The Board of Education of the Madera Unified School District convened in a **Regular Board Meeting** in the Madera Unified School District Boardroom, 1902 Howard Road, Madera, California on **Tuesday, May 10, 2011**, at 5:30 p.m.

### ROLL CALL

Robert E. Garibay, President Ricardo Arredondo, Clerk

Lynn Cogdill, Trustee Jose Rodriguez, Trustee Michael Salvador, Trustee Ray G. Seibert, Trustee Maria Velarde-Garcia, Trustee

Vikram Singh, Student Board Representative, Madera High School Omar Perez, Student Board Representative, Madera South High School

Kelly Porterfield, Acting Superintendent
Deborah A. Wood, Associate Superintendent, Educational Services
Jake Bragonier, Public Information Officer
Teri Bradshaw, Director, Fiscal Services
Mike Lennemann, Director, Human Resources
Robert Chavez, Chief Academic Officer
Janet Morgan, Senior Administrative Assistant

Absent: Darren Sylvia, Chief Academic Officer

Hilda Garnica, Translator
Lupe Rodriguez, Director, Maintenance and Operations
Barbara Gonzalez, Director, Purchasing and Warehouse
Rosalind Cox, Director, Facilities Planning and Construction
Dana Eckman, Director, Child Care Programs
Omar Jeronimo, Principal, Parkwood Elementary
Alberto Felix, Vice Principal, Parkwood Elementary
Marisa DiMauro, Director, Special Projects
Janet Grossnicklaus, Director, Curriculum, Instruction and Assessment
Marcus Sosa, Director, Student Services
Sandon Schwartz, Principal, Madera South High School
Kent Albertson, Principal, Madera High School
Jennifer Gaviola, Director, Special Services
Sandra Perez, Director, Child Nutrition

Kathy Horn, MUTA President Andi Albertson, CSEA President

There were approximately 125 visitors/District employees in attendance.

### 1. <u>Call to Order of Public Meeting - Closed Session Immediately Convened</u>

President Garibay called the Public Session of the Board of Education to order at 5:30 p.m. and immediately adjourned to Closed Session pursuant to Government Code Sections 54957, 54957.1, and 54957.6, and Education Code Sections 35146, 44951, 48900, and 48918.

### 2. Reconvene Public Session/Call to Order Regular Meeting

## 3. Pledge of Allegiance, Opening, Acknowledgement of Visitors and Media, and Invocation

President Garibay adjourned the Closed Session at 6:52 p.m. and reconvened the Regular Meeting by calling the Public Session to order at 7:05 p.m. President Garibay welcomed the visitors and asked Trustee Salvador to lead the flag salute. President Garibay asked Pastor Roger Leach of Valley West Christian Center to lead the invocation. President Garibay explained the rules governing the Board meeting. The meeting was recorded on Audio File No. 24 -2010/11.

### 4. <u>Closed Session Reportable Actions (Government Code Section 54957.1)</u>

Acting Superintendent Porterfield announced there were no reportable Closed Session actions.

### 5. Adoption of Agenda - Motion No. 157-2010/11

President Garibay stated that if the Board and/or Administration determined they wished to add to the Agenda under Miscellaneous Items, this would be the appropriate time.

Acting Superintendent Porterfield requested New Business Item 9C be changed to read as follows: Second reading and Request for Approval of New Board Policy 6145.2, Athletic Competition, and Administrative Regulation 6145.2 Athletic Competition.

President Garibay requested the following:

- Pull Consent Items 8A6, 8A12 and 8A15 for separate vote
- Move New Business Items 10D and 10E to the Consent Agenda

It was moved by Trustee Salvador, seconded by Trustee Velarde-Garcia, and unanimously carried to adopt the Agenda as Amended.

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

President Garibay

Noes: None Absent: None Abstained: None

### 6. <u>Student Board Representative Report</u>

Omar Perez, Student Board Representative, Madera South High School and Kent Albertson, Principal, Madera High School each presented highlights of activities at their respective school sites.

