

Monterey Peninsula Unified School District  
Minutes  
Regular Board Meeting

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October 25, 2004

- A. Call to Order** The Board of Education of the Monterey Peninsula Unified School District met in regular session at 5:30 p.m. on the above date at the Instructional Materials Center, 540 Canyon Del Rey, Monterey, California.

The meeting was called to order by President Lauterbach.

**B. Roll Call – Establishment of Quorum**

Board Members Present: Robert Eggers (arrived at 5:45 p.m.)  
Resa Foss  
Alan Haffa  
Regena Lauterbach  
Shanda LeBoeuf (arrived at 5:50 p.m.)  
Marjorie Troutman

Board Member Absent: Carlos E. Noriega

Staff Members Present: Daniel Callahan  
Robert Costa  
Yvonne Despard

DLI/POM/NPS Representative Present: Cindy Rothstein

Student Board Members Present: Samantha Grillo, Monterey HS  
Tiffany Tyson, Seaside HS

The President declared that a quorum was present and the Board proceeded with the order of business.

**C. Public Comments on Closed Session Items**

No public comments were made at this time.

**D. Closed Session**

The Board adjourned to closed session at 5:33 p.m. to discuss the following:

1. Student Issues  
*Consider Expulsion Cases #04/05-3 and #04/05-4*
2. Conference with Labor Negotiator (Gov. Code section 54957.6)  
*a. Agency Negotiator: Robert Costa*  
*Employee Organization: California School Employees Association*  
*Monterey Bay Teachers Association*
3. Conference with Labor Negotiator (Gov. Code section 54957.6)  
*a. Agency Negotiator: Daniel Callahan*  
*Employee Organization: Unrepresented Employees*  
*Director Personnel Services*
4. Public Employee Discipline/Dismissal/Release
5. Conference with Real Property Negotiator (Gov. Code section 54956.8)  
*Properties: • 190 Seeno Street, Monterey*  
*• 251 Soledad Drive, Monterey*  
  
*Negotiating Parties: Daniel Callahan*  
*Under Negotiation: Terms and Conditions*
6. Public Employee Performance Evaluation (Gov. Code section 54957)  
*• Superintendent of Schools*

**E. Reconvene Open Session**

The Board reconvened at 7:15 p.m. to take the following action:

- F. Pledge of Allegiance** The Pledge of Allegiance to the Flag of the United States of America was led by DLI/POM/NPS Representative Cindy Rothstein.
- G. Report Action Taken in Closed Session, if any** President Lauterbach reported that the Board took action in closed session to enter into a Settlement Agreement with classified employee #8120, which includes twenty days (20) suspension without pay and restitution back to the District for equipment. The vote was 6-0.
- H. Take Action to Items That Arose Since Posting of the Agenda and Approve Agenda (2/3 Vote Required if Any Item is Added to the Agenda)** No additional items were added since posting of the agenda.  
**RESOLVED** that the agenda be approved.  
MSC+ Eggers, LeBoeuf  
AYES: 6
- I. Certificates/ Presentations/ Recognitions** There were no Certificates/Presentations/Recognitions.  
President Lauterbach acknowledged Board Member Haffa's birthday. She referred to the video taping and airing of the last Board meeting on Access Monterey Peninsula and the feasibility of Regional Occupational Program (ROP) students taping the meetings.
- J. Student Board Member Reports** Samantha Grillo reported on activities at Monterey High School including Halloween spirit week, annual canned food drive, winter ball, theme week and food fair, and fall sports.  
Tiffany Tyson reported on activities at Seaside High School including homecoming week, career center and college preparation activities, fall sports, Gifted and Talented Education (GATE) program, National Coalition Building Institute (NCBI) workshops, and winter ball. She expressed concern regarding the decision-making process at the high school and felt that students should be more involved.
- K. Communications** President Lauterbach acknowledged correspondence from Rachel Giarratano, Geoff Coleman, Joan Wood, Aneta Rude, Frances Malloway, Pat Roberts, Christina Reeves DuWors, and Joseph Altamirano.  
Board Member Haffa acknowledged an invitation from Colton PTA regarding their BBQ round up and carnival.
- L. Suggestions and Comments from Members and Officers of the Board** Board Member Troutman said she would request a discussion on the taping of Board meetings by ROP students as a possible future agenda item.  
Board Member Haffa provided packets of pencils for classroom use.
- M. Suggestions and Comments From Visitors - Non-Agenda Matters** Valerio Biondo, Ano Nuevo teacher, expressed concern regarding compensation for independent study teachers, and asked that the Personnel Services Director address the issue. He thanked President Lauterbach and Board Member Troutman for visiting Central Coast High School and the Ano Nuevo program.  
Carol Saxton, Highland School office supervisor, invited Board members to the school's Halloween activities on October 29.  
Tom Fakner, 3D International construction manager, provided Board members with a brief progress report and photos of work completed under Phase G01-1B.1 of the school modernization project at Highland, Manzanita, Ord Terrace, and Fitch.  
Helen Rucker, Seaside resident, reported that she and Ewalker James have been working on a successful voter education project and have surpassed the 10,000 mark of registered voters in the City of Seaside. She said voter education volunteers from the neighborhood groups, Monterey Peninsula College, California State University

