Parties were examined and found free from active TB. These forms shall be regularly maintained and updated by Contractor and shall be available to District upon request or audit.

Contractor further agrees and acknowledges that all new personnel hired after the Effective Date of this Agreement are subject to the TB certification requirements and shall be prohibited from having any contact with District students until the TB certification requirements have been satisfied and District determines whether any such contact is permissible.

14. Confidential Information. Contractor shall maintain the confidentiality of and protect from unauthorized disclosure any and all individual student information received from the District, including but not limited to student names and other identifying information. Contractor shall not use such student information for any purpose other than carrying out the obligations under this agreement. Upon termination of this Agreement, Contractor shall turn over to District all educational records related to the services provided to any District student pursuant to this Agreement.
15. Assignment. Contractor shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations under this Agreement without the prior written consent of District.
16. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Contractor and District and their respective successors and assigns.
17. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
18. Amendments. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by both parties.
19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California and venue shall be in the appropriate court in Alameda County, California.
20. Non-Discrimination. PROVIDER shall not discriminate on the basis of a person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation in employment or operation of its programs.
21. Written Notice. Written notice shall be deemed to have been duly served if delivered in person to Contractor at the address located next to the party signatures below, or if delivered at or sent by registered or certified mail to the last business address known to the person who sends the notice.
22. Compliance with Law. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted herein and this Agreement shall be read and enforced as though it were included therein. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations and ordinances, including but not limited to fingerprinting under Education Code section 45125.1, confidentiality of records, Education Code section 49406 and others. Contractor agrees that it shall comply with all legal requirements for the performance of duties under this agreement and that failure to do so shall constitute material breach.
23. Attorney Fees. If any legal action is taken to enforce the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other reasonable costs and expenses incurred in connection with that legal action.

24. Liability of District. Notwithstanding anything stated herein to the contrary, District shall not be liable for any special, consequential, indirect or incident damages, including but not limited to lost profits in connection with this Agreement.
25. Entire Agreement. This Agreement is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and as the complete and exclusive statement of its terms and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement, nor explained or supplemented by evidence of consistent additional terms.
26. Subject To Approval of Board. This Agreement confers no legal or equitable rights until it is approved by the District Board of Education at a lawfully conducted public meeting.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

DISTRICT:

ALBANY UNIFIED SCHOOL DISTRICT

By: _____
Name:
Title:

Address for District Notices:

Albany Unified School District
1200 Solano Avenue
Albany, CA 94706

Date of Board Approval: _____

CONTRACTOR:

MERCOZA

By: _____
Name:
Title:

Address for Contractor Notices:

Mercoza
P.O. Box 110283
Campbell, CA 95011

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

**ITEM: AMENDMENT FOR DESIGN-BUILD SERVICES WITH ALTEN
CONSTRUCTION FOR THE ALBANY HIGH SCHOOL ADDITION
PROJECT**

PREPARED BY: JACKIE KIM, CHIEF BUSINESS OFFICIAL

TYPE OF ITEM: REVIEW AND ACTION

PURPOSE: To review and approve the amendment for Design-Build Services with Alten Construction for the Albany High School (AHS) Addition Project adding the relocation of existing electrical utilities and re-design required by revised California Geological Survey (CGS) criteria.

BACKGROUND INFORMATION: Change Order #2 for Alten Construction is to include relocation of existing electrical utilities and re-design required by revised California Geological Survey (CGS) criteria.

- Relocation of existing electrical utilities: this work has been completed based on existing conditions uncovered at the site by potholing ahead of the amphitheater demolition work. This utility work was anticipated and budgeted for in the total project budget. This work is being added to the Design-Build contract now because it was not possible to uncover the full extent of the existing utilities relocation during the design process.
- Redesign required by revised CGS criteria: this work is required in response to revised geotechnical criteria established by CGS during their review of the project. The redesign is expected to increase the building structure to meet the higher criteria and provide a seismically safe building.

