

February 7, 2005

- A. Call to Order** The Board of Education of the Monterey Peninsula Unified School District met in regular session at 6:00 p.m. on the above date at the Instructional Materials Center, 540 Canyon Del Rey, Del Rey Oaks, California.

The meeting was called to order by President Foss.

B. Roll Call – Establishment of Quorum

Board Members Present: Robert Eggers
Resa Foss
Alan Haffa
Regena Lauterbach
Shanda LeBoeuf (arrived at 6:16 p.m.)
Carlos E. Noriega
Marjorie Troutman

Staff Members Present: Daniel Callahan
Robert Costa
Yvonne Despard
Jim Maxwell

DLI/POM/NPS Representative Present: Cindy Rothstein

Student Board Member Present: Christina Thomas, Monterey HS

Student Board Member Absent: Jonathan Wellman, 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
D. Closed Session

No public comments were made at this time.

The Board adjourned to closed session at 6:01 p.m. to discuss the following:

1. Student Issues
Consider Readmission: Case #04/05-5
2. Public Employee Appointment (Gov. Code section 54957)
Superintendent
Superintendent-Elect
Associate Superintendent
Director, Fiscal Services
3. a. *Agency Negotiator: Robert Costa*
Employee Organization: California School Employees Association
Monterey Bay Teachers Association
Monterey Bay School Administrators Association

E. Reconvene Open Session

The Board reconvened at 7:34 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 Student Board Member Cristina Thomas.

G. Report Action Taken in Closed Session, if any

President Foss said there were no reportable actions taken in closed session other than to give direction to legal counsel to continue working with John Lamb to work out the State Teachers Retirement System issue. She acknowledged Mr. Lamb in the audience and said he will be serving as Superintendent-Elect.

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, Lauterbach
AYES:	7
NOES:	0

President Foss said she was informed that February is School Board Appreciation Month. She announced members of the community will be providing refreshments later in the meeting. President Foss said following the short recess, the Board may go back into closed session and if necessary, continue the open meeting.

I. Certificates/ Presentations/ Recognitions

- *1. Single Plan for Student Achievement – *Strategy 3*
 - King School
 - Central Coast High School

Yvonne Despard, Director of Support Services, introduced Principal Darren Sylvia of King School and Principal Nina Russo of Central Coast High School. The Single Plan for Student Achievement was presented by each school. Staff and student presenters were acknowledged, and questions clarified from Board members.

- *2. Discussion of Additional Modernization Eligibility – *Strategy 6*

PubliConstructionLaw Attorney Cheri Love, provided a status report on the \$53 million state modernization program at school sites. She said state funds are allocated based upon the number of students at each campus rather than the condition of schools, and that when the funds were allocated two years ago, consultants hired by the District incorrectly stated that any savings on one campus could be used on another campus. In addition, it was found that the period for submitting paperwork for the allocations at two of the schools had expired and has lead to a situation in which there are shortfalls in the budget for approximately half of the campuses being modernized and extra modernization funds for other campuses. Ms. Love said when this was recently discovered, another consultant was hired to address the issues with the Office of Public School Construction (OPSC). The consultant discovered there were several million dollars in grants that were not applied for at the time in 2003; as well as a large amount of money that was arbitrarily cut from the allocations at the state level. Ms. Love said significant amounts of time have been spent reviewing the facts leading to the shortfall, and the District is working with Assemblyman Laird's office and OPSC to be able to apply for funds which were not sought during the 2002-2003 application period, or to be able to use the funds according to the facility's condition rather than strictly according to the number of students at each facility.

Following clarification from Board members regarding monies lost, hardship status, ability to compensate workers and materials used, it was the consensus of the Board that staff provide written documentation regarding the status of the District, how much money will be owed, pros and cons, and other pertinent information for discussion of options at a future meeting.

J. Student Board Member Reports

President Foss announced that student Board member Jonathan Wellingman was participating in the mock trials, and was unable to attend the meeting.