Monterey Bay, and local churches will be honored on October 30. Mrs. Rucker provided information on an October 26 candidate's forum and urged everyone to vote.

Carlos Ramos, school district volunteer, referred to the number of times the Superintendent has been evaluated in closed session and the showing of strong support for the Superintendent from the community earlier in the year. He requested that an accounting of legal fees expended during the period of January to October 2004 regarding all requests for legal consultation by the Board President related to the ongoing review of the Superintendent, and a comparative expense for the same period of time by the last two Board Presidents in order to assess the use of funds in the area of legal services pertaining to the review of the Superintendent.

A member of the audience, who identified himself as an angry grandparent, said his grandson was struck by a teacher and expressed concern that the Superintendent did not respond to calls from his daughter. He said the principal and Personnel Services Director returned the calls, and expressed concern that there was no response from the Superintendent. The grandparent wanted assurance that all students are safe at the school.

Dr. Callahan responded that it is part of due process and rights for students and employees, and that the Superintendent is part of the appeal process.

Board Member Haffa said all concerns are taken seriously, and concurred that the process needs to be respected.

Gerry Lukenas, grandparent, said her grandson was also involved in the incident but he complied with the teacher. She expressed support for the teacher involved, and said she would be happy to chair a committee to sit in the classroom and teach students to be responsible in the home, community, and organizations. Mrs. Lukenas said teachers need to be supported and given the respect they are due so they can teach, not discipline.

**N. Student Issues**

- \*1. Consider Expulsion Case 04/05-03

**RESOLVED** that the student in Expulsion Case 04/05-03 be expelled from schools in the Monterey Peninsula Unified School District through June 30, 2005; and

**BE IT FURTHER RESOLVED** that the student may be considered for readmission in accordance with the stipulations set forth by the Board of Education.

MSC            Eggers, Troutman  
AYES:        5  
NOES:        0  
ABSTAIN:    1 (Foss)

- \*2. Consider Expulsion Case 04-05-04

**RESOLVED** that the student in Expulsion Case 04/05-04 be expelled from schools in the Monterey Peninsula Unified School District; and

**BE IT FURTHER RESOLVED** that the expulsion be suspended and that the student be reassigned to another school in accordance with the stipulations set forth by the Board of Education.

MSC            Eggers, Haffa  
AYES:        5  
NOES:        1 (LeBoeuf)

**O. Action Items**

- \*1. Ratify Contract for Chief Business Officer – *Strategy 1*

**RESOLVED** that the Contract for the Chief Business Officer be ratified.

MSC            LeBoeuf, Troutman  
AYES:        6  
NOES:        0

2. Seek Board Direction Regarding Board Meetings in Trustee Areas – *Strategy 1*

Dr. Callahan said there have been several discussions about Board meetings in the trustee areas, and that the item has been placed on the agenda for clarity and Board action.

President Lauterbach asked for a motion to discuss the item.

Board Member Troutman motioned and Board Member Foss seconded to discuss the item.

Board Member Troutman said if the Board is to approve the item, did the Board want to plan a schedule at this time?

Board Member Eggers said there was a motion and second to discuss the item, and that the Board needed to vote to discuss the item.

After a brief discussion, Board Members Troutman and Foss withdrew their motion and second.

Board Member Troutman motioned and Board Member Foss seconded that direction to staff regarding Board meetings in trustee areas be received from the Board.

Board Member Troutman suggested that the next regular meeting be held at King School.

Board Member Eggers suggested tying in with the successes at the particular schools.

Board Member Haffa suggested study sessions for an opportunity to interact with the community.

Dr. Callahan said study sessions are special Board meetings, and said the Board might want to consider town hall meetings in the trustee areas.

After further discussion, the following action was taken:

**RESOLVED** that the administration determine three dates for the coming year to hold town hall meetings in the three trustee areas.