DETAILS: 2016 Measure B Bond:

- Guaranteed Maximum Price (GMP) approved by Board on April 3, 2018: \$7,389,893.00
- Recommended increase to Guaranteed Maximum Price (GMP): \$150,195.00
- Recommended Guaranteed Maximum Price (GMP): \$7,540,088.00

FINANCIAL INFORMATION: \$150,195 in 2016 Measure B Bond

STRATEGIC OBJECTIVES ADDRESSED:

Objective #3: *Communicate and Lead Together.* **Goal:** *All stakeholders will collaborate and communicate about decisions that guide the sites and district.*

RECOMMENDATION: To review and approve the amendment for Design-Build Services with Alten Construction for the Albany High School (AHS) Addition Project adding the relocation of existing electrical utilities and re-design required by revised California Geological Survey (CGS) criteria.

**AMENDMENT TO AGREEMENT FOR DESIGN-BUILD SERVICES
FOR THE ALBANY HIGH SCHOOL ADDITION PROJECT BY AND BETWEEN
ALBANY UNIFIED SCHOOL DISTRICT (“DISTRICT”) AND ALTEN
CONSTRUCTION (“DESIGN-BUILD CONTRACTOR”)**

The Design-Build Agreement between Albany Unified School District (“District”) and Alten Construction (“Design-Build Contractor”) shall be amended as follows:

- I. Pursuant to Article VII – Contract Documents of the Design-Build Services Agreement, the following sections of the Agreement are amended as follows:
- a. Article IV – Contract Sum;
Final Guaranteed Maximum Contract Sum is seven million five hundred forty thousand and eighty eight dollars (\$7,540,088.00)
 - b. Scope of Work;
Fixed pricing for the following Potential Change Orders:
 - Potential Change Order (PCO #002): Relocation of Existing Electrical Utilities – Potholing to identify existing electrical and low voltage utility lines in or near the footprint of the proposed new building. Relocation of existing electrical and low voltage utility lines as revealed by potholing. Cost: \$118,260.
 - Potential Change Order (PCO #005): Redesign Required by Revised California Geological Survey (CGS) Criteria – Design changes (primarily structural) required by revised CGS requirements. Cost: \$31,935.

Amendment (Total of above): \$150,195

Guaranteed Maximum Price (GMP): \$7,540,088.00

DESIGN-BUILD CONTRACTOR:

Alten Construction

By:

Its: _____

Date: _____

DISTRICT:

Albany Unified School District

By:

Its: _____

Date: _____

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

ITEM: **INDEPENDENT CONTRACTOR AGREEMENT WITH
PROCARE THERAPY, INC.**

PREPARED BY: **CARRIE NERHEIM , DIRECTOR, STUDENT SERVICES**

TYPE OF ITEM: **REVIEW AND ACTION**

PURPOSE:

To provide medical services for a student

BACKGROUND INFORMATION:

A student needs support with a medical condition throughout the school day.

DETAILS:

We will enter into a contract with ProCare Therapy, Inc, an employment agency, to procure the services of a Licensed Vocational Nurse (LVN)

FINANCIAL INFORMATION:

The cost for the nurse is \$295.62 for a total amount of 147 days from October 16, 2018 to Friday, June 14th, 2018. The total cost will not exceed \$43,456.14.

STRATEGIC GOALS ADDRESSED:



Objective #1: *Assess and Increase Academic Success. Goal: We will provide a comprehensive educational experience with expanded opportunities for engagement, assessment, and academic growth so that all students will achieve their fullest potential.*



Objective #2: *Support the Whole Child. Goal: We will foster the social and emotional growth of all students, implement an array of strategies to increase student engagement, identify individual socio-emotional and behavioral needs, and apply collaborative appropriate interventions.*



Objective #3: Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.

RECOMMENDATION: APPROVE INDEPENDENT CONTRACTOR AGREEMENT WITH PROCARE THERAPY, INC.

**ALBANY UNIFIED SCHOOL DISTRICT
INDEPENDENT CONTRACTOR SERVICES AGREEMENT**

This agreement is hereby entered into this 12th day of October, 2018, in the County of Alameda, State of California, by and between the Albany Unified School District, hereinafter referred to as "DISTRICT," and ProCare Therapy

CONTRACTOR

10151 Deerwood Park Blvd. Bldg. 200 Ste. 400

MAILING ADDRESS

<u>Jacksonville</u>	<u>FL</u>	<u>32256</u>
CITY	STATE	ZIP

hereinafter referred to as "CONTRACTOR." DISTRICT and CONTRACTOR shall be collectively referred to as the Parties.