Cristina Thomas reported on activities at Monterey High School including school sports, prom, Associated Student Body convention, and sophomore exit exams.

(Cristina left the meeting at 8:37 p.m.)

K. Communications

Board Member Troutman acknowledged correspondence from Sherry Gruwell regarding facilities use.

Board Member Lauterbach shared information from the recent California School Boards Association conference regarding alumnae directories and a possible way to see where the high school graduates are and how they are succeeding.

President Foss acknowledged a list of dates officially recognized through the year and said she would provide copies to Board members.

L. Suggestions and Comments from Members and Officers of the Board

Board Member Lauterbach reported that she and Board Member Troutman attended a Healthy Eating conference and said it is projected that today's children will have a shorter life span because of the type of food they eat and the amount of exercise they get.

President Foss reported on the Brown Act Workshop and Board Presidents' Workshop that she attended over the weekend. She referred to the upcoming February 16 Peninsula Governance Collaborative, suggestions for agenda items, and the addition of a special Board meeting prior to the collaborative. She also announced the upcoming February 18 and 19 Governance Team workshop, noted the Monterey-Alisal basketball game has been rescheduled for the 18th, and a possibility of Board members attending the game if there is interest. She said the focus of the workshop is Board protocols, and establishing priorities to include a superintendent search, facilities, and strategic plan.

Dr. Callahan referred to the February 16 collaborative and said the agenda includes a presentation on future school financing possibilities.

In response to Board Member Noriega's question whether the two superintendents have met to discuss sportsmanship, Dr. Callahan referred to telephone conversations in resolving the issue, and said the principals involved have pulled together their leadership teams and parent boosters, and the coaches are working with the Central Coast Section.

Board Member Noriega suggested that a meeting be held with all county superintendents to collaboratively agree to zero tolerance for taunting, and for the athletic associations to go to their referees to insure that zero tolerance is complied and understood by everyone at a school sporting event.

President Foss acknowledged an invitation from the Salinas Union High School District Board President to join them on forming a task force to discuss the issue.

M. Suggestions and Comments From Visitors - Non-Agenda Matters

Lucille Veronica Standifer, teacher, invited everyone to attend several events that will be occurring at Los Arboles Middle School, and distributed the schedule to the Board, staff, and members of the audience. Speaking as an African-American teacher, she expressed support for the selection of John Lamb as Superintendent-Elect and that he will help the District to heal.

Shauna Rowe, parent, referred to a letter she submitted to the Board and said Dr. Callahan was in violation of the California Public Records Act, as well as Board bylaws when he failed to release the minutes of November 8, 2004, July 12, 2004, and May 12, 2004, in the required time restraints dictated by state law. She also referred to another letter requesting information and documentation about monies that she said was spent in direct violation of an MPUSD Board vote on July 12, 2004, regarding the hiring of outside agencies to fill the Chief Business Officer's position. She requested a complete financial audit for the tenure of Dr. Callahan, and that any agreements or contracts upon his departure include a statement that all agreements are contingent upon the completion of the audit, so if public monies or expense account monies were spent without Board approval, he can be held personally responsible. Ms. Rowe asked if Ms. Love was an employee of the District and for additional details regarding her presentation.

Dr. Callahan said the people who were responsible for the original issues do not work for the District any longer, and noted that the District does not have a Facilities Planner, Director of Fiscal Services, nor a Chief Business Officer. It has been using Ms. Love and another consultant to assist with those processes.

Board Member Noriega said the information will be made public when the Board receives the report.

Dr. Callahan referred to Ms. Rowe's comments, and said annual audits have been made every year since his superintendency, so the Board has all the information as does the public about the District's financial condition and whether or not there are exceptions to financial practices. He said that he has never spoken directly to Ms. Rowe about the issue of minutes, but she had had several conversations with the recording secretary. Dr. Callahan said the minutes requested have not been completed yet, so they do not fall under the Public Records Act, and as soon as the understaffed District Office clerical staff can complete those minutes, they will be publicly available to everyone. Regarding violation of Board action, Dr. Callahan referred to a weekly letter to the Board informing them of his intent to hire School Services of California, as well as the initiation of a search for an interim chief business official. He stated not one Board member raised his intent as an issue in terms of attempting to fill the Chief Business Officer position.

