

September 6, 2005

- A. Call to Order** The Board of Education of the Monterey Peninsula Unified School District met in regular session at 5:38 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 5:50 p.m.)
Marjorie Troutman

Board Member Absent: Carlos E. Noriega

Staff Members Present: Robert Costa
Yvonne Despard
John Lamb
Carol Weesner
Tom Woodruff

DLI/POM/NPS Representative Present: Cindy Rothstein

Student Board Member Present: Curtis Kawatani, Seaside HS

Student Board Member Absent: Alivia Shorter, Monterey 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 5:39 p.m. to discuss the following:

1. Student Issues
Consider Expulsion Cases #05/06-1 and #05/06-2
2. Public Employee Appointment (Gov. Code section 54957)
Elementary Principal
3. Conference with Labor Negotiator (Gov. Code section 54957.6)
 - a. *Agency Negotiator: John Lamb*
Employee Organization: Unrepresented Employees
Assistant Superintendent, Curriculum & Instruction
Assistant Superintendent, Personnel Services
Director Support Services
4. Conference with Labor Negotiator (Gov. Code section 54957.6)
 - a. *Agency Negotiator: Robert Costa*
Employee Organization: California School Employees Association
Monterey Bay Teachers Association

**E. Reconvene Open
Session**

The Board reconvened at 7:08 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 Curtis Kawatani.
- G. Report Action Taken in Closed Session, if any** President Foss reported that in closed session, the Board took action to extend the employee contracts of Robert Costa, Assistant Superintendent Personnel Services; Carol Weesner, Assistant Superintendent Curriculum & Instruction; and Yvonne Despard, Director Support Services from June 30, 2006 to June 30, 2007. The contracts remain as they are with no differences other than the term of the contracts.
- 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. Public Hearing**
1. Public Hearing on Sufficient Textbook Resolution-*Strategy3* A public hearing was held for the Board to receive comments that will enable them to make a determination through a resolution, as to whether each pupil in the District has, or will have prior to the end of the second month of school, sufficient textbooks or instructional materials, or both, that are consistent with the content and cycles of the curriculum framework and are aligned to the content standards adopted pursuant to Education Code 60605 in the four core subjects adopted by the State Board of Education (Mathematics, Science, History/Social Studies, English/Language Arts). In addition, K-1 will integrate science and social studies with the Houghton Mifflin Language Arts adoption. Support Services Director Yvonne Despard said the resolution is normally agendized later in the school year, but the Williams Settlement Act requires that it be completed within the first eight weeks of school.
- The Board President opened the public hearing at 7:10 p.m.
- President Foss noted many students carry heavy textbooks. She also spoke about the lack of textbook monies to provide classroom sets of books and the possibility of staff going online to purchase used classroom sets. (Consensus of the Board). President Foss shared a grade 1 life skills book from a publisher that cost \$69, and commented about the cost and mandatory new books that must be purchased.
- No public comments were made.
- The Board President closed the public hearing at 7:14 p.m.
- J. Certificates/ Presentations/ Recognitions**
1. Commend and Recognize KB/Bakewell Seaside Venture, represented by Danny Bakewell, Jr., for Community Service at MPUSD Sites – *Strategy 2* KB/Bakewell Seaside Venture, represented by Danny Bakewell, Jr., was commended and recognized at this time for its donations and support to MPUSD schools and sites to include building a monument sign at Seaside High School, sponsoring the 2004 and 2005 graduation dances at Fitch Middle School, sponsoring Fitch Middle School's participation at a cheerleading competition, raising over \$3,000 for the Seaside High School football team, sponsoring the Seaside High School teams' championship awards banquet, raising additional monies for four players to receive lettermen jackets who otherwise would not have been able to afford them, and numerous other contributions to benefit students in the Monterey Peninsula Unified School District.

