MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF EDUCATION  
June 15, 2010

PLACE       James Areida Education Support Center, 1305 E. Vine Street, Lodi

TIME        7:00 p.m.

CALL TO ORDER  The meeting was called to order at 6:00 p.m. There were no public comments on closed session items. The Board adjourned to closed session.

RECONVENE  The meeting was reconvened at 7:06 p.m. Attendance was recorded and the President led in reciting the Pledge of Allegiance.

PRESENT  Board Members: Mr. Richard Jones, President; Mr. Joe Nava, Vice-President; Ms. Bonnie Cassel, Clerk; Mr. Ken Davis; Mr. Jeff Thompson; Mr. Calvin Young

Administrators: Dr. Cathy Washer, Superintendent; Dr. Odie Douglas, Associate Superintendent, K-12 Schools and Educational Services; Mr. Mike McKilligan, Assistant Superintendent, Personnel; Mr. Doug Barge, Chief Business Officer; Mr. Art Hand, Assistant Superintendent, Facilities and Planning

Recorder: Mrs. Lynn Aebi, Executive Assistant

CLOSED SESSION  Action taken in closed session was announced as follows:

Non-Public School Placements  Motion was made by Mr. Davis, seconded, and carried unanimously to approve the placement of Non-Public School Students 2009-10 #’s 144 and 145.

Anticipated Litigation  Motion was made by Mr. Thompson, seconded, and carried unanimously to reject Claim #434380.

Mr. Jones announced that the Board would return to closed session following the regular meeting.

RECOGNITION  Mr. Todd Hausauer, Systems Analyst II, was recognized by CSEA, Chapter #77, as the 2010 Classified Employee of the Year.

PUBLIC HEARINGS  Mr. Jones declared open the Public Hearing: General Waiver Request to Department of Education (CDE) Regarding Waiver of Education Code (EC) Section 413769(b) and (e) Relating to Average Number of Pupils Enrolled Per Full-time Teacher Equivalent. Members of the audience addressed the Board with questions and concerns regarding the waiver. Mr. Jones then declared the hearing closed.

Mr. Jones declared open the Public Hearing: Authority to Receive Funds from the California Department of Education (CDE) for Tier Three State Categorical Programs. There were no public comments and the hearing was declared closed.

ACTION ITEMS  Mr. Jones removed from the Consent Agenda Item A-2 Warrants; and, Item A-3 Purchase Orders, for the purpose of abstaining. Ms. Cassel requested the removal
Consent

Agenda A - Routine Business

A-12 General Waiver Request to California Department of Education (CDE) Regarding Waiver of Education Code (EC) Section 41376(b) and (e) Relating to Average Number of Pupils Enrolled Per Full-time Teacher Equivalent, for comment. Item A-4 Changes to the Adopted Budget, was removed at the request of Mr. George Neely, audience member, for clarification. Mr. Jeff Johnston, President, Lodi Education Association (LEA), requested Item A-13 Specific Waiver Request to California Department of Education (CDE) Regarding Waiver of Education Code (EC) section 41378 and 41376(a) and (d) Relating to Average Class Sizes, be removed for comment.

Motion was made by Mr. Davis, seconded, and carried unanimously to approve the amended consent agenda as follows:

A-1) Contracts
A-6) Application for Agriculture Vocational Education Incentive Grant (Tokay High School)
A-7) Application for Agriculture Vocational Education Incentive Grant (Lodi High School)
A-8) Augmentation to Contract Transition Partnership Training Program (TPP) Cooperative Contract with Lodi Unified School District (LUSD) and the Department of Rehabilitation (DOR)
A-9) Declaration of Need for Fully Qualified Educators
A-10) Food Service Contract and Extension Contracts for the 2010/2011 School Year
A-11) Confidential Employee Salary Reduction
A-14) Resolution 2010-65 Lockeford Elementary School Addition, Three New Modular Buildings – Increment #3 (Project #8911) Certification of Guaranteed Project Cost and Authorization to Begin Construction
A-15) Construction Project Change Orders

Warrants

Motion was made by Mr. Davis, and seconded, to approve Item A-2 Warrants. The vote on the motion was as follows:

Ayes: Cassel, Davis, Nava, Thompson, Young
Abstain: Jones

Motion carried

Purchase Orders

Motion was made by Mr. Davis, and seconded, to approve Item A-3 Purchase Orders. The vote on the motion was as follows:

Ayes: Cassel, Davis, Nava, Thompson, Young
Abstain: Jones

Motion carried

Changes to the Adopted Budget

Following a question by Mr. George Neely, member of the audience, and response by Mr. Barge, motion was made by Mr. Thompson, seconded, and carried unanimously to approve Item A-4 Changes to the Adopted Budget.

