

May 16, 2005

- A. Call to Order** The Board of Education of the Monterey Peninsula Unified School District met in regular session at 5:37 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 Clerk Vice-President LeBoeuf.
- B. Roll Call – Establishment of Quorum**
- Board Members Present: Robert Eggers
Alan Haffa
Regena Lauterbach
Shanda LeBoeuf
Carlos E. Noriega
Marjorie Troutman
- Board Member Absent: Resa Foss
- Staff Members Present: Robert Costa (closed session only)
Yvonne Despard
John Lamb
Carol Weesner
Tom Woodruff
- DLI/POM/NPS Representative Present: Cindy Rothstein
- Student Board Members Present: Cristina Thomas, Monterey HS
Jonathan Wellman, Seaside HS
- The Clerk Vice-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 5:38 p.m. to discuss the following:
1. Student Issues
Consider Expulsion Case #04/05-016
 2. Public Employee Appointment (Gov. Code section 54957)
- Interim Superintendent
- Facilities Planner
 3. Conference with Labor Negotiator (Gov. Code section 54957.6)
a. Agency Negotiator: Robert Costa
Employee Organization: California School Employees Association
Monterey Bay Teachers Association
 4. Public Employee Discipline/Dismissal/Release (Gov. Code section 54957)
 5. Conference with and/or Receive Advice from Legal Counsel - Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9
- E. Reconvene Open Session** The Board reconvened at 7:10 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** No reportable actions were taken in closed session.

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: | 6 |
| NOES: | 0 |

I. **Certificates/ Presentations/ Recognitions**

*1. Top Scholastic Students from Monterey and Seaside High Schools – *Strategies 3 & 4*

Assistant Superintendent Carol Weesner said the Board annually approves and awards certificates to outstanding seniors from each high school. The top students from Monterey and Seaside High Schools were recognized and each student was presented with a certificate of merit for his/her excellent academic achievement. Board members commended each student individually and collectively for their achievements and wished them well. Parents and family members were also recognized in the audience.

Monterey High School

Evelyn Tran
Mary Ester Ahern
Nicole Barbero
Monica Hugo
Jennifer Savage
Lee J. Hinkle
Linda Tan
Navarre Simpson
Jennifer Wilson
Adrienne Buell
Robert Tyler Payne
Diana Duran
Marlee Payne

Seaside High School

Shauna Butler
Kendra Arsenault
Bryon Paul
Tiffanie Moria
Jessica Tran
Thien Huong Huynh
Jonathan Wellman
Christina Russell
Evan Morgan
Madelyn Carriles
Kwang Pak
Hang Ho

*2. Community Foundation for Monterey County Awards: Lou Flagg, Lori Flagg, and Allen Griffin Awards for Excellence in Teaching for Elementary, Middle, and High School Teachers – *Strategy 5*

The following teachers were nominated and recognized as recipients of the 2005 Lou Flagg, Lori Flagg, and Allen Griffin Awards for Excellence in Teaching.

Lou Flagg Award

Linda Brandewie, Bay View School
Joanna Medina, Colton School
Theresa Ferrante, Del Rey Woods School
Carol Etchemendy, Foothill School
Steve Robinson, La Mesa School

Lori Flagg Award

Mickey Miyamoto, Colton School
James Paoletti, Fitch Middle School
Amy Lloyd, King School
Alan Lurie, Los Arboles Middle School

Allen Griffin Award

Thomas Dooner, Monterey High School
Gordon Jones, Seaside High School

J. **Student Board Member Reports**

Cristina Thomas reported on activities at Monterey High School including the election of class officers and student board officers, and the academic excellence banquet. She said she enjoyed serving as student Board member this past semester and expressed best wishes to all.

Jonathan Wellman reported on activities at Seaside High School including baccalaureate night, national honor society induction, AJROTC spring awards ceremony, aloha week and rally, spirit days, senior Disneyland trip, fashion show, and end-of-year testing. Jonathan echoed Cristina's comments and said serving as student Board member was a good learning experience.

At this time, it was the consensus of the Board to move Action Item O-1 up on the agenda.

- *1. Approve Resolution of Appreciation for Student Board
Members: Cristina Thomas and Jonathan Wellman –
Strategy 4

RESOLVED that the resolution of appreciation for Cristina Thomas and Jonathan Wellman be approved.

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| MSC | Eggers, Haffa |
| AYES: | 6 |
| NOES: | 0 |

K. Communications

None.