- K. Student Board Member Reports** Student Board Member Curtis Kawatani reported on activities at Seaside High School including Back-to-School Night; teacher collaboration days; visitations by the Superintendent, Board members, and the Williams Settlement team; two new science teachers, a Leadership class hurricane relief fund raiser for the Red Cross, a reggae performance, school rally, fall sports, and homecoming activities.
- L. Communications** President Foss acknowledged Trustee Area 2 Board candidates Debra Gramespacher and Helen Rucker in the audience; and Trustee Area 3 Board candidate Richard Grahman. She also recognized incumbent Board members Lauterbach and LeBoeuf.
- Board Member Troutman acknowledged communication from Steve Mayone regarding a volunteer voucher and provided a copy to Superintendent Lamb for follow-up.
- Board Member Lauterbach acknowledged communication from Colton parent Carol Papoulias regarding the P.E. program and students dressing out; and communication from the First Church of God regarding the memorial service for bus driver Deanise Maugeri and thanking her and the Board for its support during her illness.
- President Foss acknowledged communication from the staff at King School and Seaside High School.
- M. Suggestions and Comments from Members and Officers of the Board** Board Member Lauterbach expressed appreciation for the school newsletters being sent to Board members. She reported on the First Tee event in Pebble Beach and hoped there will be more spectators in the future supporting youth.
- Board Member Eggers requested that an update on the Monterey High School field and track renovation be agendized for the September 19 meeting, and that he and a group supporting the project come before the Board to present new information and thoughts, and how to fund the renovation without taking any money from the General Fund to get the work accomplished.
- Board Member Troutman shared books to donate to an elementary school.
- President Foss reported on Back-to-School nights that she attended at Seaside High School and Highland Elementary School.
- N. DLIFLC/POM/NPS Representative Report** Cindy Rothstein shared an article in the Monterey Military News regarding the federal impact aid cards and asked that she be contacted if the District would like to include an article in the publication; reported on the Chart Your Course program, developed by the Military Child Education Coalition so that transient secondary students can develop a plan to assure that they will have enough credits to graduate from high school; and reported that the wooden play structure at Marshall School was dismantled through to the efforts of Board candidate Helen Rucker and Clark Capital.
- O. Suggestions and Comments From Visitors - Non-Agenda Matters** Debra Gramespacher, parent and Trustee Area 2 Board candidate, invited Board members to the Monterey Academy of Oceanographic Science (MAOS) annual welcome picnic on Saturday from 12:00 – 4:00 p.m., on the beach by Adventures by the Sea.
- Carole Erickson, Youth Rights Coordinator for the Peace Coalition of Monterey County, spoke about military recruitment on high school campuses, and the No Child Left Behind Act provision that requires every high school, except for peace-based high schools, to deliver a roster of all juniors and seniors to the Department of Defense unless parents sign an opt out form. She said most parents are unaware, and some high schools are not aware or taking action at this time. She distributed information from the Peace Coalition regarding recruitment on campuses, referred to a recent article in the Coast Weekly, and said questionnaires were sent to county high schools by the Monterey Peace and Justice Center regarding military recruitment on campus, and responses have not been received from Monterey High School and Seaside High School.

Surry Patel, Colton parent, express concern regarding enrollment at Colton, the increase of students from 709 the previous year to 743 this year, and the need for class reassignments. He said the changes didn't match the chart, and he expressed concern that Colton K-3 might not qualify for Class Size Reduction (CSR) funding. Mr. Patel said he had several questions that he wanted the Board to address and suggested that a review of Colton's status be agendized at the Board's discretion to include the status of CSR at Colton, enrollment and the number of transfers into Colton 6th grade, instrumental music in the lower grades, bilingual classes, English Language Development pull-out classes, and the savings to be gained from closing two elementary schools.

President Foss asked Mr. Patel to leave the questions so staff could respond accordingly.

Helen Rucker, Seaside resident and Trustee Area 2 Board candidate, said she heard that at certain schools, parents are requested to give the teacher 24-hour notice before going to the classroom, and asked for clarification why it's required in some schools and not in others.

Bill Melendez, retired educator and League of United Latin American Citizens (LULAC) member expressed four concerns: (1) segregation has a negative impact on the Academic Performance Index (API) scores and the District currently has several schools that are highly impacted with 75% - 85% Latinos in their population; (2) the District has an outdated educational approach in dealing with English Language Learners (ELL). (3) decreasing enrollments and increasing ELL students in the schools are creating a problem. There is a need to change the educational delivery system and investigate school districts that are having success with their ELL; and (4) all parents want their children to learn English, and the Latino parents want to learn English. Dr. Melendez stressed helping parents understand what is best for the child, not what is the best for MPUSD. He said a paradigm shift is necessary.

