

ALBANY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

The mission of Albany Unified School District is to provide excellence in public education, empowering 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 Avenue
Albany, CA 94706

TUESDAY

November 16, 2010

A G E N D A

- I. OPENING BUSINESS** **7:00 p.m.**
- A) Call to Order
 - B) Roll Call
 - C) Identify Closed Session Pursuant to Agenda Section III Below
- II. PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS**
- General public comment on any Closed Session item will be heard. The Board may limit comments to no more than three (3) minutes.*
- III. CLOSED SESSION** **7:05 p.m.**
- A) With respect to every item of business to be discussed in Closed Session pursuant to Education Code Section 35146: Student Personnel Matters
 - B) With respect to every item of business to be discussed in Closed Session pursuant to: Government Code Section 54957: Public Employee Appointment **Certificated**
 - 1. Amendment
 - a. Noontime Activities
 - b. Teacher
 - 2. Extra Assignment
 - a. Coach, Basketball, 6th Grade Boys
 - b. Coach, Basketball, 7th Grade Girls
 - c. Coach, Basketball, 8th Grade Girls
 - d. Leadership Team Member
 - e. Noontime Activities
 - 3. New Hire
 - a. After School Intervention Teacher
 - b. Music Assistant
 - c. Substitute Teacher

4. Separation of Service
 - a. Substitute Teacher
 - b. Teacher

Classified

1. New Hire
 - a. After School Intervention Instructor
 - b. Coach, Basketball, 8th Grade Boys
 - c. Substitute Café Assistant
 - d. Substitute Custodian
 - e. Yard Aide
2. Student Worker

Uncompensated Service

1. Volunteer
 - a. Basketball
 - b. Driver
 - c. Van Driver

- C) With respect to every item of business to be discussed in Closed Session Pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR (Superintendent Marla Stephenson, District Representative), Regarding Negotiations as pertains to:
 - a. California School Employees Association (CSEA)
 - b. Albany Teachers Association (ATA)
 - c. SEIU Local 1021

IV. OPEN SESSION

7:30 p.m.

Depending upon completion of Closed Session items, the Board of Education intends to convene to Open Session at 7:30 p.m. to conduct the remainder of its meeting, reserving the right to return to Closed Session at any time.

- A) Reconvene to Open Session
- B) Roll Call
- C) Pledge of Allegiance
- D) Report of Action Taken in Closed Session
- E) Approval of Agenda
- F) 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. **Approval of Minutes**
 - a) October 19, 2010

2. **Personnel**
 - a) Certificated Personnel Assignment Order
 1. Amendment
 - a. Noontime Activities

- b. Teacher
- 2. Extra Assignment
 - a. Coach, Basketball, 6th Grade Boys
 - b. Coach, Basketball, 7th Grade Girls
 - c. Coach, Basketball, 8th Grade Girls
 - d. Leadership Team Member
 - e. Noontime Activities
- 3. New Hire
 - a. After School Intervention Teacher
 - b. Music Assistant
 - c. Substitute Teacher
- 4. Separation of Service
 - a. Substitute Teacher
 - b. Teacher
- b) Classified Personnel Assignment Order
 - 1. New Hire
 - a. After School Intervention Instructor
 - b. Coach, Basketball, 8th Grade Boys
 - c. Substitute Café Assistant
 - d. Substitute Custodian
 - e. Yard Aide
 - 2. Student Worker
- c) Uncompensated Service Assignment Order
 - 1. Volunteer
 - a. Basketball
 - b. Driver
 - c. Van Driver
- 3. **Curriculum and Instruction**
 - a) Approve the Memorandum of Understanding between Albany Unified School District and Mindful Schools for professional development at Cornell School Pg 6
 - b) Approve the Independent Contractor Agreement between Albany Unified School District and the Community Alliance for Learning for Writer's Coach Connection services at Albany Middle School Pg 8
 - c) Approve the Extended Overnight Field Trip for Marin School to participate in the YMCA Outdoor Education Program at Point Bonita Pg 9
- 4. **Business and Operations**
 - a) Approve the Independent Contractor Agreement between Albany Unified School District and Belinda Lum for E-rate technology services Pg 10

- b) Approve the ratification to the Agreement for Professional Services between Albany Unified School District and Children's Hospital and Research Center Oakland Pg 12
- c) Approve Resolution No. 2010-11-11 in the Matter of Authorizing Temporary Borrowing Between Funds for the 2010-2011 Fiscal Year Pg 13

5. **Student Services**

- a) Approve the Increase to Purchase Order #P11-00317 between Albany Unified School District and Pediatric Contracting Services, Inc. Pg 16
- b) Approve Increase to Purchase Order # P11-0288 between Albany Unified School District and Quality Behavioral Outcomes Pg 17

V. **STUDENT BOARD MEMBERS**

- A) Student Board Member Report

VI. **STAFF REPORTS**

VII. **PERSONS TO ADDRESS THE BOARD ON MATTERS NOT ON THE AGENDA**

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.