1. Contractor Services. Contractor agrees to provide the following services to District (collectively, the "Services"): Provide monitoring and nursing support for a student.

2. Contractor Qualifications. Contractor represents and warrants to District that Contractor and all of Contractor's employees, agents or volunteers (the "Contracted Parties") have in effect and shall maintain in full force throughout the Term of this Agreement all licenses, credentials, permits and any other legal qualifications required by law to perform the Services and to fully and faithfully satisfy all of the terms set forth in this Agreement. If any of the Services are performed by any of Contractor's Parties, such work shall only be performed by competent personnel under the supervision of and in the employment of Contractor.

3. Term. CONTRACTOR shall:

☐ Provide services under this AGREEMENT on the following specific dates
 _____, _____, _____, _____, _____, _____, _____, and
 complete performance no later than _____;

OR

☒ Commence providing services under this AGREEMENT on:

Tuesday October 16, 2018

and complete performance no later than:

Friday June 14, 2018

There shall be no extension of the Term of this Agreement without the express written consent from all parties. Written notice by the District Superintendent or designee shall be sufficient to stop further performance of the Services by Contractor or the Contracted Parties. In the event of early termination, Contractor shall be paid for satisfactory work performed to the date of termination. Upon payment by District, District shall be under

no further obligation to Contractor, monetarily or otherwise, and District may proceed with the work in any manner District deems proper.

4. Termination. Either party may terminate this Agreement at any time by giving thirty (30) days advance written notice to the other party; however the parties may agree in writing to a shorter time period for the effectiveness of such termination. Notwithstanding the foregoing, District may terminate this Agreement at any time by giving written notice to Contractor if Contractor materially violates any of the terms of this Agreement, any act or omission by Contractor or the Contracted Parties exposes District to potential liability or may cause an increase in District's insurance premiums, Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency. Such termination shall be effective immediately upon Contractor's receipt of said notice.

5. Compensation. DISTRICT agrees to pay the CONTRACTOR for services satisfactorily rendered pursuant to this AGREEMENT a total fee not to exceed forty three thousand, four hundred fifty six dollars and fourteen cents (**43,456.14**). DISTRICT shall pay CONTRACTOR according to the following terms and conditions:
 - a. Such compensation shall be based on:
 - ☐ An hourly rate
 - ☒ A daily rate of \$295.62 for a total amount of 147 days.
 - ☐ Total Amount

 - b. Payment method shall be:
 - ☐ **Upon Completion**
 - ☐ Date of Service
 - ☒ **Other (Specify):** Monthly

Any work performed by Contractor in excess of said amount shall not be compensated.

Payment shall be made upon approval of DISTRICT and receipt of an invoice from CONTRACTOR one copy clearly marked original. CONTRACTOR's invoice shall be sent to: Albany Unified School District, Attention: Accounts Payable, 1200 Solano Avenue, Albany, CA, 94706.

6. Equipment and Materials. Contractor at its sole cost and expense shall provide and furnish all tools, labor, materials, equipment, transportation services and any other items (collectively, "Equipment") which are required or necessary to perform the Services in a manner which is consistent with generally accepted standards of the profession for similar services. Notwithstanding the foregoing, District shall not be responsible for any damages to persons or property as a result of the use, misuse or failure of any Equipment used by Contractor or the Contracted Parties, even if such Equipment is furnished, rented or loaned to Contractor or the Contracted Parties by District. Furthermore, any Equipment or workmanship that does not conform to the regulations of this Agreement

may be rejected by District and in such case must be promptly remedied or replaced by Contractor at no additional cost to District and subject to District's reasonable satisfaction.