N. Student Issues

- *1. Consider Expulsion Case 05/06-01

RESOLVED that the student in Expulsion Case 05/06-01 be expelled from schools in the Monterey Peninsula Unified School District; 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 Troutman, Eggers
AYES: 6
NOES: 0

- *2. Consider Expulsion Case 05/06-02

RESOLVED that the student in Expulsion Case 05/06-02 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, LeBoeuf
AYES: 6
NOES: 0

P. Action Items

- 1. Approve Administrative Appointment(s) – *Strategy 5*

RESOLVED that the following administrative appointment(s) be approved, effective September 6, 2005:

<u>Name</u>	<u>Position</u>	<u>School</u>
Robert Morgan	Principal	Marshall School
MSC	Eggers, Troutman	
AYES:	6	
NOES:	0	

(Curtis Kawatani left the meeting for the evening at 8:00 a.m.)

It was the consensus of the Board to move Action Item P-17 up on the agenda.

- *17. Approve 2005-2006 Schedule of Charges for Facilities Use – *Strategy 6*

At the August 15, 2005 meeting, the Board received public comments regarding the District’s proposed 2005-2006 Schedule of Charges for Facilities Use. As a result of the comments presented, two modifications were made on the schedule of charges that are designed to make accommodations for organizations which use District facilities on multiple occasions: (1) seasonal usage of fields may be coordinated with city parks and recreation departments through a memorandum of understanding with the school district; and (2) because of safety issues, all outside use of swimming pools will be governed by a separate memorandum of understanding with each organization and the school district.

Superintendent John Lamb said the District will work with each city’s parks and recreation department, create a specialized memorandum of understanding (MOU) for multiple users under the sponsorships of the respective city, and look at an amended fee so there is no onerous burden. For multiple use of the swimming pool, he said the organization will meet with the Chief Business Officer and Risk Management Coordinator, and craft a specialized MOU that will take into account fiscal issues of their concern, as well as District issues related to liability and fiscal support. Mr. Lamb said meetings will be set up later in the week.

In response to Board Member Eggers questions regarding organizations that provide in-kind services, how will it be dealt with, how much will be charged, and how will the in-kind donation be valued, Mr. Lamb said any organization that has multiple uses with in-kind services will be detailed as the specialized MOU is created.

Chief Business Officer Tom Woodruff said the intent is that the organizations work with the city. He said MOUs are in place in the cities and is frequently more appropriate to have the city coordinate usage of facilities and fields for certain groups that repeatedly use the facility and benefiting students of the District. In terms of what to do tomorrow, Mr. Woodruff said it is status quo, and the District will work on a blanket MOU that will apply to multiple users. He said the District won’t propose until the District codifies a MOU. He said the Marina soccer activities and the use of the Seaside High School pool by the Seaside Aquatic Club, both will be status quo pending the development of a MOU. The distinction is that with the soccer organization, it is hoped that they will work with the District through the City of Marina to develop that. With respect to the pool, the District will negotiate a MOU directly with that group, as opposed to funneling through a parks and recreation department.

Board Member Haffa said the modification to the original schedule is fair. Regarding in-kind services, he appreciated those who provide in-kind services, but said staff needs to be cognizant of liability, reliability, and consistency. Regarding concept of ownership, Board Member Haffa said he would like to leave the administration and staff as much leeway as possible in terms of negotiating.

Board Member LeBoeuf expressed concern about in-kind services, liability, and reliability of the organizations taking care of the facility/field in exchange for use. She said it should be a win-win situation and that the standards are met and maintained. Board Member LeBoeuf stressed the importance of making sure the District maintenance staff has a level of standard and that the groups match the standards.

Board Member Lauterbach said the original intent of the policy was not to harm any programs or groups, but to make sure they are able to afford the maintenance. She said the Marina soccer group and the Seaside Aquatic Club have proven records.

Board Member Troutman believed that the groups have a high professional way of handling the fields and the pool, and also have an interest in keeping up the standards.

President Foss said the District has to look at recouping maintenance costs, and suggested the California School Employees Association's (CSEA) involvement in the MOUs because they know how to maintain the fields.

Board Member Eggers said he felt uncomfortable approving something that staff doesn't have a grasp on what is going on in the cities relative to the MOUs. He suggested getting a grasp on it and then approving something that is workable for everyone. He said the fields are in better shape today because of in-kind donations and contributions from groups and organizations. If there is to be a standard, the level of standard should be determined prior to approving the item.