MSC Troutman, Foss  
AYES: 6

**P. Consent Agenda**

1. Approval of Consent Agenda – *Strategy 1*

Staff clarified questions regarding Items 6 and 9. A revised annotation for Item 6 was distributed to Board members indicating a revised award bid.

**RESOLVED** that the Consent Agenda be approved as submitted.

- \*1. Approve Minutes
  - March 4, 2004 Special Board Meeting
  - May 3, 2004 Regular Board Meeting
  - August 2, 2004 Regular Board Meeting
  - October 4, 2004 Regular Board Meeting
- \*2. Approve/Ratify Personnel Items
- \*3. Ratify Purchase Orders from September 1, 2004 to September 30, 2004
- \*4. Ratify Warrant Register for September 1, 2004 to September 30, 2004
- 5. Approve Gifts to the District

From	To/Purpose	Amount
Big Sur International Marathon	Colton K-8 School For the science program	\$2,000.00
Noreen Steinmetz	Colton K-8 School For instructional supplies	\$250.00
American Legion	Fitch Middle School For the music program	\$300.00
University of Wisconsin	Fitch Middle School For instructional supplies	\$500.00
Lifetouch National Studios	Fitch Middle School For instructional supplies	\$626.12
Community Foundation for Monterey County	Monterey High School For Nancy Parker Benham Scholarship Program	\$10,738.76
Education Foundation for MPUSD	Colton K08 School For the reconfiguration of school	\$17,388.60
Education Foundation for MPUSD	Fitch Middle School For the reconfiguration of school	\$5,796.20
Target Stores	Monterey High School For instructional supplies	\$710.43
Target Stores	Seaside High School For instructional supplies	\$597.82
Target Stores	Colton K-8 School For instructional supplies	\$254.17

- \*6. Award Bid for General Construction Contract for Phase 1C.1
- \*7. Approve Ratification of Change Order 4 for Modernization Phase 1B (Bid Package 2) General Construction (from \$4,274,515.31 to \$4,278,605.59)
- \*8. Approve Ratification of Change Orders 92 to 96 for Modernization Phase 1A General Construction (from \$7,483,109 to \$7,490,682)
- \*9. Adopt Resolution to Accept District Calculation of the Limit Provision of Proposition 4, 1979 (Gann Amendment) for 2003-2004 and 2004-2005

MSC            LeBoeuf, Eggers  
AYES:        6  
NOES:        0

**Q. Reports**  
*Strategy 1*

1. Committees/Conferences            Board Member Troutman reported on her attendance at a Leadership Monterey Peninsula forum and shared handouts with Board members. She also provided a brief report on a recent Special Education Local Planning Area (SELPA) meeting.
2. Superintendent's Report            Dr. Callahan reported that Personnel Services Director Robert Costa, Support Services Director Yvonne Despard, and he participated in a New Teacher Center program to help train District Office personnel in the coaching model in support of administrators and the work begun earlier this year. He said they will be participating in five more training sessions in support of principals. Dr. Callahan also reported on successes at Highland School.
3. DLIFLC/POM/NPS Representative            Cindy Rothstein reported on Marina del Mar School's October 22 camp out day and said military partners participated in the day-long fund raiser to encourage students to read. She also reported that military partners spent time on Saturday on painting projects at Fitch Middle School and King School. Mrs. Rothstein expressed concern regarding calls

from military parents moving into the area who are finding that the schools in the military housing areas are over enrolled. She said she was addressing the matter with Mrs. Despard.

President Lauterbach recommended that a discussion regarding a welcome center be placed on a future agenda.

**R. Information**

1. Discuss Superintendent's Search

Dr. Callahan said this item was placed on the agenda at the direction of the Clerk Vice-President for consideration.

Board Member Troutman referred to a list of executive search firms and suggested directing the Personnel Services Director to contact five California firms for information and a presentation to the Board regarding their services. She said the search process takes about six months. She said getting the information doesn't mean the Board has to proceed with a superintendent's search, but that the information will be available.

Board Member Foss suggested including the two firms recommended by legal counsel Lou Lozano.

Board Member Haffa felt it might not be the proper time to be discussing a superintendent's search, and referred to a January evaluation. He said he felt uncomfortable to move ahead with a superintendent's search and hasn't had the time to evaluate Dr. Callahan on his performance. He preferred to wait until January and conduct a mid-year evaluation.

President Lauterbach said there was no mid-year evaluation in Dr. Callahan's contract.