Minutes of June 1, 2010 Board Meeting

Ms. Cassel noted a correction to the June 1, 2010, Minutes: 2010/11 District Budget Report, stating that she did ask for high school librarians to be retained, but did not recommend retaining School Resource Officers.

Motion was made by Mr. Davis, seconded, and carried unanimously to approve Item A-5 Minutes of June 1, 2010, Board Meeting, with the noted correction.

General Waiver

Following discussion, motion was made by Mr. Thompson, and seconded, to table
Item A-12 General Waiver. The vote on the motion was as follows:

Ayes:  Cassel, Davis, Jones, Thompson, Young
Noes:  Nava  Motion carried

Mr. Jeff Johnston, President, LEA, requested this item be tabled. Motion was made by Mr. Thompson, and seconded, to table Item 13 – Specific Waiver Request to California Department of Education (CDE) Regarding Waiver of Education Code (EC) section 41378 and 41376(a), (c), and (d) Relating to Average Class Sizes. The vote on the motion was as follow:

Ayes:  Cassel, Davis, Jones, Thompson, Young
Noes:  Nava  Motion carried

Motion was made by Mr. Thompson, seconded, and carried unanimously to approve Consent Agenda B – Student Discipline Cases, as follows:

B-1) Expulsion:  Student #09/10-10-90
B-2) Expulsion:  Student #09/10-9-91
B-3) Expulsion:  Student #09/10-9-92
B-4) Admission:  Student #09/10-10-A6
B-5) Expulsion:  Student #09/10-7-50
B-6) Expulsion:  Student #09/10-3-51
B-7) Expulsion:  Student #0910-3-52
B-8) Expulsion:  Student #09/10-5-53
B-9) Expulsion:  Student #09/10-5-54
B-10) Expulsion:  Student #09/10-8-55
B-11) Expulsion:  Student #09/10-8-57
B-12) Suspended Expulsion:  Student #09/10-8-58

Ms. Cassel commented about the mix-up on the interviews for a provisional appointment to Trustee Area 6, stating that the mistake was not intentional. She offered her apologies for the confusion. She stated that any of the six candidates would have been an excellent choice, but because of the confusion, the Board made a decision to fill the vacancy in the November election and let the public determine the outcome.

Mr. Nava commented on the proposed timeline for the provisional appointment to Trustee Area 6, stating that it showed clearly a sub-committee would be formed to interview applicants and how the interviews would be conducted. He expressed his disappointment that the process had to be abandoned. He commended Mr. Jones for making the call to cancel the special meeting and proceed to have the item on the ballot in November.

Mr. Davis stated that he has participated in four provisional appointments, the first being open to the public, the last three closed, and never has there been any controversy. He stated that he does not believe the Board violated the process, and agreed Mr. Jones took the best course. He thanked the candidates, recognizing them as outstanding individuals who stepped forward in a difficult time.

Mr. Thompson thanked the Board sub-committee for their work and thanked Mr. Jones for his leadership. He encouraged the six candidates to run for office in November, 2010.

Mr. Young thanked the candidates for their willingness to step forward to make a difference. He encouraged the candidates to run for office in the November.
Mr. Jones commended the individuals who stepped forward for the provisional appointment. He thanked the members of the sub-committee for their efforts. He explained that out of respect for the community, he made the decision to cancel the process, a decision he made for the betterment of all involved.

The Board of Education is required by current statute to adopt a budget plan prior to July 1, for the 2010/11 fiscal year. Following a presentation to the Board outlining the 2010/11 District Budget, discussion was held among Board members, staff and members of the audience. Board requested adjustments were identified as: School Resource Officers, Library Media Teacher, Administrative Secretary, Co-Curricular Stipends; and, Teacher Coach – Science.