VIII. **REVIEW AND ACTION ITEMS**

(Members of the public will have the opportunity to speak on all issues.)

- A) Approve Resolution No. 2010-11-10 to Establish the Voter Education Fund Pg 18
- B) Approve the Call for Nominations for California School Boards Association (CSBA) Delegate Assembly Pg 23
- C) Approve the new certificated substitute pay rates Pg 26
- D) Approve the cancellation of the regularly scheduled Albany Unified School District Board Meeting: January 4, 2011 Pg 28

IX. **REVIEW AND DISCUSSION ITEMS**

- A) 2010-11 District Enrollment Pg 29

X. **BOARD AND SUPERINTENDENT COMMENTS**

XI. **FUTURE AGENDA ITEMS**

- A) Board Reorganization December
- B) First Interim Report December
- C) Measure E BOC Report January
- D) Measure A BOC Final Report January
- E) Technology Report January

- F) Special Education Report
- G) Wellness Committee Report

February
March

XII. FUTURE BOARD MEETINGS

- A) Tuesday, December 7, 2010, 7:30 p.m., Regular Meeting
Albany City Hall, 1000 San Pablo Avenue, Albany
- B) Tuesday, January 4, 2011, 7:30 p.m., Regular Meeting
Albany City Hall, 1000 San Pablo Avenue, Albany
- C) THURSDAY, January 20, 2011, 7:30 p.m., Regular Meeting
Albany City Hall, 1000 San Pablo Avenue, Albany

XIII. ADJOURNMENT

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board Meetings shall be adjourned at 10:00 p.m. unless extended to a specific time determined by a majority of the Board.

The Board of Education meeting packet is available for public inspection at the Albany Public Library, 1247 Marin Avenue, all school sites, and the lobby of the Albany Unified School District office, 1051 Monroe Street, Albany. The agenda 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 Disability 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 November 16, 2010

ITEM: **APPROVE THE MEMORANDUM OF UNDERSTANDING
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
MINDFUL SCHOOLS FOR PROFESSIONAL DEVELOPMENT AT
CORNELL SCHOOL**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction 

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

November 17, 2010 – June 30, 2011

Description of Services:

Mindful Schools will provide 7.5 weeks of services for 23 classes at Cornell School. The instructors will provide 15 minutes of instruction per week for a total of 3.75 hours.

Mindful Schools provides professional development for teachers to help children pay attention, control their impulses, reduce stress, and build community. Mindful Schools aligns with the positive behavior support program (BEST) and will support schools in creating safe and welcoming environments.

Marin School also is involved in this program. They began a pilot in 2009-10 with a limited numbers of grades and expanded the program in the 2010-11 school year. Mindful Schools was contracted by the Marin PTA for these services directly and came to the District's attention in September of 2010.

For Cornell, Mindful Schools and the AUSD have developed a "Memorandum of Understanding" (MOU). Mindful Schools will now enter into the MOU with AUSD on behalf of the school sites beginning with Cornell's program and will continue with other sites in the future.

Cost not to exceed:

\$6,500

X Standard MOU

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: Cornell PTA Donations


RECOMMENDATION:

Approve the Memorandum of Understanding between Albany Unified School District and Mindful Schools for professional development at Cornell School

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND THE
COMMUNITY ALLIANCE FOR LEARNING FOR WRITER'S
COACH CONNECTION SERVICES AT ALBANY MIDDLE
SCHOOL**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction 

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

November 17, 2010 – June 30, 2011

Description of Services:

Community Alliance for Learning will provide Writer's Coach Connection services for Albany Middle School.

Cost not to exceed:

\$5,500

☒ **Standard Contract**

☐ Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: SchoolCARE – \$3,000 and AMS Site Funds – \$2,500

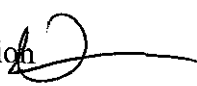
RECOMMENDATION:

Approve the Independent Contractor Agreement between Albany Unified School District and the Community Alliance for Learning for Writer's Coach Connection services at Albany Middle School

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE EXTENDED FIELD TRIP REQUEST FOR
MARIN SCHOOL TO PARTICIPATE IN THE YMCA
OUTDOOR EDUCATION PROGRAM AT POINT BONITA**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction 

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Trip:
May 18th-20th, 2011

Students will depart Marin at 9:00 AM on May 18th and return at 2:00 PM on May 20th.