Mel Mason, Monterey Peninsula Branch of the NAACP President, expressed opposition to the appointment made by the Board, not because of the person who was appointed, but because of the process and integrity that NAACP felt was not adhered to by the Board. Mr. Mason said there is a question about legality in terms of how the appointment was made, and concerns about building trust and healing of the District. He said the appearance should be honest and in terms of trusting people. Mr. Mason suggested that the Board rescind the hiring, and that the Board go through a process that involves the public.

Susan Woodward, MPUSD parent, reported on her attendance at a neighborhood association meeting and a presentation by the Defense Language Institute for the use of the Monte Vista site. She said an item discussed at the meeting was a three-year lease with two one-year options. Ms. Woodward said she believed that Board Policy allows for a lease that is five years or more to go to the General Fund rather than specifically to facilities, and that she asked if the military would consider a lease of five years or more so the District can have that flexibility of funds should the District run into some financial issues in the future. She indicated that a military representative said no one has asked for that, and indicated there is nothing in the regulations that they are aware of that would preclude doing a five-year one day or a five-year one month lease. Ms. Woodward spoke about the modernization efforts at Foothill School and the allocation of monies for the projects, in particular the bathrooms, ramps, and parking facilities. She said if they are no longer allocated to Foothill, where did the funding go?

President Foss said the Board also raised the question about the five-year lease, and that Dr. Callahan was informed by military legal staff about the regulations. She said the Board has requested the regulations in writing.

Ron Woods, Monterey Bay Teachers Association (MBTA) President, thanked the Board for acting in an expeditious and decisive way in appointing John Lamb as Superintendent, and that the association supports their unanimous decision. He said the association respects Mr. Lamb's work ethic, knowledge of MPUSD's culture, and his extensive track record of support to all employees and students. He said it is a positive step toward unifying the District and community, and they can truly begin to rebuild trust within MPUSD.

Helen Rucker, Seaside resident, announced upcoming activities for Black History Month including Black Professionals Day at school sites and a Black History program that will be held at Seaside City Hall. Mrs. Rucker echoed Mr. Mason's comments, and said she has nothing against Mr. Lamb. She said she did not appreciate the public not being involved in the process. Mrs. Rucker referred to previous comments that she said are guaranteed to foster unrest rather than trying to bring the District together into a healing process, and wished people wouldn't come up to the Board and be so hateful.

Carolyn Plummer, Marina resident and former Board member, said it saddened her to hear the tone that is taken with each other, and why everyone can't just all get along. She said she has seen the District "spit out and chew up" so many of the people who have come to make the District better for the community, schools, and the children, and she said it's time to say "time out." Ms. Plummer said she did not want to be sitting in the audience six months or a year from now listening to people saying ugly things about John Lamb. She referred to previous superintendents who were hired to "get everything straight, unite, and get along" and how the public later "called for their heads." She thanked Dr. Callahan for his service to the District, and said he has done everything he could to move the District forward as a visionary and to help the District, and for members of the public to say ugly things is not necessary. Ms. Plummer concurred with Mr. Mason and Mrs. Rucker regarding the appointment process, but said whoever the new leader is, she will support that person. She said the District needs to think about the children because they are the ones being impacted.

It was the consensus of the Board that Action Item O-1 be moved toward the end of the agenda pending discussion in closed session. It was also the consensus that a recess be taken after the Consent Agenda, followed by a closed session.

N. Student Issues

- *1. Consider Readmission Case 04/05-05

RESOLVED that the student in Expulsion Case 04/05-05 be readmitted to schools in the Monterey Peninsula Unified School District.