### 7. <u>Communications</u>

### 7A. <u>Public Hearing</u>

President Garibay opened the meeting for visitors to speak on a subject not on the Board Agenda.

- Kathy Horn, MUTA President; complimented both high schools on their scholarship nights; MUTA will hire and pay and arrange for ELAC training for all school sites, School Site Council and administrators next year. Board members and district office administration is also invited. Negotiations were not fruitful yesterday; wants the Board to know that Madera Unified is in violation of the Collective Bargaining Agreement as it relates to transfer practices; and asked the Board to hire Superintendent Gustavo Balderas as of June 1 not July 1.
- Katie Boehm; Washington teacher; asked audience to raise "Why Washington" posters and provided a handout stating their position on the administration change at their school site for the 2011/12 school year (objecting to the selection of Michele Angus as vice principal). The following individuals also spoke against the placement of Michele Angus at Washington: Megan Kitt, Washington teacher; Fanelia Pineda, Washington teacher Karli Cisneros, Washington teacher; Veronica Hidalgo, Washington teacher; Julia Gomez, Washington teacher; Marisela Stanford, Washington teacher; Jackie Docken, Washington teacher; Arelis Garcia, MUSD employee, AGB Board parent representative, and parent of a Washington student; Maria Ruiz, parent of Washington student.
- Yolanda Williams, 2337 Frederick Way, Madera teacher at Howard school; asked about if the
  District is following the seniority list for transfers, classroom assignments and TSAs; asked a
  question about the special funding Madera Unified received for certain TSA positions for EDI,
  Lindamood Bell, and curriculum specialists asked for clarification on the source of funding,
  whether it is federal or state, how much will each school site receive apart from the annual
  school budget; how long will it be funded; how will this implementation be monitored and
  measured.
- Andi Albertson, CSEA President; invited the Board, Kelly Porterfield and Debie Wood to the Classified School Employee Appreciation BBQ on May 18th from 10:00 am to 2:00 pm at Transportation.
- Gloria Brown, President of the Madera chapter of NAACP; voiced her concerns about a teacher
  going to a school where she is not wanted and wonders why she is going from school to
  school and still on the payroll.

### 7B. Student and Staff Recognition

City of Madera/Allied Waste donation presentation

Public Information Officer Jake Bragonier introduced Ron Prestridge, Solid Waste Program Manager for the City who introduced representative from two local package manufacturers, Color-Box and

Sealed Air Madera who were recognized for their recycling efforts. The City of Madera and Allied Waste presented a check in the amount of \$1,000 to Madera Unified School District on behalf of these two local businesses. It was noted that this award was presented in honor of Sam Armentrout and his efforts to promote recycling in Madera.

### Netherton/Rotary Relays check donation (by Madera Rotary club)

Mr. Bragonier then introduced Mike Giersch, President of Noon Rotary. Mr. Giersch presented a check in the amount of \$1,450. Each year the proceeds of the Netherton/Rotary Relays are presented to Madera Unified for the elementary athletics program.

### 8. Approval of Consent Agenda - Motion No. 158-2010/11

Document Numbers 287-2010/11 through 298-2010/11 Resolution Numbers 50-2010/11 through 52-2010/11 Commercial Warrants, Exhibit A Staffing Changes, Exhibit B Field Trip/Employee Conference Requests, Exhibit C

## It was moved by Trustee Salvador, seconded by Trustee Cogdill, and unanimously carried to Approve the Consent Agenda as amended.