Description of Trip:
Approximately 93 students in 4th grade will participate in the outdoor education program at Pt. Bonita.

Rate: No Cost to the District

Cost not to exceed: N/A

X Standard Field Trip Request

FINANCIAL INFORMATION:

Funding Source: Donations


RECOMMENDATION:

Approve the Extended Field Trip Request for Marin School to participate in the YMCA Outdoor Education Program at Point Bonita

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
BELINDA LUM FOR E-RATE TECHNOLOGY SERVICES**

PREPARED BY: Heather Carver, Director of Technology 

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

November 17, 2010 – November 17, 2011

Description of Services:

- Review phone bills to identify E-rate eligible and ineligible expenditures
- Review bids containing E-rate eligible components before they are released for compliance with E-rate rules and regulations
- Prepare and file, as needed, all Form 407(s) (Description of Services and Certification) and post to the Schools and Libraries Division (SLD) website
- Prepare and file Form 471(s) (Services Ordered and Certification) and Item 21 Attachment(s)
- Review the Form 471 Receipt Acknowledgement Letter(s) (RAL) and correct/confirm services requested
- Provide responses to the Universal Service Administrative Company (USAC) Schools and Libraries Division's (SLD) Program Integrity Assurance (PIA) questions during the application review process, providing additional information or clarification regarding the Form 471 application(s)
- Review the Funding Commitment Decision Letter(s)
- Prepare Form 472(s) (Billed Entity Applicant Reimbursement – BEAR)
- Prepare and file all Form 500 (Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form), if required
- Request change of service provider, if necessary

Additional tasks not included in the above for additional fees, if requested in writing. These tasks include:

- Write or revise our E-rate Technology Plan
- Write bid specifications for procurements containing E-rate eligible goods or services and respond in writing to vendor questions
- Prepare appeals to denied requests
- Assist in preparing a response to an E-rate audit
- Other tasks related to E-rate

Rate:

\$100.00/hour

Cost not to exceed:

\$15,000.00 (150 hours maximum)

☒ **Standard Contract**

☐ Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: Technology


RECOMMENDATION:

Approve the Independent Contractor Agreement between Albany Unified School District and Belinda Lum for E-rate technology services

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

**ITEM: APPROVE THE RATIFICATION TO THE AGREEMENT
FOR PROFESSIONAL SERVICES BETWEEN ALBANY
UNIFIED SCHOOL DISTRICT AND CHILDREN'S
HOSPITAL AND RESEARCH CENTER OAKLAND**

PREPARED BY: Laurie Harden, Assistant Superintendent of Business Services 

TYPE OF ITEM: CONSENT

BACKGROUND INFORMATION:

Dates of Service:

August 16, 2010 – June 15, 2011

Description of Services:

As required by Board Policy 6145.2(c), the District must give student athletes' health and safety the highest consideration. Children's Hospital will provide 15 hours per week of a certified athletic trainer to the Albany High School Athletic Program.

Number of Students:

As needed

Rate:

\$12,000

Cost not to exceed:

\$12,000

FINANCIAL INFORMATION:

Funding Source: General Fund – Athletic Donations


RECOMMENDATION:

Approve the ratification to the Agreement for Professional Services between Albany Unified School District and Children's Hospital and Research Center Oakland

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE RESOLUTION NO. 2010-11-11 IN THE
MATTER OF AUTHORIZING TEMPORARY
BORROWING BETWEEN FUNDS FOR THE 2010-2011
FISCAL YEAR**

PREPARED BY: Laurie Harden, Assistant Superintendent of Business Services 

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Due to concerns regarding the status of cash at the State level and the impact of the ever increasing "cash deferrals", staff is recommending that the District set in place a contingency plan for cash flow purposes. Should the need occur, Resolution No. 2010-11-11 authorizes the District to temporarily borrow cash between funds in order to insure that a particular fund does not carry a negative cash balance.

Education Code 42603 permits the Governing Board of any school district to allow for temporary borrowing between funds. Amounts transferred between funds shall be repaid in the same fiscal year or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year.

Resolution No. 2010-11-11 sets forth permission for temporary borrowing for the 2010-2011 fiscal year.