MSC Noriega, Lauterbach
AYES: 7
NOES: 0

O. Action Items

- *2. Designate February as Black History Month – *Strategy 2*

RESOLVED that the Board designate February as Black History Month and a copy of the resolution be sent to all schools and sites in the District with a recommendation that appropriate activities be held in recognition of this important part of history.

MSC Troutman, Lauterbach
AYES: 7
NOES: 0

- *3. Approve Board Policy 7330 – Community Relations, District Citizens Advisory Committees – *Strategy 1*

RESOLVED that Board Policy 7330 – Community Relations, District Citizens Advisory Committees be approved.

MSC Troutman, Lauterbach
AYES: 7
NOES: 0

P. Consent Agenda

1. Approval of Consent Agenda - *Strategy 1*

RESOLVED that the Consent Agenda be approved as submitted.

- *1. Approve Minutes
 - May 12, 2004
 - July 12, 2004
 - November 8, 2004
 - January 24, 2005
- *2. Approve/Ratify Personnel Items
3. Approve Gifts to the District

(Board Policy requires that all gifts to the District in excess of \$250 of value be officially accepted by the Board of Education.)

From	To/Purpose	Amount
Marina Waste Management	Olson School For the Outdoor School Program	\$300.00
Salinas Valley Charities	Olson School For the Outdoor School Program	\$500.00
Marina Grange #518	Olson School For the Outdoor School Program	\$500.00
Marina Coast Water District	Olson School For the Science Program	\$3,750.00
Richard Weismann	Olson School For the science and music programs	\$4,000.00
Coca-Cola Bottling Company	Fitch Middle School For instructional supplies	\$341.39
The David & Lucille Packard Foundation	Monterey High School For instructional supplies	\$3,000.00
Monterey High School Volleyball Boosters	Monterey High School For instructional supplies	\$3,600.00
Big Sur International Marathon	Special Services For the Preschool Program for At-Risk Children	\$850.00

- *4. Approve Adult Education Emergency Medical Technician Course Outline
- *5. Approve Ratification of Change Orders 12-13 for General Construction Project (Modernization) at Various Schools for Bid Package G01-1B.2 (from \$4,311,853.00 to \$4,370,528.78)
- *6. Approve Single Plan for Student Achievement for Del Rey Woods and Marshall Elementary Schools
- *7. Approve the Submission and Implementation of the Monterey Peninsula Foundation Grant Application for Ord Terrace Elementary School (\$50,000)

MSC Eggers, Lauterbach
 AYES: 7
 NOES: 0

A recess was taken at 9:10 p.m. and the meeting reconvened at 9:25 p.m. to take the following action:

U. Closed Session

The Board adjourned into closed session at 9:26 p.m. and the meeting reconvened at 10:33 p.m. to take the following action:

(Board Member Eggers left the meeting during the recess.)

1. Approve Appointment of Director Fiscal Services - *Strategy 5*

President Foss reported that in closed session, the Board took action to appoint Leah Veile as Director of Fiscal Services. The vote was 6-0.

Due to the lateness of the hour, the following items were tabled:

Q. Reports

1. Committees/Conferences
2. Superintendent's Report
3. DLIFLC/POM/NPS Representative

R. Information

1. Definition of Trust
2. Board Appointing of New Committee Members to the Strategic Planning Committee, Business Advisory Committee, and Superintendent's Advisory Committee
3. Open House Schedule
4. Dates, Times, Locations, and Board Representatives for Secondary Graduation and Promotion Ceremonies

S. Board Member Request(s) for Information and/or Possible Future Agenda Items

T. Board Self-Evaluation, as Applicable

V. Adjournment

The meeting adjourned at 10:35 p.m. in memory of retired Seaside High School librarian George Bowman; retired teacher Mary Agnes Burden; Richard McLaughlin, husband of former Facilities Planner Colette McLaughlin; and Phong Trang, brother of Duplication Services Supervisor Chuc Le.

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