Motion was made by Mr. Davis to approve the 2010/11 Budget with the retained positions being funded through identified funds. The motion was seconded, and carried unanimously.

Mr. Barge stated that this action will provide the District with the opportunity to help move the Lockeford construction project along more quickly and complete needed construction projects at McNair High School and Lawrence Elementary School. The District’s Capital Facilities Corporation will be used to facilitate the transaction.

Motion was made by Mr. Thompson, seconded, and carried unanimously to approve Resolution 2010-66 Authorizing the Sale of Certificates of Participation for Qualified School Construction Bonds (QSCB) for the Lodi Unified School District.

Ms. Cassel expressed her desire that senior administrators be exempt from the English Learner Authorization Requirement. Being cautious of age discrimination, she recommended that administrators be allowed five years to obtain the certificate, opposed to the current one year timeframe.

Discussion ensued following which Mr. Thompson made a motion to accept the policy, clarifying that new administrators would comply with the policy within 12 months, while existing administrators would receive the five-year plan. Mr. Davis seconded the motion. Mr. Jeff Johnston, President, Lodi Education Association, pointed out that the policy was already approved. No vote was taken. The Board directed staff to create a Rule to accompany Policy 4112.21, allowing current administrators five years to attain the CLAD authorization.

Dr. David Wax, Administrative Director, Student Services/SELPA, reported on the identified need and priority for a new mandatory Community Day School (CDS) program. The development and implementation of such a program would allow the District to continue to be responsible for the education of this group of expelled students. The program would allow LUSD to capture revenue it presently forfeits to the San Joaquin County Office of Education.

Following discussion, motion was made by Mr. Davis, seconded, and carried unanimously to approve the development of a new Community Day School (CDS) Program.

Motion was made by Mr. Davis, seconded, and carried unanimously by a roll call vote to approve the Certificated and Classified Personnel Matters as presented.
The following members of the audience addressed the Board:

**Mr. George Neely:** Trust issue regarding process for conducting interviews for a provisional appointment.

**Ms. Martha Snider:** Re-emphasizing desire to work with the Board to have an effective instructional program.

**Ms. Palma Zwingleberg:** Complimented the District leadership and eluded to the important role of her position as the Gatekeeper of the JAESC.

**Ms. Susan Heberle:** Relayed an analogy about importance of keeping your word.

**Mr. Peter Geraldizo,** President, California School Employees Association, commented on the SERP, and asked that it be reinstated to classified personnel and brought back to the Board. He asked that one or two Board members be present when the layoff process is started.

**Mr. Jeff Johnston,** President, Lodi Education Association (LEA), commented that LEA is optimistic that the Board will recognize the savings and bring some people back from the layoff list. Regarding impasse, he stated that LEA does not favor work stoppage and desires to go back to the bargaining table.

**Ms. Carol Bratton,** CSEA, invited Board Member to attend CSEA’s retirement dinner on June 21, at the Woodbridge Inn.

**Dr. Washer** acknowledged the hard work in bringing forward a balanced budget. She stated that as LEA has indicated their availability to meet any time, the District has cleared their calendar to be available everyday, except for one afternoon. She commented on the recent meeting of the Stockton 2x2, with regards to police statistics for McNair and Bear Creek High Schools, noting it shows that programs designed to get kids off the street have a direct impact on the community.

The Board adjourned to Closed Session at 11:29 p.m.

Following Closed Session, the Board President reported on action taken in relation to administrative positions:

- Elementary vice principal positions reinstated
- High school assistant principal positions reinstated
- Allen Dosty, reappointed, Principal, Henderson Community Day School
- Tammy Somera, reappointed, Vice Principal, Adult Ed/ROP
- Odie Douglas, Assistant Superintendent, Secondary Education
- Bill Atterberry, Principal, Adult School
- Dawn Vetica, Principal, Academic Interventions
- Lisa Hayes, Principal, Mosher Elementary School
- Allison Gerrity, Principal, Houston/Victor Schools
- Jann Lyall, Principal, Ansel Adams Elementary School
- Harold Brown, Principal, Sutherland Elementary School
- Carlos Villafana, Principal, Lawrence Elementary School
- Marianne Varni, Principal, Live Oak/Tokay Colony Schools
- Neil Young, Director of Personnel

The meeting adjourned.