RECOMMENDATION:

Approve Resolution No. 2010-11-11 in the Matter of Authorizing Temporary Borrowing Between Funds for the 2010-2011 fiscal year

RESOLUTION NO. 2010-11-11

**BOARD OF EDUCATION OF THE ALBANY UNIFIED SCHOOL DISTRICT
RESOLUTION IN THE MATTER OF AUTHORIZING TEMPORARY
BORROWING BETWEEN FUNDS FOR THE 2010-2011 FISCAL YEAR**

WHEREAS, the Board of Trustees of the Albany Unified School District has determined that there may be insufficient cash to meet current obligations; and

WHEREAS, Education Code Section 42603 permits the Governing Board of any school district to direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds and shall not be available for appropriation or be considered income to the borrowing fund; and

WHEREAS, amounts transferred shall be repaid either in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year; and

THEREFORE, BE IT RESOLVED that the Governing Board of the Albany Unified School District, in accordance with the provisions of Education Code section 42603 adopts the following authorization for fiscal year 2010-2011 to authorize the Superintendent or designee to temporarily transfer funds as needed for cash flow purposes and repay those transfers as funds become available.

Passed and adopted on the 16th day of November, 2010, at a regular meeting of the Board of Education by the following vote:

AYES:

NAYS:

ABSENT:

I, Marla Stephenson, Clerk of the Board of Education of Albany Unified School District, hereby certify that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a regular meeting thereof held on the 16th day of November, 2010, by a vote of _____

Marla Stephenson, Clerk

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE INCREASE TO PURCHASE ORDER #P11-00317
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
PEDIATRIC CONTRACTING SERVICES, INC.**

PREPARED BY: Diane Marie, Director of Special Education

Diane Marie
11-4-10

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

October 28, 2010 – June 30, 2011

Description of Services:

To provide physical therapy services and consult for one (1) student

Number of Students:

1

Rate:

\$88.00/hour for physical therapy services and consult

Cost not to exceed:

\$1,936.00

X Standard Contract

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION:

Approve Increase to Purchase Order #P11-00317 between Albany Unified School District and Pediatric Contracting Services, Inc.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: APPROVE THE INCREASE TO PURCHASE ORDER #P11-00288
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
QUALITY BEHAVIORAL OUTCOMES

PREPARED BY: Diane Marie, Director of Special Education

Diane Marie
11-5-10

TYPE OF ITEM: CONSENT

BACKGROUND INFORMATION:

Dates of Service:

November 17, 2010 – June 30, 2011

Description of Services:

General consult, if needed, to support District behavioral services

Number of Students:

As needed

Rate:

\$100.00/hour

Cost not to exceed:

\$2,200.00

X Standard Contract

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:


Funding Source: Special Education

RECOMMENDATION:

Approve Increase to Purchase Order #P11-00288 between Albany Unified School District and Quality Behavioral Outcomes

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP****Regular Meeting of November 16, 2010**

ITEM: **APPROVE RESOLUTION NO. 2010-11-10 TO ESTABLISH THE
VOTER EDUCATION FUND**

PREPARED BY: Marla Stephenson, Superintendent 

TYPE OF ITEM: **ACTION**

BACKGROUND INFORMATION:

The City of Albany has historically subsidized the cost of running for an elected position. The public financing amounted to \$525.00 per candidate to underwrite the cost of candidates' statements. The City Council voted to stop public financing in July 2010. Members of the Board of Education expressed concern that the filing fees and cost of campaign statements may prohibit members of the public from running for a school board seat.

A literal interpretation of subsidizing the cost of running for an elected position, is that the use of public funds and resources for the support of candidates is prohibited by Education Code §7054, subdivision (a). That section provides that "No school district . . . funds, services, supplies, or equipment shall be used for the purpose of urging the support of defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district."

In further discussion with legal counsel, there may be a legitimate public interest in underwriting some portion of candidate costs if we find that we cannot attract enough candidates to fill open seats. After discussing this possibility with City of Albany Staff, the City Manager is willing to have the School District either issue a check payable to the City of Albany for each of the candidates or to pay the City for a certain number of candidate statements in advance of their filing, and the City could refund what is not used.

This resolution establishes a Voter Education Fund to help defray the cost of running for public office by providing \$500.00 to each candidate upon qualifying for the ballot, as certified by the City Clerk's Office.