7. California Residency. Contractor and the Contracted Parties shall be residents of the State of California.
8. Indemnity. Contractor shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Education, members of the Board of Education (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from the performance of this Agreement, including but not limited to Contractor's or the Contracted Parties' use of the site; Contractor's or the Contracted Parties' performance of the Services; Contractor's or the Contracted Parties' breach of any of the representations or warranties contained in this Agreement; injury to or death of persons or damage to property or delay or damage to District or the District Parties; or for any act, error, omission, negligence, or willful misconduct of Contractor, the Contracted Parties or their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.
9. Insurance. Without in any way limiting Contractor's liability or indemnification obligations set forth in Paragraph 8 above, District reserves the right to require contractor to procure and maintain throughout the Term of this Agreement the following insurance: (i) comprehensive general liability insurance with limits not less than \$1,000,000.00 each occurrence and \$1,000,000.00 in the aggregate; (ii) commercial automobile liability insurance with limits not less than \$100,000.00 each occurrence and \$100,000.00 in the aggregate; if applicable; and neither Contractor nor any of the Contracted Parties shall commence performing any portion of the Services until all required insurance has been obtained and certificates indicating the required coverage have been delivered to and approved by District. All insurance policies shall include an endorsement stating that District and District Parties are named additional insured. All of the policies shall be amended to provide that the insurance shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to District. If any of the required insurance is not reinstated, District may, at its sole option, terminate this Agreement. All of the policies shall also include an endorsement stating that it is primary to any insurance or self-insurance maintained by District and shall waive all rights of subrogation against District and/or the District Parties.
10. Independent Contractor Status. Contractor, in the performance of this Agreement, shall be and act as an independent contractor. Contractor understands and agrees that s/he and the Contracted Parties shall not be considered officers, employees, agents, partners, or joint ventures of District, and are not entitled to benefits of any kind or nature normally provided to employees of District and/or to which District's employees are normally

entitled.

11. Taxes. All payments made by District to Contractor pursuant to this Agreement shall be reported to the applicable federal and state taxing authorities as required. District will not withhold any money from compensation payable to Contractor, including FICA (social security), state or federal unemployment insurance contributions, or state or federal income tax or disability insurance. Contractor shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to Contractor and the Contracted Parties and otherwise in connection with this Agreement.

12. Fingerprinting/Criminal Background Investigation Certification. Contractor and the Contracted Parties shall at all times comply with the fingerprinting and criminal background investigation requirements of the California Education Code ("Education Code") section 45125.1. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:

☐ Contractor and the Contracted Parties shall **only have limited or no contact** (as determined by District) with District students at all times during the Term of this Agreement.

☒ The following Contracted Parties have **more than limited contact** (as determined by District) with District students during the Term of this Agreement:

[Attach and sign additional pages, as needed.]

☒ All of the Contracted Parties noted above, at no cost to District, have completed background checks and have been fingerprinted under procedures established by the California Department of Justice and the Federal Bureau of Investigation, and the results of those background checks and fingerprints reveal that none of these Contracted Parties have been arrested or convicted of a serious or violent felony, as defined by the California Penal Code.

Contractor further agrees and acknowledges that if at any time during the Term of this Agreement Contractor learns or becomes aware of additional information, including additional personnel, which differs in any way from the representations set forth above, Contractor shall immediately notify District and prohibit any new personnel from having any contact with District students until the fingerprinting and background check requirements have been satisfied and District determines whether any such contact is permissible.

13. Tuberculosis Certification. Contractor and the Contracted Parties shall at all times comply with the tuberculosis ("TB") certification requirements of Education Code section 49406. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:

☐ Contracted Parties shall only have limited or no contact (as determined by District) with District students at all times during the Term of this Agreement.

☒ The following Contracted Parties shall have more than limited contact (as determined by District) with District students during the Term of this Agreement and, at no cost to District, have received a TB test in full compliance with the requirements of Education Code section 49406: _____

Contractor shall maintain on file the certificates showing that the Contracted Parties were examined and found free from active TB. These forms shall be regularly maintained and updated by Contractor and shall be available to District upon request or audit.

Contractor further agrees and acknowledges that all new personnel hired after the Effective Date of this Agreement are subject to the TB certification requirements and shall be prohibited from having any contact with District students until the TB certification requirements have been satisfied and District determines whether any such contact is permissible.

14. Confidential Information. Contractor shall maintain the confidentiality of and protect from unauthorized disclosure any and all individual student information received from the District, including but not limited to student names and other identifying information. Contractor shall not use such student information for any purpose other than carrying out the obligations under this agreement. Upon termination of this Agreement, Contractor shall turn over to District all educational records related to the services provided to any District student pursuant to this Agreement.
15. Assignment. Contractor shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations under this Agreement without the prior written consent of District.
16. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Contractor and District and their respective successors and assigns.
17. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
18. Amendments. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by both parties.
19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California and venue shall be in the appropriate court in Alameda County, California.
20. Non-Discrimination. PROVIDER shall not discriminate on the basis of a person's actual

or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation in employment or operation of its programs.