There was brief discussion that the Board conducted a mid-year Superintendent's evaluation the past two years. Clarification was made that the contract states that the Board will meet informally on a semi-annually basis to discuss the Superintendent's performance, and that the Board and Superintendent will meet at least annually to formally evaluate the performance and working relationship between the Superintendent and the Board.

Board Member Foss said she asked for this item to be agendized because the Board was criticized last year for not making decisions in a timely manner. She said Dr. Callahan's contract expires the end of June and it seemed prudent to do the leg work to research the Board's options.

Board Member Eggers said the Board successfully completed a superintendent's search that began in April when Dr. Callahan was hired. He concurred with Board Member Haffa that a mid-year evaluation is a logical and appropriate step, not just for the Superintendent, but for the students in the District.

Board Member LeBoeuf said the process is distasteful and morally reprehensible that the Board is moving forward on a search based on what she knows.

2. Review Proposed Classified Management Job Description - Transportation Supervisor

Mr. Costa said, at the Board's request, the revision to the job description for Transportation Supervisor is being brought to the Board for information. He said the modifications to the job description reflect current practice of that position, and noted that the salary range has not changed.

In response to Board Member Egger's question why there was no recommendation to increase the salary since other duties were added to the revised job description, Mr. Costa said the position was previously eliminated due to budget cuts, and the purpose of the item is to reinstate the position and to revise the job description to reflect the current practice.

3. Review Proposed Job Description - Grant Coordinator

Mr. Costa reviewed the proposed job description for Grant Coordinator and clarified questions from Board members.

In response to questions regarding the salary range and the funding of the position,

Mr. Costa said staff would check with other districts that have grant writers and look at comparables.

Support Services Director Yvonne Despard said the District has grant monies and donations to fund the position, and that there is no cost to the General Fund.

Dr. Callahan said the management position has a salary range lower than an elementary principal's salary with a potential for supervising people.

4. Discuss Governance Policies  
It was the consensus of the Board to defer this item to a subsequent meeting, as the item was placed on the agenda at the request of Board Member Noriega.
  
5. Review Recommended Board Action Calendar, 2004-05  
Dr. Callahan said a proposed Board action calendar for 2004-2005 and a California School Boards Association (CSBA) sample action calendar were presented for Board discussion. He said the Board may wish to add items from the CSBA sample calendar.  
  
There was brief discussion regarding items to add to the action calendar. Board Member Troutman suggested adding eight items to the calendar. After a brief discussion, it was the consensus of the Board for a representative from each trustee area to meet with Dr. Callahan to review the Board action calendar. It was the consensus that Board Members Eggers, Haffa, and Troutman would meet with Dr. Callahan on Wednesday evening.  
  
(Student Board Member Tiffany Tyson left the meeting at 8:50 p.m.)
  
6. Review Adult Education Foreign Language in the Workplace – Spanish Course Outline  
Mrs. Despard reviewed the Adult Education Foreign Language in the Workplace – Spanish course outline and clarified questions from Board members. This item will come back for Consent at the next meeting.
  
7. Review Board Policy 7400 – Facilities Use  
Dr. Callahan said Board Policy 7400 has been discussed over the last six months in the Board Policy Subcommittee, and that it is being brought forward to see if it meets the Board's intent.  
  
In response to Board Member Egger's question whether this is a First Reading of the policy, President Lauterbach said it has been on the agenda approximately five times.  
  
Cheri Love, legal counsel for construction and facilities matters, referred to a clause in the policy that the Attorney General's Office recently declared unconstitutional.  
  
After a brief discussion, it was the consensus of the Board that the policy come back as an Information item with appropriate revisions.
  
8. Review Board Budget  
Dr. Callahan said the review of the Board budget was at the request of the Board.  
  
Board Member Foss said she requested that the Board's budget be agendized due to the upcoming CSBA Annual Conference in San Francisco in December. She asked how much money was budgeted for travel and conference, and whether this is how the Board wanted to spend the money. She noted that the expense for all Board members to attend would expend most of the Board's travel and conference allocation.  
  
Board Member Eggers said he was against all Board members traveling to San Diego to attend the conference last year because the Board was in a cost-cutting mode. He said this year's conference is a "drive to" conference. He said everything available at the CSBA conference is available online. He said he felt leery about spending on conferences when the District is cutting programs and services, although the Board needs to be educated to be better Board members. He said he would make time to attend the conference if the rest of the Board is attending. Board Member Eggers said it was important for the Superintendent and Board Members Haffa and Noriega to attend.

President Lauterbach said Board members should make the commitment to attend all the sessions and to bring back information for all Board members.