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

In response to Board Member Troutman's suggestion about Item S and the reporting of Board activities, it was the consensus of the Board to move the following statement to Suggestions and Comments from Members and Officers of the Board: *At this time members and officers of the Board will report on current activities, visits to schools, meetings scheduled and attended, and conferences and events occurring throughout the school district.*

Board Member Lauterbach reported on her attendance at the We Honor Ours (WHO) banquet, and said that President Foss was nominated by the Monterey County Office of Education Teachers Association and the Central Coast Counties Service Center for the state WHO award. She also reported on a successful fund raising activity for a classified employee and thanked those who supported the effort.

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

Fitch Middle School music teacher James Paoletti and music department students reported on the following results during a recent competition at Santa Cruz High School: advanced band – excellent rating, 1st place; choir – excellent rating, 1st place; orchestra – superior rating, 1st place; beginning band – excellent rating, 1st place; and most spirited award out of all the schools that competed.

Ruthie Watts, representing the Coalition of Scholarship Organizations, invited Board members to its annual scholarship breakfast on June 11 at Embassy Suites Hotel. She said 35 students will be honored this year.

Cindy Rothstein, military liaison, invited everyone to the musical *School House Rock*, that will be held at the Porter Youth Center during the upcoming weekend. She said 32 students from the community will be participating and admission is free. Invitations were distributed to Board members, staff, and members of the public.

Anna Macaluso, California School Employees Association (CSEA) President, reported on the benefit for the classified employee, said it was a wonderful event, and thanked everyone who volunteered. She invited the Board to the CSEA gathering honoring classified employees and distributed invitations. Ms. Macaluso referred to a previous meeting where consideration was made for the District to look at the certificated layoff situation in 30 days, and hoped that the same consideration could be given to the categorically funded classified employees who were laid off or hours reduced, should there be an increase in categorical funding.

Maria Buell, immediate past president for the League of United Latin American Citizens (LULAC), Monterey Council, announced that Carlos Ramos has been elected as the new president. She invited Board members to the annual LULAC scholarship luncheon that will take place on June 11, 12:00 noon, at the Oldemeyer Center, and said five MPUSD students – two from Monterey High School and three from Seaside High School – are among several recipients receiving scholarships. Ms. Buell said approximately \$29,000 will be awarded this year, and to date, approximately \$250,000 has been disbursed to about 350 students over the past 12 years.

(The student Board members left the meeting at 8:10 p.m.)

N. Student Issues

- *1. Consider Expulsion Case 04/05-16

RESOLVED that the student in Expulsion Case 04/05-16 be expelled from schools in the Monterey Peninsula Unified School District; and

BE IT FURTHER RESOLVED that the expulsion be suspended in accordance with the stipulations set forth by the Board of Education.

MSC Eggers, Noriega
AYES: 6
NOES: 0

O. Action Items

- 2. Approve Administrative Appointment – Strategy 5

RESOLVED that the following administrative appointment be approved, effective June 1, 2005:

| <u>Name</u> | <u>Position</u> |
|-------------------|--------------------|
| Charles Van Meter | Facilities Planner |

MSC Eggers, Haffa
AYES: 6
NOES: 0

- 3. Consideration and Action on Exemption Request for John Lamb to Serve as Interim Superintendent – Strategy 5

RESOLVED that the District request the State Teachers’ Retirement System (STRS) to grant an exemption from the post retirement earnings limitation for John Lamb to serve as Interim Superintendent, effective July 1, 2005 to June 30, 2006.

MSC Lauterbach, Troutman
AYES: 6
NOES: 0

(Board Member Lauterbach left the meeting at 8:14 p.m.)

- *4. Approve Community Task Force to Review Sportsmanship and Safety at Athletic Events - Strategy 1

There was brief discussion and clarification regarding the composition of the task force, whether the members represented all of the communities in the District, diversity, the charge of the task force, zero tolerance at athletic events, and visibility of a uniformed police officer at all games.

RESOLVED that the Community Task Force to Review Sportsmanship and Safety at Athletic Events approved.

MSC Eggers, Haffa
AYES: 5 (Board Member Lauterbach was not present during the vote)
NOES: 0

- *5. Approve Ratification of Change Order 22 for General Construction Project (Modernization) at Monterey High School for Bid Package G01-1B.2 (from \$4,530,504.08 to \$4,546,178.08) - Strategy 6

RESOLVED that Ratification of Change Order 22 for General Construction Project (Modernization) at Monterey High School for Bid Package G01-1B.2 (from \$4,530,504.08 to \$4,546,178.08) be approved.