The Superintendent sought a legal review of resolution 2010-11-10 prior the November 3, 2010, Board meeting. This opinion was not available in time to be published with the November 3, 2010 agenda. It is included in tonight's agenda for further discussion. Harold Freiman, legal counsel for the District, has opined that while it is possible for the District to elect to fund the candidate statements, the current resolution should specifically be limited for that purpose. He is concerned that any further restrictions of those funds to individuals who agree to comply with the conditions set forth in the proposed resolution are potentially illegal. He has provided the following information for the Board's consideration:

1. Government Code section 85300 states that "No public officer shall expend and no candidate shall accept any public moneys for purpose of seeking elective office." This generally prohibits a school district from funding a candidate's campaign efforts. There is a recognized exception, however, for candidate statements and the printing, handling, translating and mailing of the same. Elections Code section 13307 provides that a local agency "may" require the cost of the candidate's statement up front from the candidate. The Attorney General has interpreted the use of "may" to mean that the public agency is not required to collect the costs related to the candidate's statement. (85 Ops. Cal. Atty. Gen. 49 (2002).) While the Attorney General's opinions are advisory, and are not binding, they are given significant weight in the event of any legal challenge, and are fairly commonly relied upon.
2. Education Code section 7054 could be an issue. That section makes it a crime to use district funds to "urg[e] the support or defeat of any ballot measure or candidate including, but not limited to the governing board of the district." However, if the funding will only be used for the candidate statement for anyone wishing to run, then the Attorney General has also concluded that there is no active campaign funding at issue, and section 7054 would not be violated. (*Id.*)
3. There is a further concern that an unconstitutional gift of public funds could be taking place, but there is at least an argument to be made that there is a legitimate public purpose that is consistent with the District's mission, namely securing an adequate number of candidates to run for school board. We have not specifically researched that issue, but the reasoning of the Attorney General's opinion again lends some support here, though the gift of public funds issue is not specifically addressed in that opinion.
4. There is a concern that the resolution is silent on how the "stipend" of up to \$500 can be expended. If this were clarified to state expressly that it can be expended only for the costs related to the candidate statement, the resolution would be more clearly in line with applicable law.
5. Additionally, use of the word "stipend" is somewhat troubling, as it is not literally a "stipend" in the form of salary or an enhancement thereto. If a board member were to receive a "stipend" related to their campaign activities, various provisions of the Political Reform Act could be violated. Such violations can result in significant fines or even criminal prosecution. (Govt. Code §§91000, *et seq.*) The Attorney General's express conclusion is that the district "may pay for printing, handling, translating, and mailing trustee candidate statements contained in the voter's pamphlet." It would be advisable to track that language in the resolution.
6. Another concern is the unique condition being placed on candidates in the resolution. The resolution proposes that to receive the "stipend" in question, they must agree to "limit their total campaign expenditures to less than two thousand dollars." Regarding campaign limits, Education Code section 35177 provides that the "governing board of a district may by resolution limit campaign expenditures or contributions in elections to district offices." However, under a United States Supreme Court case from 2006, campaign expenditure limits were found to be unconstitutional and to violate the free speech rights of a candidate for public office. The Supreme Court left open the possibility that such restrictions might be allowed if all candidates are still allowed to be in the race, and there is no undue protection of incumbents. One could argue that the

language in the resolution does not restrict the ability of anyone to run. On the other hand, the "requirement" that the candidate agree to this restriction in order to receive the "stipend" could be viewed as unduly limiting, and the Board might find that it is truly only a voluntary agreement that cannot legally be enforced.

- 7. The final condition being placed on the candidate to "participate in a debate sponsored by Albany High School Student Body places the the same types of concerns as was the case with the campaign limits. Additionally, the Political Reform Act defines "Honoraria" as any payment made in consideration for any "speech given." (Govt. Code § 89501.) Section 89502 of the Political Reform Act expressly prohibits candidates for local government from accepting any honorarium. The possibility therefore exists that accepting the "stipend" on the condition of participating in a debate (i.e., arguably "giving a speech") would violate this requirement, again resulting in potential fines or criminal prosecution.*

Mr. Freiman advises that the District not move forward with the resolution in its current form until the above listed issues can be resolved, so as to ensure compliance with the law and avoidance of any fines or potential criminal prosecution.

FISCAL INFORMATION: \$5,000.00.

(Monies to be replenished up to \$5,000.00 in advance of each special and/or general election that include a Board of Education seat).

RECOMMENDATION:

Do not approve Resolution No. 2010-11-10 to establish the Voter Education Fund.

RESOLUTION NO. 2010-11-10**BOARD OF EDUCATION OF THE ALBANY UNIFIED SCHOOL DISTRICT****RESOLUTION TO ESTABLISH THE VOTER EDUCATION FUND ("VEF")**

WHEREAS, the Albany Unified School District has as its' central mission: the education of the K-12 students, adults and the Albany community; and,

WHEREAS, the electoral process provides for an excellent opportunity for the District to educate the student body and the community about the issues facing public education in the City of Albany and the state of California; and,

WHEREAS, the current cost for a candidate to submit their name and a candidate statement on the ballot has risen over nine hundred percent; and,

WHEREAS, the current cost now presents an economic barrier to members of the Albany community wishing to represent the students, parents, and community on the School Board.