21. Written Notice. Written notice shall be deemed to have been duly served if delivered in person to Contractor at the address located next to the party signatures below, or if delivered at or sent by registered or certified mail to the last business address known to the person who sends the notice.
22. Compliance with Law. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted herein and this Agreement shall be read and enforced as though it were included therein. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations and ordinances, including but not limited to fingerprinting under Education Code section 45125.1, confidentiality of records, Education Code section 49406 and others. Contractor agrees that it shall comply with all legal requirements for the performance of duties under this agreement and that failure to do so shall constitute material breach.
23. Attorney Fees. If any legal action is taken to enforce the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other reasonable costs and expenses incurred in connection with that legal action.
24. Liability of District. Notwithstanding anything stated herein to the contrary, District shall not be liable for any special, consequential, indirect or incident damages, including but not limited to lost profits in connection with this Agreement.
25. Entire Agreement. This Agreement is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and as the complete and exclusive statement of its terms and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement, nor explained or supplemented by evidence of consistent additional terms.
26. Subject To Approval of Board. This Agreement confers no legal or equitable rights until it is approved by the District Board of Education at a lawfully conducted public meeting.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

DISTRICT:

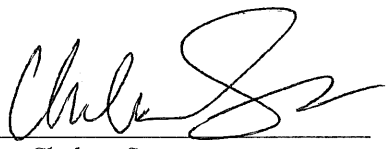
ALBANY UNIFIED SCHOOL DISTRICT

CONTRACTOR:

ProCare Therapy

Tax Identification Number:
(confidential)

By: _____
Name: Carrie Nerheim
Title: Director, Student Services

By:  _____
Name: Chelsea Serr
Title: Department Manager
Senior Director of Educational Resources

Address for District Notices:

Albany Unified School District
819 Bancroft Ave.
Berkeley, CA 94710

Address for Contractor Notices:

ProCare Therapy
10151 Deerwood Park Blvd. Bldg. 200 Ste.400
Jacksonville, FL 32256

Date of Board Approval: _____

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of October 23, 2018

**ITEM: RESOLUTION NO. 2018-19-07: OPPOSITION TO PROPOSITION 5 -
PROPERTY TAX TRANSFERS**

PREPARED BY: VAL WILLIAMS, SUPERINTENDENT

TYPE OF ITEM: REVIEW AND ACTION

PURPOSE: The Board of Trustees to review and approve Resolution No. 2018-19-07: Opposition to Proposition 5 - Property Tax Transfers which is on the November 2018 ballot

BACKGROUND INFORMATION: Proposition 5 - Property Tax Transfers is on the November 2018 ballot. The California School Boards Association (CSBA) has taken a position against Proposition 5, and the Legislative Analyst's office estimates "short term costs to schools at \$150 million annually, growing to more than \$1billion annually." Under current law (as enacted by Proposition 13 in 1978), homeowners 55 years of age or older or severely disabled homeowners are allowed to transfer their property tax assessment to a new home of equal or lesser value once in their lifetime. This transfer is typically limited to purchasing a residence within the same county, unless it is approved by the receiving county.

DETAILS: According to CSBA information on their position, "This lower property tax base could follow these homeowners around the state as many times as the homeowner moves without any increases in their property taxes, and without regard to the new home's size, actual current value or its location in the state. Proposition 5 changes the one-time downsizing protections into a lifetime of investment benefit at the expense of schools and other local public services." CSBA also provided sample resolution language opposing Proposition 5.

FINANCIAL INFORMATION: NONE

STRATEGIC OBJECTIVES ADDRESSED:



Objective #1: *Assess and Increase Academic Success. Goal: We will provide a comprehensive educational experience with expanded opportunities for engagement, assessment, and academic growth so that all students will achieve their fullest potential.*



Objective #2: *Support the Whole Child. Goal: We will foster the social and emotional growth of all students, implement an array of strategies to increase student engagement, identify individual socio-emotional and behavioral needs, and apply collaborative appropriate interventions.*



Objective #3: *Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.*

RECOMMENDATION: Approve Resolution No. 2018-19-07: Opposition to Proposition 5 - Property Tax Transfers which is on the November 2018 ballot.