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

**President Garibay** 

Noes: None Absent: None Abstained: None

## 8A. Routine Business Transactions, Annual Renewal of Programs, Bids, Agreements, Notices of Public Hearings, and Proclamations:

- **8A1.** Approval of Regular Board Meeting Minutes of April 8, 2011
- **8A2**. Approval of Regular Board Meeting Minutes of April 12, 2011
- **8A3**. Approval of Regular Board Meeting Minutes of April 21, 2011
- 8A4. Approval of Regular Board Meeting Minutes of April 28, 2011
- **8A5.** Adoption of Resolution No. 50-2010/11: Approval of the March 31, 2011 Budget and Expense Transfer reports **RESOLUTION NO. 50-2010/11**
- **8A6**. Approval of Award of Delivery Truck Bid No. 041111

Trustee Seibert advised he must abstain from voting on this item due to a conflict of interest.

It was moved by Trustee Salvador, seconded by Trustee Cogdill, and carried by majority to Approve Award of Delivery Truck Bid No. 041111

Ayes: Trustees Cogdill, Rodriguez, Salvador, Velarde-Garcia, Clerk Arredondo

and President Garibay

Noes: None Absent: None

Abstained: Trustee Seibert MOTION NO. 159-2010/11

DOCUMENT NO. 287-2010/11

8A7. Approval to dissolve the unorganized student body accounts at Ripperdan Continuation and Mountain Vista Continuation and establish an unorganized student body account at Eastin Arcola High School

DOCUMENT NO. 288-2010/11

- **8A8.** Approval of Consultant Services Agreement between Madera Unified School District and Maria Guadalupe Garcia to provide Zumba classes at Desmond School. The duration of the contract will be from May 11, 2011 through May 31, 2011.

  DOCUMENT NO. 289-2010/11
- **8A9.** Approval of Consultant Services Agreement between Madera Unified School District and <u>Music with a Kiddie Beat</u> to perform a music assembly at Alpha Elementary on May 23, 2011 **DOCUMENT NO. 290-2010/11**
- **8A10.** Approval of an agreement between Madera Unified School District and Oliver, Thomas, Caeton, Pierce & Patty Investigations for investigative services through June 30, 2012 **DOCUMENT NO. 291-2010/11**
- **8A11**. Quarterly Investment Portfolio Report of the Madera County Treasurer-Tax Collector pursuant to Government Code 53646 **DOCUMENT NO. 292-2010/11**
- **8A12**. Approval to adopt the findings, conclusions and recommendations related to the possible expulsion or readmission of pupils as these are presented to the Board in one or more of the following forms of documentation:
  - Report(s) of Administrative Hearing Panel(s)
  - Expulsion Status Review Report(s) by the Superintendent's Designee
  - Stipulated Expulsion Agreement(s)

The Governing board is also requested to issue orders consistent with the above referenced findings, conclusions and recommendations related to the possible expulsion or readmission of pupils in the cases of the following students, herein identified by their District-assigned identification numbers: 995059, 997117, 200457, 403724, 200702, 7101, 997406, 5085, 15573, 15770, Y-2010/11, 401787, 15270, 986582, 503117, 5497, 201215, 18409, 5417, 17375, 15193, 200325, 16844 and 401677

Trustee Velarde-Garcia advised she must abstain from voting on this item due to a conflict of interest.

It was moved by Trustee Salvador, seconded by Trustee Seibert, and carried by majority to Approve the findings, conclusions and recommendations related to the possible expulsion or readmission of pupils as stated.

Trustees Cogdill, Rodriguez, Salvador, Seibert, Clerk Arredondo Aves:

and President Garibay

Noes: None Absent: None

Abstained: Trustee Velarde-Garcia MOTION NO. 160-2010/11

CONFIDENTIAL DOCUMENT NO. 293-2010/11

**8A13**. Approval of the March 31, 2011 Financial Report DOCUMENT NO. 294-2010/11

**8A14**. Approval of the March 31, 2011 Student Body Statement of Club Trust Accounts DOCUMENT NO. 295-2010/11

**8A15.** Approval of Commercial Warrant Listing

President Garibay advised that because several of his clients are included in the Commercial Warrant Listing as payees he must abstain from voting on this item. President Garibay then passed the gavel to Clerk Arredondo who called for a vote.