MSC Eggers, Troutman
AYES: 5 (Board Member Lauterbach was not present during the vote)
NOES: 0

- *6. Approve 1.15% Increase to the CSEA Salary Schedule for the 2004-2005 School Year, Retroactive to July 1, 2004 - *Strategy 5*
- RESOLVED** that the 1.15% increase to the California School Employees Association (CSEA) salary scheduled for the 2004-2005 school year, retroactive to July 1, 2004, be approved.
- | | |
|-------|---|
| MSC | Eggers, Troutman |
| AYES: | 5 (Board Member Lauterbach was not present during the vote) |
| NOES: | 0 |

(Board Member Lauterbach returned to the meeting at 8:19 p.m.)

- *7. Approve or Disapprove Employee Requests for Sabbatical Leave for the 2005/2006 School Year- *Strategy 1*
- There was brief discussion and clarification whether all teachers are aware about sabbatical leave requests, and the requirements to qualify for the leave.
- RESOLVED** that the Board deny employee requests for sabbatical leave for the 2005/2006 school year.
- | | |
|-------|-----------------|
| MSC | Eggers, Noriega |
| AYES: | 6 |
| NOES: | 0 |

- *8. Review and Approve the Recommended Option One Collaboration Schedule Districtwide Collaboration Day - *Strategy 5*
- Assistant Superintendent Carol Weesner said to be fully compliant with state requirements for Program Improvement districts, teachers must be provided with regularly scheduled collaboration time for professional development. She distributed collaboration day protocols, a parent advisory, and two options for the Board's consideration: to use the weekly collaboration day schedule currently successful at six sites --- 32 Wednesdays districtwide for the 2005-2006 school year; or meet the minimum recommended collaboration time for Program Improvement districts --- 16 Wednesdays.

Discussion followed and questions were clarified. Principals Darren Sylvia, Dan Albert, and Donna Kiernan expressed support for collaboration days, as well as teacher Gordon Jones and California School Employees Association President Anna Macaluso. Monterey Bay Teachers Association President Ron Woods said the association did not have an official position but have been kept apprised by district office staff.

RESOLVED that Option One, providing each school site the opportunity to continue the practice currently in use at six sites, be approved.

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|-------|-----------------|
| MSC | Eggers, Noriega |
| AYES: | 6 |
| NOES: | 0 |

- *9. Approve Board Resolution #04/05-30: Bridge Financing -- *Strategy 1*
- Tom Woodruff, Chief Business Officer, said the Board received a recommendation on May 11, 2005, to issue short-term financing to mitigate a funding shortfall of approximately \$7 million to the modernization projects. He said that he expected the bulk of that money to come in by way of commensurate value grants received on many of the school sites, but that the District will still be looking at an approximate \$2 million shortfall --- principally for Marshall School and Marina Vista School. He said both sites have stop notices on them until the funding situation becomes clearer. Mr. Woodruff recommended that the Board issue certificates of participation (COPs) for the full \$7 million. He said the District is coming close to having a cash flow shortfall in Fund 35 (modernization fund), and said this would be a way to infuse some money to put the projects back on track that had stop notices placed upon them. He said the COPs will have 24 months of capitalized interest and be structured so that it is callable at any time. He anticipated that the situation would resolve itself prior to the full 24 months. Mr. Woodruff said if the Board adopts the resolution, it will need to briefly recess the meeting of the school district and meet as the Financing Corporation to adopt its bylaws and the financing resolution, and authorize the filing of an application for tax exemption. The Board would then reconvene as the governing board of MPUSD. He said bond counsel David Casnocha will walk the Board through the formation of the financing corporation.

Board Member Noriega acknowledged the financial straits of the District, and that contractors are waiting to be told to go back to work and use the materials on site. He said he will have a difficult time approving the resolution because there is still no full accounting of what had happened. He said its unfortunate that some things have fallen between the cracks, but he said he was hesitant to go forward with borrowing money and that it had nothing to do with not trusting the Chief Business Officer or the Cabinet.

In response to Board Member Troutman's suggestion to agendize, for the June 6 meeting, a discussion about the feasibility of conducting a forensic audit and hiring an audit company to perform the work, Mr. Woodruff said he appreciated the concerns of Board Members Noriega and Troutman about finding out exactly what happened. He reminded that due to the vacant facilities planner position, he has been working to both keeping the modernization projects on track and continuing his role as Chief Business Officer. He said an external auditor will be dependent on the District to provide a tremendous amount of information and a cadre of reports, and felt that he and his staff won't be able to respond to the requests.

