



Albany Unified School District

Albany Unified School District Board of Education

904 Talbot Ave.

Albany, CA 94706

MINUTES FOR MEETING

January 5, 2010

I. OPENING BUSINESS 6:30 p.m.

A) Call to Order

Vice President Low called the meeting to order at 6:33 p.m.

B) Roll Call

PRESENT : Vice President Low, Member Black, and Member Walden.

ABSENT : Student Member Yang, and Student Member Chiang.

STAFF: Superintendent Stephenson, Assistant Superintendent Harden, and Director Hornada.

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 6:35 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 Education Code Section 54956.8: Real Estate Negotiations - 1051 Monroe Street, Albany, CA 94706

C) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54954.4: Anticipated Litigation

D) With respect to every item of business to be discussed in Closed Session pursuant to Education Code Section 54956.9: John Doe vs. Albany Unified School District - Litigation

E) With respect to every item of business to be discussed in Closed Session pursuant to: Government Code Section 54957: Public Employee Appointment

Certificated

1. Corrections - none
2. Extra Assignment
 - a. Boys' Basketball - 6th Grade
 - b. Teacher Hourly/Student Leadership
 - c. Teacher Hourly/DJ Club
3. Leave

- a. Teacher
- 4. New Hire
 - a. After School Intervention Instructor
 - b. Teacher
- 5. Resignation
 - a. ELD Teacher
 - b. Teacher
- 6. Status Change - none
- 7. Termination - none

Classified

- 1. Corrections - none
- 2. Extra Assignment - none
- 3. Leave - none
- 4. New Hire
 - a. After School Intervention Instructor
 - b. Attendance Clerk
 - c. Substitute Special Education Para-Educator
 - d. Substitute Caf  Assistant
 - e. Substitute Clerical
 - f. Substitute Custodian
- 5. Resignation
 - a. Yard Aide
- 6. Status Change
 - a. Clerical Aide
 - b. Para-Educator
 - c. Special Education Para-Educator
- 7. Termination - none

- F) 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
 - Vice President Low called the meeting to order at 6:30 p.m.
- B) Roll Call

PRESENT : Vice President Low, Member Black, Member Walden, and Member Glasser.

ABSENT : Student Member Yang, and Student Member Chiang.

STAFF: Superintendent Stephenson, Assistant Superintendent Harden, and Director Hornada.

- C) Pledge of Allegiance
- D) Report of Action Taken in Closed Session
Vice President Low stated that no action was taken in closed session.
- E) Approval of Agenda
Vice President Low asked that Review and Action item A be moved before Student Board Member reports.

*Motion by Member Glasser, seconded by Member Walden to approve E) Approval of Agenda
The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE*

- 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) December 1, 2009
 2. Personnel Assignment Order
Vice President Low noted the effective date change in New Hires L. Avery and B. Hubbard is January 28, 2010.
 3. Curriculum and Instruction
 - a) Approve the Quarterly Report on Williams Uniform Complaints for January, 2010
 - b) Approve one (1) Independent Contractor Agreement between Kathi Whalen and Albany Unified School District to provide teacher coach services
 - c) Approve Extended Field Trip from Albany High School to Ashland, Oregon from Thursday, April 8, 2010 to Sunday, April 11, 2010 to attend the Oregon Shakespeare Festival
 - d) Approve Extended Field Trip from Albany High School to Westminster Woods from Friday, January 22, 2010 to Sunday, January 24, 2010 to participate in the Albany High School Instrumental Music Wind Ensemble Retreat
Member Black asked where Westminster Woods was located. It was later determined that Westminster Woods is in Sonoma County, California.
 - e) Approve Agreement between Challenge Day and Albany Unified School District to continue the Challenge Day Program at Albany High School for an amount not to exceed \$3,200. Funding Source: AHS Donation Fund
Member Black asked for clarification for rates of services and asked if there was a transportation cost. Director Hornada said that \$3200.00 is the cost of the entire event.

She said that they have not charged extra for transportation in the past.

4. Business and Operations

- a) Approve the Facilities Use Agreement for the former Albany Library (Presently Used for Y Kids Club)

Member Glasser asked the Board to note that the site would be locked up until 2014. Superintendent Stephenson said that there has been talks about the possibilities of alternatives to that site, which is why there is a 90-day clause.

- b) Warrant Listing - November 2009

Member Glasser asked mentioned that there was an item on page 39 from the prior fiscal year. Assistant Superintendent Harden said there are timelines for submitting reimbursements and there is a cutoff date that is enforced as best as possible.

Member Black asked about the vendor payment to John Farris. Assistant Superintendent Harden said that was for a reimbursment of parcel tax fees. Documentation was brought from a resident with proof that he did file for exemption before the deadline and he was reimbursed.

Member Black asked about NCS on page 57. Superintendent Stephenson said that it was part of Special Education ERA money that came into the district. The money was used to purchase up-to-date testing materials to replace old ones.

Member Glasser asked about the building review fee from the Alameda County Department of Environmental Health page 75. Superintendent Stephenson said that it was required for the pool.