WHEREAS, there is a legitimate public interest in underwriting some portion of candidate costs in order to attract enough candidates,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Albany Unified School District Board of Education hereby establishes the Voter Education Fund ("VEF") in the amount of five thousand dollars. The candidates running for the office of Board Member for the AUSD may apply for a stipend of up to five hundred dollars, after they have qualified for the ballot as certified by the City Clerk's office.

In exchange for accepting the stipend each candidate must agree to the following;

1. They will limit their total campaign expenditures to less than two thousand dollars.
2. They will participate in a debate sponsored by Albany High School Student Body.

Enacted this 16th day of November 2010 by the Albany Unified School District Board of Education by the following vote:

Ayes _____

Noes _____

Absent _____

Passed _____

I, Marla Stephenson, Clerk of the Board of Education of Albany Unified School District, hereby certify that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a regular meeting thereof held on the 16th Day of November, 2010, by a vote of _____.

Marla Stephenson, Clerk

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE CALL FOR NOMINATIONS FOR CALIFORNIA
SCHOOL BOARDS ASSOCIATION (CSBA) DELEGATE
ASSEMBLY**

PREPARED BY: Marla Stephenson, Superintendent 

TYPE OF ITEM: **ACTION**

BACKGROUND INFORMATION:

The Delegate Assembly is made up of approximately 270+ Delegates who are elected by local board members in 21 geographic regions throughout the state. Some geographic regions have been further divided into sub-regions. Ex-officio members of the Delegate Assembly with all privileges of membership include members of CSBA's Board of Directors, past presidents of CSBA and the immediate past president of the California County Boards of Education (CCBE).

Delegates serve two-year terms beginning April 1. They meet twice a year to conduct business, and may also meet with the other Delegates and the Director within their region. Furthermore, they participate in CSBA events and they maintain contact with local boards in their region.

Primary responsibilities of Delegates include:

- providing a link to other public officials at the local, state and national levels;
- providing a communications link between local board members and the regional Director;
- attending all Delegate Assembly meetings;
- adopting the Policy Platform which guides the Association's policy and political leadership activities;
- as needed, adopting policies and positions to supplement the Platform;
- providing testimony and input on critical issues;
- electing the officers, Board of Directors and Nominating Committee members;
- adopting the Association's Bylaws;
- serving on committees, task forces and focus groups; and
- supporting the Association's activities and events.

Nominations for Delegate Assembly seats are made each year between the last Friday in October and January 7. A board member must be formally nominated by a board in the region or sub-region and may be nominated by his or her own district or county office. The nomination is an action that is taken in a public board meeting and requires a majority vote. A board may nominate as many individuals as it wishes. Nominees must sign a confirmation that they are willing to serve. It is critical that nominations and biographical sketch forms be delivered to the CSBA office, faxed or postmarked on or before January 7; late nominations and biographical sketch forms will not be accepted.

FINANCIAL INFORMATION:

No fiscal impact

RECOMMENDATION:

Approve the Call for Nominations for California School Boards Association (CSBA) Delegate Assembly

**TIME SENSITIVE – For Board ACTION –
Nominations due Friday, January 7, 2011**

Please deliver to all members of the governing board. Thank you.

October 29, 2010



MEMORANDUM

TO: Board Presidents and Superintendents - CSBA Member Boards of Education
FROM: Frank Pugh, President
SUBJECT: **Call for Nominations for CSBA Delegate Assembly**

CSBA's Delegate Assembly is a vital link in the association's governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association reflects the interests of school districts and county offices of education throughout the state. **Nomination and Candidate Biographical Sketch forms for CSBA's Delegate Assembly are now being accepted until Friday, January 7, 2011.** In an effort to go "green," nomination forms and information related to the election process are available to download from the CSBA website at www.csba.org/AboutCSBA.aspx.

- Any CSBA member board is eligible to nominate board members within their geographical region or subregion.
- Boards may nominate as many individuals as it chooses by using the nomination form or submitting a letter of nomination.
- Approval from nominee of nomination to CSBA's Delegate Assembly.
- All nominees must submit a one-page, single-sided, candidate biographical sketch form and an optional one-page, one-sided résumé, (résumé cannot be substituted for the candidate biographical sketch form).
- All nomination materials must be postmarked no later than **Friday, January 7**. Faxes are also acceptable, but they must be received by January 7.
- Delegates serve two-year terms; beginning April 1, 2011 through March 31, 2013
- There are two required Delegate Assembly meetings each year, one in May in Sacramento and one preceding the CSBA Annual Education Conference and Trade show in November/December.