### It was moved by Trustee Seibert, seconded by Trustee Salvador, and carried by majority to Approve the Commercial Warrant Listing

Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia and Clerk Ayes:

Arredondo

Noes: None Absent: None

Abstained: **President Garibay** MOTION NO. 161-2010/11

**DOCUMENT NO. 296-2010/11** 

#### 8B. **Human Resources Items**

**8B1.** Approval of Staffing Changes and Coaches DOCUMENT NO. 297-2010/11

8C. Approval of Field Trip/Employee Conference Requests

DOCUMENT NO. 298-2010/11

Following approval of the Consent Agenda President Garibay congratulated Joe Martinez, Head Custodian II at Sierra Vista on his retirement following 8 years of service to Madera Unified.

Human Resources Director Mike Lennemann called Parkwood Principal Omar Jeronimo forward who then introduced Marla Mills, newly appointed Vice Principal at Parkwood Elementary.

At this time, President Garibay and Clerk Arredondo called Kathy Horn, MUTA President and Andi Albertson, CSEA President forward to accept plaques holding Resolutions calling for observance of May 9 through May 13, 2011 as the Week of the Teacher in Madera Unified School District and May 16 through May 20, 2011 as Classified School Employee Week in Madera Unified School District.

### At 7:52 p.m. President Garibay opened the Public Hearing for the following items:

Public Hearing: Certificated Management Bargaining Association ("CMBA") Initial Negotiation Proposal to Madera Unified School District for the 2011/2012 School Year

Public Hearing: California School Employees Association ("CSEA") Initial Negotiation Proposal to Madera Unified School District for the 2011/2012 School Year

Seeing no one come forward, President Garibay closed the Public Hearing at 7:54 p.m.

### 9. Old Business

**9A.** Second Reading and Approval of Revised Board Policy 5144.1, Suspension and Expulsion/Due Process

Associate Superintendent Deborah Wood presented this item and walked the Board through the minor word changes.

It was moved by Trustee Seibert, seconded by Trustee Salvador, and carried by majority to Approve Revised Board Policy 5144.1.

Ayes: Trustees Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

President Garibay

Noes: None

Absent: Trustee Cogdill

Abstained: None MOTION NO. 162-2010/11 DOCUMENT NO. 299-2010/11

**9B.** Second Reading and Approval of Revised Administrative Regulation 6145, Extra Curricular and Co-Curricular Activities, and Exhibit 6145, Extra-Curricular and Co-Curricular Activities Code of Conduct Matrix

Associate Superintendent Wood presented Old Business Items 9B and 9C and asked the Board for any questions or comments prior to requesting approval for both Items.

It was moved by Trustee Seibert, seconded by Trustee Velarde-Garcia, and unanimously carried to Approve Revised Administrative Regulation 6145 and Exhibit 6145.

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

**President Garibay** 

Noes: None Abstained: None

Abstained: None MOTION NO. 163-2010/11 DOCUMENT NO. 300-2010/11

**9C.** Second Reading and Approval of New Board Policy 6145.2, Athletic Competition and Administrative Regulation 6145.2 Athletic Competition

# It was moved by Trustee Seibert, seconded by Trustee Velarde-Garcia, and unanimously carried to Approve New Board Policy 6145.2 and Administrative. Regulation 6145.2

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

President Garibay

Noes: None Absent: None Abstained: None

Abstained: None MOTION NO. 164-2010/11
DOCUMENT NO. 301-2010/11

### 10. New Business

**10A.** Adoption of Resolution No. 47-2010/11 Regarding Termination of Services of Certificated Employees as a Result of Reduction or Discontinuation of Particular Kinds of Services (Final Layoff Resolution)

Mike Lennemann presented recap of this Resolution and advised the Board that the previously approved layoff of 67 positions has since been reduced to 2.6. Mr. Lennemann further advised that if additional funding becomes available, the 2.6 layoff notices would be rescinded as well.