In response to questions from Board Member Troutman regarding repayment of the \$2 million shortfall and bridge financing, Mr. Woodruff responded:

- He and Mr. Lamb met with the Office of Public School Construction (OPSC) staff in Sacramento the previous Friday to speak to the issue of commensurate value and bridge financing.
- It is anticipated that OPSC will recommend the awarding of commensurate values to the State Allocation Board.
- OPSC will consider bridge financing assuming the MPUSD Board passes the resolution. OPSC will reimburse the District for the \$2 million, but it will be based on what the total grant amounts are as well, so the funding of the interest will have to be paid within the grants for the particular projects.
- There is no clear understanding of what commensurate values OPSC is likely to award at this point, but they are working with the District.
- Three funding sources have been identified in the worst case scenario that OPSC doesn't award the District commensurate values so the District's general fund or educational dollars will not be jeopardized to fund the debt --- deferred maintenance dollars, developer fees, and lease proceed dollars.

Mr. Woodruff reiterated the District's unfunded \$7 million liability, and the need to identify a bridge to fund the liability in the short run while working through the OPSC. He said the District is going to enter summer where most of the extensive work for each project will begin. With no bridge to fund the liability, the only real option is to keep the contractors on stop notices. Mr. Woodruff said he has been to both sites that have stop notices issued, and said it's not a good situation.

Board Member Haffa said he appreciated Board Member Noriega's and Troutman's concerns and said he would also like to know more details, but he felt it isn't pertinent to the issue. He said there is an urgent need at Marshall and Marina Vista to complete construction work. Board Member Haffa said if the Board votes the resolution down, it will be incumbent upon the Board to propose an alternative funding solution. He said revenue streams have been identified, and in the event that they prove insufficient, the District has land that could be liquidated. Board Member Haffa said at this point, unless there is some other solution offered that Mr. Woodruff feels is workable, he will support the motion.

Board Member Noriega stated that student safety, from his perspective, is the most paramount. He said he disliked the direction that was being taken, but said he would support the motion for the sake of student safety.

RESOLVED that Board Resolution #04/05-30: Bridge Financing be approved.

MSC Eggers, Haffa
AYES: 6
NOES: 0

(Board Member Eggers left the meeting at 9:37 p.m.)

A recess was taken at 9:37 p.m. to convene the MPUSD Financing Corporation meeting. At this time, incorporator David Casnocha called the meeting to order and the corporation was formed under the laws of the State of California. The meeting adjourned at 9:50 p.m., and the MPUSD Board meeting reconvened at 9:51 p.m. to take the following action:

P. Consent Agenda

In response to Board Member Troutman’s request for a written or oral report about the Gifted and Talented Education (GATE) program and the students they serve, Mr. Lamb said a report will be agendized in August.

In response to Board Member Noriega’s inquiry about the dissolution of the Business and Education Alliance of the Monterey Peninsula (BEAM), Mr. Lamb said staff will follow-up.

In response to parent Susan Woodward’s inquiry regarding the anonymous gift to the District, Support Services Director Despard indicated that the principal said the donor wanted to remain anonymous. Ms. Woodward referred to the MPUSD Financing Corporation meeting and expressed interest regarding the cost to establish and manage the non-profit organization.

1. Approval of Consent Agenda - *Strategy 1*

RESOLVED that the Consent Agenda be approved as submitted.

- *1. Approve Minutes
 - May 2, 2005
- *2. Approve/Ratify Personnel Items
- *3. Ratify Purchase Orders from April 1, 2005 to April 30, 2005
- *4. Ratify Warrant Register for April 1, 2005 to April 30, 2005
- 5. 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 |
|-------------------------------------|---|--------------------------|
| Weismann Family Trust | La Mesa School For curriculum | \$1000.00 |
| Anonymous | Colton School For books for the library | \$1,056.29 |
| Friends of MAOS | Monterey High School For the MAOS program | \$15,000.00 |
| John Chandler Hoffman | Monterey High School For the John C. Hoffman Scholarship Fund | \$325.00 |
| Seaside American Legion Post 591 | Seaside High School For the Academic Excellence Banquet | \$250.00 |
| Tad Kumagai | Adult Education 10" television, MAC computer & an IBM computer for the Computer/TV/VCR Maintenance & Repair Class | \$475.00 (est. Value) |

MAOS-Monterey Academy of Oceanographic Science

- *6. Approve Memorandum of Agreement Between Butte County Office of Education (BCOE) and the Monterey Peninsula Unified School District for Training and Technical Assistance to Health Services and "Under the Big Top" After School Program Staff (\$6,500)
- *7. Approve the Submission and Implementation of the Community Foundation of Monterey County Grant for Seaside High School (\$20,000)
- *8. Approve Course Outline
 - English IV College Preparatory (CP)/Expository Reading and Writing
- *9. Approve the Submission and Implementation of the Region V Healthy Start, 21st Century Learning Centers and After School Education and Safety Programs for MPUSD, Health Services (\$2,130)
- *10. Approve 2005-2006 Application for Gifted and Talented Education (GATE) Funding
- *11. Approve Single Plan for Student Achievement for Bay View and Marina Vista Elementary Schools
- *12. Approve Program Report for Early Childhood Education Programs