For further information about the Delegate Assembly, please contact Michelle Neto in CSBA's Administration department at (800) 266-3382. You may download the following forms and find more information at www.csba.org/AboutCSBA.aspx. Thank you.

- ❖ Delegate Assembly Brochure
- ❖ Nomination Form
- ❖ Candidate's Biographical Sketch Form
- ❖ Important Dates
- ❖ List of all Delegates whose term expires in 2011
- ❖ Alphabetical List of Districts and County offices
- ❖ FAQ

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 16, 2010

ITEM: **APPROVE THE NEW CERTIFICATED SUBSTITUTE PAY RATES**

PREPARED BY: Cynthia Attiyeh, Human Resources Administrator

TYPE OF ITEM: **ACTION**

BACKGROUND INFORMATION:

The District has reviewed the substitute pay rates for districts in Alameda County. In order to attract and retain qualified substitutes, the District recommends an increase in substitute pay rates to the following median of nearby school districts:

1-30 days - \$120.00/day

31 + days - \$145.00/day after 30 consecutive days in the same assignment

Rate schedule attached.

FINANCIAL INFORMATION:

Funding Source: General Fund

RECOMMENDATION:

Approve the new certificated substitute pay rates


**Alameda County School Districts and Alameda County Office of Education
SUBSTITUTE TEACHER PAY RATES**

6/30/10

District	Short Term Rate	Long Term Rate
ALAMEDA	(1-20 full days) \$100.00 (after 20 days) \$110.00	\$120 (after 30 days)
ALBANY	(1-9 days) \$100.00	\$105.00 (10 + days)retro all per pay period only \$130.00 (at discretion of Supt.)
BERKELEY	(1-9 days) \$124.59	\$140.17 (10-19 days) \$155.74 (20-44 days)
CASTRO VALLEY	K-8 (1-20 days) \$115.00 9-12 (1-20 days) \$125.00	\$135.00 (after 20 days)
DUBLIN	(1-10 days) \$110.00 (11+ days) \$125.00 *in same assignment retro to day 1	\$155.00 (61 days or more after 60 days in same assign. retro to day 1) \$125 (1 st 10 days and last 10 days of school year)
EMERY	(1-20 days) \$150.00	\$175.00 (after 20 consecutive days in the same assignment)
FREMONT	(.5 -60 days) \$149.95	\$157.45 (after 60.5 -120 consecutive days) \$172.44 (after 120.5 + consecutive days) \$191.39 per day for long term sub; open/close sub; emergency sub
HAYWARD	Flat Rate \$150.00	
LIVERMORE VALLEY JT.	(1-10 days) \$125.00 (11+ days) \$145.00	\$175.00 (begins on the 61 st day)
NEW HAVEN	(1-10 days) \$130.00	\$160.00 - (after 10 days)
NEWARK	(1-5 days) \$120.57	\$153.89 (after 5 days)
OAKLAND	(1-14 days) \$118.00	\$138 (15+ consecutive days) \$138 (31 - 60 days) \$152 (61+ days)
PIEDMONT	(1-20 days) \$100.00	\$105.00
PLEASANTON	(1-10 days) \$110.00 (11+ days*) \$125.00 *in same assignment retro to day 1	\$155.00 (after 60 days in same consecutive assign retro to day 1 or Temp. Contract at per diem rate for a semester or more)
SAN LEANDRO	(1-20 days) \$125.00	\$140.00 (21+ days in consecutive assignment retro to day 1 or at the discretion of principal.)
SAN LORENZO	(1-10 days) \$120.00	\$145.00 (21+ days) \$145 - vacant position
SUNOL GLEN	\$104.00	\$120.00 long term (# of days at discretion of supt.)
ALAMEDA COUNTY OFFICE OF EDUCATION (Effective 9/1/06)	(1-10 days) \$120.00	\$135.00 (after 10 consecutive days of service) \$155 - Vacant Position, with certification

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP****Regular Meeting of November 16, 2010**

ITEM: **APPROVE THE CANCELLATION OF THE REGULARLY
SCHEDULED ALBANY UNIFIED SCHOOL DISTRICT BOARD
MEETING: JANUARY 4, 2011**

PREPARED BY: Marla Stephenson, Superintendent 

TYPE OF ITEM: **ACTION**

BACKGROUND INFORMATION:

Upon review of the school district classified calendar for the month of December, it has been noted that district office staff will be out of the office due to Board approved holidays on December 22nd, 23rd, 24th, 29th, 30th, and 31st. This leaves only four workdays during the last two weeks in December.