## It was moved by Trustee Salvador, seconded by Trustee Seibert, and unanimously carried to Adopt Resolution No. 47-2010/11.

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

**President Garibay** 

Noes: None Absent: None

Abstained: None MOTION NO. 165-2010/11 RESOLUTION NO. 47-2010/11

**10B**. Adoption of Resolution No. 48-2010/11 Regarding the Layoff of Classified Preschool Employees

Associate Superintendent Deborah Wood provided information regarding the reduction in funds necessitating these staff reductions. Following her presentation Mrs. Wood invited questions and comments from the Board.

## It was moved by Trustee Seibert, seconded by Trustee Velarde-Garcia, and unanimously carried to Adopt Resolution No. 48-2010/11.

Ayes: Trustees Cogdill, Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

**President Garibay** 

Noes: None Absent: None Abstained: None

MOTION NO. 166-2010/11 RESOLUTION NO. 48-2010/11

**10C.** Adoption of Resolution No. 49-2010/11 Regarding Reduction of Classified Personnel Positions by Layoff

Acting Superintendent Kelly Porterfield reviewed staffing process, School Site plan process and the consequences of not making the reductions called for in this Resolution.

Comments were made by the Board. Discussion included timelines and how and why these decisions are made.

President Garibay called for a motion and second before opening the floor for public comment.

- Andi Albertson, MUSD employee asked about the paraprofessional position in the MHS Café. Principal Kent Albertson responded that this is not a categorical position.
- Michelle Alexander, parent on the Thomas Jefferson School Site Council spoke about the TSA position discussed in their SSC meeting. Mrs. Alexander stated the TSA position was scheduled to be voted on in SSC but was pulled, in her opinion, because the principal or the site administrator did not have the votes for it to pass. The second time a district official came for, in her opinion, no other reason than an intimidation factor. She cited an example from their last meeting where one teacher was replaced on Site Council by another teacher and Site Council bylaws were not followed.
- Kathy Horn, MUTA President complained that this item was not clearly stated on the agenda. Mrs. Horn complained about some SSC meetings held with board members or district office administrators in attendance telling them they will lose their funds if they are not passing the TSA.
- Cece Foley, MUSD teacher and Thomas Jefferson SSC member said that at the SSC meeting they received a list of what was best for the site and then were told that the teachers hadn't voted; said staff members don't see the budgets.

Trustee Salvador commented that the Resolution is not a complete list of sites. Debie Wood said that is correct and explained that is because not all schools have chosen to reduce classified positions. If the school is not on the list then the site and their leadership team has not recommended classified layoffs.

Natalie Cook from Howard School – said they were told that the district had mandated
it and if they didn't approve it that they would lose their funding. She stated they were
also told that they could not re-schedule their meeting because people from the D.O.
were coming to the meeting.

Trustee Cogdill said he has received email and phone calls from those that state the School Site Council feels pressured by the District Office.

Mr. Porterfield restated the timeline prior to President Garibay calling for the vote.

## It was moved by Trustee Seibert, seconded by Trustee Salvador, and carried by majority to Adopt Resolution No. 49-2010/11.

Ayes: Trustees Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

President Garibay

Noes: Trustee Cogdill

Absent: None Abstained: None

MOTION NO. 167-2010/11 RESOLUTION NO. 49-2010/11

### MOVED TO AND ACTED ON WITH CONSENT AGENDA

10D. Adoption of Resolution No. 51-2010/11 that declares the week of May 9 through May 13, 2011 as the Week of the Teacher in Madera Unified School District

MOTION NO. 158-2010/11

RESOLUTION NO. 51-2010/11

### MOVED TO AND ACTED ON WITH CONSENT AGENDA

**10E.** Adoption of Resolution No. 52-2010/11 that declares the week of May 16 through May 20, 2011 as Classified School Employee Week in Madera Unified School District

MOTION NO. 158-2010/11 RESOLUTION NO. 52-2010/11

**10F.** Approval for incoming Superintendent Gustavo Balderas to receive per diem compensation for May 23 and May 24, 2011 and June 20-24, 2011 and June 27-30, 2011 as per the terms of the Employment Agreement approved on April 26, 2011.