Mr. Lamb said the two groups are still status quo, and delaying action could be problematic because there are groups who want to rent classrooms. He said Mr. Woodruff will move quickly to set meetings up with the two organizations, but any failure not to move forward with the schedule is to work with a structure that is five to six years old.

Susan Woodward, parent, referred to standards for the fields and said the ones the city takes care of are safe. She also expressed concern that some schools are off limits and that the young children need those fields. Ms. Woodward called attention that the Monterey neighborhood associations have put a lot of money into the fields at Colton, Monte Vista, and Larkin.

Michael Silver, Marina Soccer President, said the organization is non-profit and soccer season is beginning next week. He invited Board members to opening day (September 17, 9:00 a.m.). He referred to the field and safety issues, and said the fields are repaired and the gopher problems are addressed by the soccer league; and the organization is willing to pay for the cutting of the grass.

Ken Fittro, Seaside Aquatic Club, thanked the Board and staff and felt it is a good plan. He said on a daily basis he meets with Seaside High School staff about the condition of the pool, the chemicals, and upkeep; and he has regular contact with District level staff. Mr. Fittro said he looks forward to partnering and serving students. Regarding liability, Mr. Fittro said Seaside Aquatic Club is a small organization under the umbrella of a larger organization that offers the largest liability policy in the United States for a youth organization. He said MPUSD has been consistently attached as a rider to the liability insurance policy.

RESOLVED that the 2005-2006 Schedule of Charges for Facilities Use be approved.

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

- *2. Approve CBEST Waiver Request for 2005-2006 School Year – *Strategy 5*

RESOLVED that the California Basic Education Skills Test (CBEST) waiver request for the 2005-2006 school year be approved.

MSC Troutman, Eggers
 AYES: 6
 NOES: 0

Board Member LeBoeuf left the meeting at 8:40 p.m.)

- *3. Approve Declaration of Need for Fully Qualified Educators for the 2005-2006 School Year – *Strategy 5*

RESOLVED that the Declaration of Need for Fully Qualified Educators for the 2005-2006 school year be approved.

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

(Board Member Eggers left the meeting at 8:46 p.m. and returned at 8:47 p.m.)

(Board Member LeBoeuf returned to the meeting at 8:48 p.m.)

- *4. Approve Proposed Classified Job Description: Workers Compensation Analyst – *Strategy 5*

RESOLVED that the proposed Workers Compensation Analyst job description for the Business Services Insurance Department be approved.

MSC Troutman, Lauterbach
 AYES: 6
 NOES: 0

- *5. Approved Proposed Classified Job Description: Health Assistant– *Strategy 5*

Board Member Haffa said he felt comfortable approving the job description, but he would like to see in the future, before approving any new positions for a given year, if staff would make a recommendation of what they see as priorities.

Mr. Lamb said there are four nursing positions that the District cannot fill due to salary issues. Having the four positions unfilled and the funding allocated, the next best solution is to go to health assistants who will operate under the direction of the 3.2 full-time equivalent nurses in the District.

Helen Rucker said she is appalled with the responsibility of school nurses, and encouraged the Board to approve the job description.

Anna Macaluso, CSEA President, said because school nurses have to split their time between so many schools, some of the medical needs have fallen on the office staff. She encouraged the Board to approve the item so the position is not contracted out, and said the District needs them on staff so the school nurses can supervise them.

RESOLVED that the proposed Health Assistant job description for the Health Services Department be approved.

MSC Foss, Troutman
 AYES: 6
 NOES: 0

- *6. Award Contract for Forensic Audit of Modernization Program – *Strategy 1*

On August 15, 2005, the Board reviewed proposals regarding a forensic audit of the modernization program. The Board deferred making a decision until staff reviewed references from other clients. At the September 6 meeting, Mr. Woodruff reported that he made reference calls and based on his review, recommended Price, Paige & Company due to its experience in performing forensic audits.

Board Member Lauterbach motioned and Board Member Troutman seconded that the contract be awarded to Kenneth Creal.

Board members discussed the commitment of staff time and whether the audit of Kenneth Creal required less staff time than Price, Paige & Company.