Helen Rucker, Seaside resident, said having served on the city council, she found it valuable to attend professional conferences. She understood the reluctance to spend money, but felt Board members could profit from having the enrichment of meeting with and learning new things. Mrs. Rucker said when the city had budget crunches, the city did not fund the entire trip and that it might be something that the Board might want to consider. She urged the Board to attend the conference and benefit themselves of the professional growth that is available to them.

Dr. Callahan suggested that the Board might want to give consideration to allocating each Board member a specific amount for travel and conference, and each would be accountable for how they spend their allocation.

Board Member Haffa concurred and said there might be other conferences or workshops that would be more valuable for other Board members.

(Student Board Member Samantha Grillo left the meeting at 9:13 p.m.)

9. Review Political Campaigns

Dr. Callahan said this item was placed on the agenda at the request of a Board member who had concerns about Board member participation in political campaigns.

President Lauterbach expressed concern that Board Policy states that individual Board members are not to use their title when endorsing a political candidate. She referred to campaign literature from a candidate where two Board members were listed with their title. She said the Board either needs to change its policy because there were many other school districts and Board members listed, or conform to MPUSD Board Policy.

Board Member Eggers said he was one of the Board members referenced in that particular campaign ad. He said it was important to understand that a person will sign his/her name on behalf of a political candidate and will not put their title; the candidate or campaign manager might feel some value to include that person's title when included in the campaign literature. Board Member Eggers said he wasn't aware that his name or title was on the literature until it was brought to his attention. He said in the last primary election, he saw three current Board members' names and titles endorsing a candidate. Board Member Eggers said if another Board member has a particular issue, he would appreciate a call regarding the matter.

Mr. Ramos said he contacted the other Board member. He said is working on three campaigns and said many times it's not the candidate, but the campaign manager or marketing people. He said there are so many variables. He clarified the listing of Board Member Noriega as a trustee of MPUSD was not approved by him.

Board Member Haffa said he supported the current policy. He said, as individuals, Board members have a right to support candidates. He said to the extent of representing MPUSD, he expressed concern and said it was an unfortunate misuse of the individuals names and titles.

Board Member LeBoeuf said it doesn't bother her to endorse a candidate, but suggested revisions to the policy for issues that might arise.

After further discussion, it was the consensus to bring the policy to the Board Policy Subcommittee for review and possible revision.

- S. Board Member Request(s) for Information and/or Possible Future Agenda Items**
- Board Member Foss referred to the upcoming November 8 Board Study Session and requested dollar amounts on the Budget Advisory Committee recommendations.
- In response to a request from Board Member Troutman for a progress report on the funding of the transportation program, Dr. Callahan said the program began after fall recess and there is no data available. He suggested a progress report in December.
- Board Member Troutman requested a discussion on the taping of Board meetings by students in the ROP program.
- In response to Board Member Troutman's request for an update on the concern expressed earlier in the meeting regarding compensation for Ano Nuevo teachers, Mr. Costa indicated it is a bargaining unit issue.
- President Lauterbach expressed concern about the grade change policy and said it needed to be reviewed as a Board. After a brief discussion, it was the consensus that the policy, administrative regulations, and the appropriate Education Code be brought to the Board Policy Subcommittee for review and knowledge, and presented to the full Board at a future meeting.
- President Lauterbach requested, for a future agenda item, a discussion regarding a welcome program for all families coming into the District.
- In response to President Lauterbach's request for a report on Annual Yearly Progress (AYP) scores and Board discussion to help, Dr. Callahan said the Academic Performance Index (API) and AYP results were presented at a previous Board meeting. He said it seems that it would be the work of staff to work with individual principals and school staffs. Dr. Callahan said if the Board wants to discuss what the Board can do to help individual schools, the topic can be agendized.
- T. Board Self-Evaluation, as Applicable**
- There was no Board self-evaluation.
- U. Closed Session**
- Due to the lateness of the hour and the need to go back into closed session, it was the consensus of the Board to continue the meeting to Wednesday, October 27, 6:00 p.m., in the District Office Board Room, 700 Pacific Street, Monterey.
- V. Adjournment**
- The meeting adjourned at 9:40 p.m. in memory of Lorna Jefferson, retired teacher's assistant from the Richmond Unified School District and mother-in-law of Board Member Robert Eggers.

Respectfully submitted,

Daniel Callahan, Ph.D.  
Executive Secretary

DC/jif  
^Defense Language Institute Foreign Language Center, Presidio of Monterey & Naval Postgraduate School  
+Motion/Second/Carried