It was moved by Trustee Seibert, seconded by Trustee Salvador, and unanimously carried to Approve per diem compensation for incoming Superintendent Gustavo Balderas.

Ayes: Trustees Rodriguez, Salvador, Seibert, Velarde-Garcia, Clerk Arredondo and

President Garibay

Noes: Trustee Cogdill

Absent: None

Abstained: None MOTION NO. 168-2010/11 DOCUMENT NO. 302-2010/11

### 11. <u>Information and Reports</u>

- **11A**. Educational Services Report
  - Sherman Thomas Elementary Charter School Renewal
    Marisa DiMauro introduced Roger Leach and Tara Napier who presented this item
    via PowerPoint. Mrs. DiMauro informed the Board that staff is working on
    standardizing the process we follow with our charter schools this is step one.
    The Charter Renewal binder will be available for review in the Superintendent's
    office for the next month. Trustee Salvador asked for a digital copy. The binder
    will be scanned and forwarded to the Board. In closing, Pastor Leach introduced
    the Sherman Thomas staff members in attendance.
- **11B**. Business and Operations Update

• Report on the District's solid waste disposal and recycling efforts
Kelly Porterfield introduced the item and Barbara Gonzalez, Director of
Purchasing and Warehouse who presented information on recycling efforts MUSD
currently has in place. Lupe Rodriguez, Director of Maintenance and Operations,
Rosalind Cox, Director of Facilities Planning and Construction, and Sandra Perez,
Director of Child Nutrition all worked with Mrs. Gonzalez on this presentation.

Following comments and discussion by the Board is was decided to go forward with the Request for Proposal. Staff will evaluate and bring a recommendation back to the Board at that time.

### • Agenda Manager Update

Jake Bragonier advised the Board that Agenda Manager training will be completed on Friday, May 13<sup>th</sup>. Staff will prepare "parallel agenda" for both June meetings prior to transitioning to Agenda Manager in July.

### 12. Announcements

Acting Superintendent Porterfield made the following announcements:

### Day of the Teacher

Wednesday, May 11th

### **Madera Chamber Salute to Education**

Thursday, May 12th – 5:00 pm at the Madera Center

### **Classified School Employee Week**

Week of May 16th

### **Netherton Rotary Relays**

Friday, May 20th – 6:00 pm at Memorial Stadium

### **Community Planting Event**

City of Madera Parks and Community Services Department and the Redevelopment Agency invites the community to join a Community Planting Event on Saturday May  $21^{\rm st}$  – volunteers are asked to gather at the corner of Sherwood Way and Lake Street in front of Pan American Park at 10:00 a.m.

### 13. Miscellaneous

Trustee Salvador attended the CVEC dinner last week where the keynote speaker was Jeff Frost who is the lobbyist for education. Mr. Frost's message focused on the California budget.

### 14. Advanced Planning

President Garibay made the following announcement:

Next Regular Board Meeting Tuesday, May, 24, 2010 at 7:00 p.m. Madera Unified School District Boardroom 1902 Howard Road, Madera, California 93637

### 15. Suggested Future Agenda Items

Trustee Salvador asked staff to look at a staggered morning start time when preparing for 2012/2013. President Garibay commented that we need to circulate a survey to ask the community what they want.

Associate Superintendent Deborah Wood will provide a report on late start vs. early out.

Trustee Arredondo asked if his previous question about students who get dropped off and leave campus and return late or do not return at all has been addressed.

### 16. Adjournment - Motion No. 169-2010/11

President Garibay adjourned the Public Session at 9:35 p.m.

\_\_\_\_\_ Dated: May 10, 2011 Janet Morgan, Senior Administrative Assistant

to the Superintendent and Board of Trustees

Jano Mogar