Member Glasser noted that page 42 listed a check for Castro Valley High School in the amount of \$250 and Foothill wrestling on December 12, and Colton High with no date. He said that he would like to know the dates of the tournaments. Assistant Superintendent Harden will find out the exact dates.

- c) Approve the Agreement for Professional Services between Children's Hospital and Research Center Oakland and Albany Unified School District

Member Glasser said that this was for athletic trainers to come in for free and asked if it was new program. Superintendent Stephenson said that it was not, but last year the District was charged. This year, they offered an agreement for professional services at no charge. Member Walden asked that a thank you note be sent from the Board.

5. Student Services

- a) Approve one (1) Independent Contractor Agreement between Albany Unified School District and Jane James to provide Communication Access Real Time (CART) Services. This service will provide speech-to-text translation for one student so the student may attend an assembly performance. Cost not to Exceed \$622.00. Funding Source: Special Education

Motion by Member Black, seconded by Member Walden to approve F) Approval of Consent Calendar

with the two changes regarding new hires.

The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE

Member Black abstained from check no. 965272

Member Glasser abstained from check no. 971052 and 971069

V. STUDENT BOARD MEMBERS

VI. STAFF REPORTS

A) Parks & Recreation Report

Nick presented the Parks and Recreation report. He said that the Parks and Recreation Commission have discussed a community garden by the high school students near the Veterans Memorial Building. He said that the director of parks and recreation has proposed switching the locations of the friendship club and teen center, which was given tentative approval with more pros than cons. In regards to the teen center, city council approved bonds on extending the center. Vice President Low asked if there had been any other feedback from parents regarding the switch. Nick said that his direction to staff was to gather feedback from parents and to send emails out on the etrees.

Vice President Low asked if the population is the same size/number for the friendship club and teen center. Nick said that he was not exactly sure. Discussion ensued.

Member Glasser asked if recently installed play facilities would be modified at OceanView. Nick said that had not been discussed.

Nick said that there will be a new permanent stage designed at Memorial Park that will replace the current stage.

The regulations have been finalized concerning dogs in the fenced-in area at Memorial Park. No dogs are allowed in that area during sports activities and during certain times depending on the season. This issue came up due to interactions with small children and dogs.

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

Member Glasser said that pools with more than 300 linear feet are required to have two means of entry with the primary means being either a sloped entry or a pool lift that is capable of being independently operated by a person with a disability. He would like to have the architectural feature of a ramp be agendacized for the next Board Meeting.

Member Walden asked if there is a committee where Member Glasser's concerns can be discussed. Member Glasser asked that the inclusion of sloped entry into the pool facilities be discussed. Superintendent Stephenson said that plans have gone to DSA and changes can be made. She said that the plans do meet at least two of the district's consultants' opinion of the two methods of entry for ADA compliance.

VIII. REVIEW AND ACTION ITEMS (Members of the public will have the opportunity to speak on all issues.)

- A) Approve 2008-09 Financial Audit Report - Wilkinson Hadley King & Co. LLP (Under Separate Cover)

Mr. Hadley presented the report. He said that there was not only a financial audit but also a compliance audit. He said that the auditor's opinion is an unqualified opinion. Page 43 takes 3 years for an analysis of general funds. Over three years, attendance has increased. Page 25 shows it was the first year Gasby 45 was implemented. On page Page 27, the last two paragraphs, shows accruing numbers for programs but the Governor went back and changed the budget for '08-'09, and the back page reflects changes, with \$480,000 taken out of revenue for the 09-10 year. In the findings, there is also response from Assistant Superintendent Harden.

Member Walden asked about page 6 and the General Administration line. It went from \$2,184,000 to \$4,149,000, which was almost double in amount of money. Assistant Superintendent Harden said the report is driven by goals and functions. She said that It makes sure that the staff at district office is coding expenditures correctly. Mr. Hadley said it is only put together at district's end and by their system, and the report draws directly from the system and it is put into that format.

Mr. Hadley said that Prop 39 bonds are done and that Measure A is accounted for.

Member Walden said that the first finding mentioned cash accounts and that bank statements were not reconciled timely. She asked how long was not timely. Discussion ensued.

Member Glasser said that it was important to note an unqualified audit does not necessarily mean that the district is in good financial shape, but rather that there is an understanding of financial conditon.

Member Glasser asked about page 27 and the bonds sold. He asked that the interest percentage be clarified. Mr. Hadley said he will look it up.

Motion by Member Walden, seconded by Member Glasser to approve A) Approve 2008-09 Financial Audit Report - Wilkinson Hadley King & Co. LLP (Under Separate Cover)

The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE

- B) Approve 2009-10 1st Interim Financial Report (Under Separate Cover)
Assistant Superintendent Harden presented the report (available online).

Member Black asked if the money that the state is not giving to the district for ADA is still owed. Assistant Superintendent Harden said yes, that it is called deficit restoration. She said that when the economy returns, the money will be paid back, but in prior years, settlements for the money have been made.