NO on Prop 5

CSBA **OPPOSES** Proposition 5: Property tax transfers

What current law says

Under current law (as enacted by Proposition 13 in 1978), homeowners 55 years of age or older or severely disabled homeowners are allowed to transfer their property tax assessment to a new home of equal or lesser value once in their lifetime.

This transfer is typically limited to purchasing a residence within the same county, unless it is approved by the receiving county.

This provision is meant to protect this group of homeowners from experiencing higher property taxes when selling a larger house they bought decades earlier and “downsizing” to a smaller home.

What happens if Proposition 5 passes:

This lower property tax base could follow these homeowners around the state as many times as the homeowner moves without any increases in their property taxes, and without regard to the new home’s size, actual current value or its location in the state.

Proposition 5 changes the one-time downsizing protections into a lifetime of investment benefit at the expense of schools and other local public services.

Proposition 5 hurts schools:

Short-term costs to schools:
\$100 million or more annually

Long-term costs to schools:
\$1 billion annually



Based on estimates from the Legislative Analyst's Office on fiscal effects to schools and other local governments.

There are approximately 80 **basic aid school districts and basic aid county offices of education** in California — basic aid school districts and basic aid county offices are those which are funded primarily by local property taxes and receive little state aid.

Basic aid school districts and basic aid county offices of education would be impacted directly by loss of revenues, depending on the number of transfers into their jurisdictions. Basic aid districts and basic aid county offices of education would have no way to recoup this lost revenue other than by attempting to raise revenues through a parcel tax.

LCFF-funded school districts and county offices of education would be backfilled by the state General Fund, as currently happens under LCFF, putting additional strain on the state General Fund to adequately support schools. With local school district and county office of education budgets already under heavy strain due to increases in costs such as healthcare, energy and others, Proposition 5 represents yet another financial pressure that takes more money out of California’s classrooms.

“NO” on Proposition 5

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

**RESOLUTION NO. 2018-19-07:
OPPOSITION TO PROPOSITION 5 - PROPERTY TAX TRANSFERS**

WHEREAS, in order to prepare our students for participation in a democratic society and an increasingly competitive, technology-driven global economy, California must fund schools at a level sufficient to support student success; and

WHEREAS, despite California's leadership in the global economy, the state falls in the nation's bottom quintile on nearly every measure of public K-12 school funding and school staffing; and

WHEREAS, California ranks 45th nationally in the percentage of taxable income spent on education, 41st in per-pupil funding, 45th in pupil-teacher ratios and 48th in pupil-staff ratios; and

WHEREAS, K-12 school funding has not substantially increased, on an inflation-adjusted basis, for more than a decade; and

WHEREAS, Proposition 5, appearing on the November 2018 ballot, represents a threat to the level of funding that California's public schools currently receive; and

WHEREAS, current law allows homeowners 55 years of age or older or severely disabled homeowners to transfer their property tax assessment to a new home of equal or lesser value **once in their lifetime**; and

WHEREAS, Proposition 5 would amend the current law to allow homeowners 55 years of age or older or severely disabled homeowners to exercise this provision **as many times as the homeowner moves without any increases in their property taxes**, and without regard to the size of the new home being purchased, the new home's actual current value or its location in the state; and

WHEREAS, California's nonpartisan Legislative Analyst has estimated that the measure could reduce local funding for schools by up to \$1 billion dollars annually, requiring additional state funds to offset these losses; and

WHEREAS, Proposition 5 could lead to reductions in the funding available for California's classrooms at a time when the state needs to be investing more, not less, to prepare all students for college, career and civic life; and

WHEREAS, if California is to close opportunity and achievement gaps and create a public school system that offers consistently high levels of education for all students, California must provide schools with the resources to meet the needs of their specific populations; and

WHEREAS, while students need to be healthy and safe in order to succeed in their academics, Proposition 5 will reduce the resources available for public safety, health care and other local services that support student learning; and

WHEREAS, California's students deserve better;

NOW, THEREFORE BE IT RESOLVED, that the governing board of the Albany Unified School District opposes Proposition 5 on the November 2018 ballot.

PASSED AND ADOPTED by the Governing Board of Education of the Albany Unified School District of the County of Alameda, this ____ day of **October**, 2018, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Clerk of the Board of Trustees
Albany Unified School District
Alameda County, California