This makes it very difficult to create and publish the Board agenda the week of December 27th. Staff recommends cancelling the regularly scheduled Board meeting of January 4, 2011. Staff will take this into consideration when creating the 2011-12 Board meeting schedule.

FISCAL INFORMATION:

No fiscal impact

RECOMMENDATION:

Approve the cancellation of the regularly scheduled Albany Unified School District Board Meeting: January 4, 2011

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP****Regular Meeting of November 16, 2010****ITEM: 2010-11 DISTRICT ENROLLMENT****PREPARED BY:** Marla Stephenson, Superintendent **TYPE OF ITEM: DISCUSSION**

BACKGROUND INFORMATION:

2010-11 Albany Unified School District enrollment as of November 12, 2010 is 3859. This is an increase of twelve students over the projection of 3843 calculated in the 2010-11 budget. There may be some minor changes to the enrollment numbers reported to the State due to non-public school placements and any new enrollments and drops.

The California Longitudinal Pupil Achievement Data System (CALPADS) has replaced the California Basic Educational Data System (CBEDS) as the annual data collection. The purpose of CALPADS is to collect individual-level data including student demographics, course data, discipline, assessments, staff assignments, and other data for state and federal reporting. The Governor has vetoed the money supporting the system. Short of reinstating the vetoed funding, there has been talk of canceling the CALPADS system altogether. Due to the uncertainty of the reporting mechanism that will be used by the State and the delay of reporting the 2010-11 enrollment numbers, the facilities capacity and enrollment projection report will not be completed until January, 2011.

RECOMMENDATION:

Discuss 2010-11 District Enrollment

**Overall
Enrollment**

Total											
	Cornell	Marin	O.View	AMS	AHS	MAC	SPEC	Active	District Students	Out of District	Out of District accepted in 10-11
Grade K	103	77	102					282		6	6
Grade 1	104	102	104					310		11	3
Grade 2	98	95	99					292		9	2
Grade 3	97	76	74					247		15	1
Grade 4	91	92	91					274		23	
Grade 5	89	93	105					287		31	3
	582	535	575					1692			
Grade 6				297				297		42	
Grade 7				293				293		44	4
Grade 8				309				309		53	1
				899				899			
Grade 9					300	0		300		46	2
Grade 10					333	4		337		59	
Grade 11					306	17		323		64	
Grade 12					267	30		297		68	3
					1206	51		1257			
Grade 13							10	10			
Grade 14							1	1			
							11	11			
All Grades:								3859	3388	471	25

11/10/2010

Albany Middle School

	Total			
	Female	Male	Active	
Grade 6	138	159	297	
Grade 7	145	148	293	
Grade 8	136	173	309	
Total:	419	480	899	

Albany High School

	Total			
	Female	Male	Active	
Grade 9	152	148	300	
Grade 10	173	160	333	
Grade 11	150	156	306	
Grade 12	140	127	267	
Total:	615	591	1206	

MacGregor High School

	Total			
	Female	Male	Active	
Grade 9	0	0	0	
Grade 10	2	2	4	
Grade 11	3	14	17	
Grade 12	17	13	30	
Total:	22	29	51	

Special Education School

	Total			
	Female	Male	Active	
Grade 13	4	6	10	
Grade 14	1	0	1	
Total:	5	6	11	

Cornell Elementary

Total

	Female	Male	Active	Class Load	# of Teachers	Average Class Size
Grade K	54	49	103	100	4	25.25
Grade 1	53	51	104	100	4	26
Grade 2	43	55	98	100	4	24.5
Grade 3	47	50	97	100	4	24.25
Grade 4	43	48	91	93	3	30.6
Grade 5	48	41	89	93	3	29.6
Total:	288	294	582			

Marin Elementary

Total

	Female	Male	Active	Class Load	# of Teachers	Average Class Size
Grade K	39	38	77	75	3	25
Grade 1	59	43	102	100	4	25.75
Grade 2	40	55	95	100	4	24
Grade 3	36	40	76	75	3	25.3
Grade 4	45	47	92	93	3	30.3
Grade 5	52	41	93	93	3	31
Total:	271	264	535			

Ocean View Elementary

Total

	Female	Male	Active	Class Load	# of Teachers	Average Class Size
Grade K	45	57	102	100	4	24.75
Grade 1	50	54	104	100	4	26
Grade 2	48	51	99	100	4	24.25
Grade 3	36	38	74	75	3	24.6
Grade 4	40	51	91	93	3	31.3
Grade 5	50	55	105	93	3	26
Total:	269	306	575			

11/10/2010