MSC Haffa, Noriega
 AYES: 5
 NOES: 0

Q. Reports
Strategy 1

1. Committees/
 Conferences

- Community Human Services Project Board Member Noriega said the annual meeting will be held in July, and he announced that he will serve as chair for the third year.
- Mission Trails Regional Occupational Program Board Member Lauterbach reported on a meeting held in King City, and also reported on new regional occupational programs to include a health program at Carmel High School and growing their own food in a large greenhouse.
- Head Start Liaison to County Office Board Member LeBoeuf reported the next meeting will include information regarding the communities that Head Start serves, the needs they most require, and what ways to best serve them.
- Board Policy Subcommittee Board Member Troutman reported that the subcommittee is working on Board Policy 7400 – Facilities Use. The next meeting will be in June.
- Monterey County School Boards Association No report.
- Special Education Joint Powers Board Board Member Troutman announced the next meeting will be held on May 19.

- Subcommittees to the Cities of Marina,
Monterey & Seaside

City of Marina – No report.

Board Member Noriega asked the Board to give some thought about a proposed middle school and high school in Marina. He referred to a visitation to a multiple-use school facility with a middle school at one end and high school at the other end, and an athletic field and multi-use rooms in the middle for use in the evenings and on weekends as locations for community events and organizations. He spoke about a possible collaboration with CSUMB, the entire Salinas Valley and Monterey Peninsula communities, county, and agricultural and hospitality partners to offer unique programs for students, and to identify ways to share the cost of the complex, so it doesn't fully have to be funded by tax dollars.

City of Monterey – No report.

City of Seaside - Board Member Troutman reported on a meeting with the Seaside mayor, Seaside principals, Trustee Area 2 Board members, and Mr. Lamb. She said the focus of the meeting was to share with the mayor the various activities that Seaside schools are doing to communicate with the parents and residents around the schools, and what is being done to reach out and help the parents.

Board Member Noriega referred to wireless technology, long distance learning, and the partnership with Highland School, CSUMB, and Elkhorn Slough National Estuarine Research Reserve. He reported that he visited Highland School where students "visited" the Elkhorn Slough and participated via live interaction over the Internet to learn about marine biology. He reported on an upcoming CSUMB conference on wireless technology in education, and said the partnership will be one of the premier programs that will be demonstrated and shown. Board Member Noriega said it is an innovative way for real-time education and the collaboration between the university, MPUSD, and Elkhorn Slough will be acknowledged at the conference.

2. Superintendent's
Report

Mr. Lamb reminded there are 13 days of school left and that the next regular meeting will be held on June 6. He reported on the May 14 Board study session on new developments in the northern section of the District, and the bus tour and discussion regarding potential school sites. He said follow-up discussions will be agendized in June and July, and that he will be finalizing recommendations regarding the committee that will look at District facilities, as well as developments within Marina. Mr. Lamb said he and Mr. Woodruff will be meeting with CSUMB representatives to look at a draft of a memorandum of understanding, and they will also be meeting with East Garrison representatives regarding its housing development. He noted one of the critical issues is funding, and said staff will be bringing specific steps on how the Board can look at funding. Mr. Lamb said it will be done through the formation of a high school in Marina, and that it is the major funding instrument that will open up all of the school constructions in Marina in the future.

3. DLIFLC/POM/NPS Representative
Cindy Rothstein reported on the Military Child Education Coalition meeting and said she is working with Support Services Director Yvonne Despard, staff, and parents on a local action plan with the military community.

R. Information (None)

- S. Board Member Request(s) for Information and/or Possible Future Agenda Items**
Board Member Haffa requested looking at surplus property.
In response to Board Member Lauterbach's request that the Board meetings be taped by ROP students and broadcasted through Access Monterey Peninsula, Mr. Lamb said a report on the logistics will be presented at the second meeting in June.
Board Member LeBoeuf announced that the Board received an invitation to the May 18 Marshall School luau.

- T. Board Self-Evaluation, as Applicable** None.

U. Closed Session

- V. Adjournment** The meeting adjourned at 10:20 p.m.

Respectfully submitted,

John Lamb
Interim Executive Secretary

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