Member Walden said there have been times cash was given but there is hesitation to spend it because it might be taken away. Assistant Superintendent Harden said that there are factors that make it difficult to plan. She said that the good news is that District is fiscally sound but there are other issues to address. Superintendent Stephenson said that staff was working on priorities regarding restoration and priority order. Discussion ensued.

Loring Barker asked about the multiyear projection. He said that page 4 shows total expenditures going down by 5 million dollars, and asked where will the cuts be. Harden said there was nothing cut out of the budget. Discussion ensued.

Motion by Member Glasser, seconded by Member Black to approve B) Approve 2009-10 1st Interim Financial Report (Under Separate Cover)

The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE

- C) Authorize Superintendent to send letter to the City of Albany of intent to take action commencing conveyance of an easement on the Ocean View Elementary school site for the Buchanan Bicycle and Pedestrian Path Project

Superintendent Stephenson said that the Buchanan Bicycle and Pedestrian Path Project that will go down almost to San Pablo. In order to get there, The City needs to apply for additional grant money, but needs the letter of intent from the district, UC and USDA. She said that the district cannot make an actual commitment to grant an easement before there is a process.

Motion by Member Walden, seconded by Member Black to approve C) Authorize Superintendent to send letter to the City of Albany of intent to take action commencing conveyance of an easement on the Ocean View Elementary school site for the Buchanan Bicycle and Pedestrian Path Project

The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE

- D) Approve Resolution No. 2009-10-08 regarding Intention to Convey Certain Real Property to the City of Albany for the Installation of a Curb Ramp Located at the Southwest Corner of Jackson Street and Buchanan Street

Superintendent Stephenson said that the dedication transfers the property into city hands. It is for a total of 70 square feet and will allow the City to complete the installation of a 4-way protected left-hand turn lane supported by the OceanView community and staff. In order to do so, the District must start with resolution that states the district's intent to convey the 70 square feet. Then District then waits 10 days, then there will be a public hearing for the dedication, which would be done at the next Board Meeting. The Resolution and notice of public hearing will be published and posted.

Member Black said that halfway down page 108 should say January 19 for the public hearing.

Member Glasser asked if no left-hand turn allowed had been considered so that people will not use that left-hand turn at all. He also asked about the development of the Whole Foods Market and other things, which could increase the flow of traffic. Ann Chaney said that part of the purpose would be because of the children crossing at Jackson with left-hand turners heading towards the freeway. She said that the protected left-hand turn would give everyone their time to go. Discussion ensued.

Ms. Chaney said that there has been no consideration of not allowing left-hand turns or converting it to a one-way street. She said that after turn lanes are installed, adjustments can be made for the flow of traffic. She said that this project needed to be done this summer or else money would be lost. Discussion ensued.

Member Glasser made a motion to defer the vote until the next Board Meeting, since there needed to be a 2/3 majority vote of all members present in order to pass. Second by Member Black. The Board was polled and passed by Member Glasser, Member Black and Member Walden. Vice President Low objected.

- E) Approve Recommendation for Designated Certificated Teachers to Permanent and

Probationary Status

Motion by Member Walden, seconded by Member Glasser to approve E) Approve Recommendation for Designated Certificated Teachers to Permanent and Probationary Status

The Board was polled and passed unanimously. Members: Vice President Low, Member Black, Member Walden, and Member Glasser voting AYE

IX. REVIEW AND DISCUSSION ITEMS

- A) Discuss relocation of Albany High School softball teams to Cougar Field and Albany High School baseball teams to Memorial Field
Superintendent Stephenson said that this item is a continuation in an attempt to resolve Title IX compliance issues in relation to the field configuration for women's softball teams. Discussion ensued.

Loring Barker, former softball coach, said that he talked to Stephanie Vaserhealy, softball coach, and she said that she strongly preferred softball at Memorial Field. Discussion ensued.

- B) Conduct 1st Reading of Board Policy Section 6000 - Instruction
Member Black said that there were a couple of typos. He said that post it #27 and 28 that mention that the whole section was being reviewed. Director Hornada recommends that three policies and regulations be pulled because of funding changes. She would like to make sure it reflects practices at the schools.

Member Black asked if post it note #32 had a wording change. Director Hornada said that it was the addition of actual department of where questions should be directed.

Member Low asked about 30a and wondered if there needs to be a translator provided for that. Director Hornada said that EdCode says that there needs to be 15% or more of a language group to require a translator. She said that, as a courtesy, there are two staff members in District Office that speak Spanish.

X. BOARD AND SUPERINTENDENT COMMENTS

XI. FUTURE AGENDA ITEMS

- A) Consolidated Applications Part I January
- B) Facilities Director Report January
- C) Parcel Tax Review February
- D) Measure A - Annual/Final Report February
- E) Measure E - Annual Report February

XII. FUTURE BOARD MEETINGS

- A) Tuesday, January 19, 2010, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin Avenue, Albany
- B) Tuesday, February 2, 2010, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin Avenue, Albany
- C) THURSDAY, February 18, 2010, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin 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.