Mr. Woodruff said the audits tend to be labor intensive on staff side. Either firm would give the District direction. The District would be responsible for preparing whatever documents are required. Mr. Woodruff said the onerous falls on District staff. He said the practice with auditors is they quote you a price. Should the District not be able to provide the reports, the firm will produce it and the cost of the audit will increase. Mr. Woodruff said the work to be produced for the auditor is technical, and that he has the largest depth of experience and will have to focus on working with the auditor. Day-to-day operations will be delayed.

Board Member LeBoeuf said she is opposed to spending the money for a forensic audit. In response to her question where will the money come from to pay for the audit, Mr. Woodruff said the cost will be an increase in the District's budget. In response to her question whether the forensic audit can be included with the annual audit, Mr. Woodruff said it is a possibility, but he noted that the annual audit is a financial audit, not a forensic audit. The focus is not the same. Mr. Woodruff said another option is Facilities Consultant Rob Corley who has the expertise and is capable of doing that type of work.

Board Member Haffa asked whether Mr. Woodruff felt he could do that audit on his own, since he will have to produce most of the work. He asked if Mr. Woodruff could do a more indepth report, would that be worth considering?

President Foss indicated that Mr. Lamb said there might be a way to include the forensic audit in Mr. Corley's contract, and asked if the Board wanted to table the item until after they hear from Mr. Corley?

Board Member Troutman referred to Mr. Creal's proposal, and whether the Board might want to impose a not-to-exceed limitation on cost. She also concurred to table the item.

Following further discussion, it was the consensus of the Board that the motion be tabled to the next meeting.

(Board Member LeBoeuf left the meeting for the evening at 9:30 p.m.)

- *7. Approve Proposed Financing Program for New School Facilities in Developing – *Strategy 6*

Staff requested that the Board review and approve, in concept, a proposed financing program for new school facilities to serve new development areas; authorize District staff to meet with developers and other affected parties to seek one or more agreements implementing a school facility financing program based on these terms; and direct staff to obtain Board approval of agreement or agreements. Staff is not seeking approval of a development fee at this time. The proposed financing program was based on the following key assumptions:

1. First use available space in nearby existing schools.
2. Where appropriate, expand nearby existing schools to minimum efficient size.
3. Plan new schools to have neighborhood-based attendance areas that may include existing as well as new homes.
4. The East Garrison development will require a K-8 school. Another elementary school will be built for the north/west developments.
5. Reserve additional sites for possible future need.
6. Open small alternative high school, likely at Central Coast High School (Patton) site.
7. Build a new comprehensive high school for a target population of 1,500 students; site still under study. (This capacity assumption is based in part on some students attending alternative schools and others remaining at Seaside High School).
8. Build schools when need is clear (note 3-4 year lead time for site acquisition design, plan approval, and construction).
9. Attendance areas for new and existing schools may combine new and existing homes.
10. Existing housing on former Fort Ord must be accommodated in planning attendance areas.
11. New housing should to the extent possible pay its own way.
12. School facility funding from housing developed by CSUMB, UC, and military is unknown at this time.
13. Funding for portion of new high school that will serve students living in existing homes is unknown at this time.
14. Tax Increment Funding (TIF) and fees from other development projects will be applied to all growth-related facility costs.
15. TIF funding will be reduced by a set-aside for maintenance and upkeep.
16. Joint use of new school sites by parks, other users is assumed.
17. Costs include new buses due to unsafe walking routes from certain new housing areas.
18. District will pay for land, site cleanup if needed and reasonable site development costs (including utility connections). Assumed costs are \$100,000 per acre for land, 3% of land price for CEQA compliance costs, \$50,000 per acre for environmental cleanup and remediation costs, and \$100,000 per acre for site development costs including off-site improvements where necessary.
19. Construction costs are based on 150% of the state grant program.
20. A fee collected under the state fee authority will have a 'level playing field' with same amount charged to all projects in the District boundaries

Mr. Woodruff said this item was presented to the Board at the June 20, July 18, and August 15, 2005, meetings, and staff is asking for Board approval at this time. He said it is a conceptual model for the financing program for new school facilities, and is a subset of the financing program to modernize and have a complete facility master plan for the District. He said staff believes strongly that they need to work with the developers and the City of Marina to address the issue of building new schools, and the document is responsive to that. Mr. Woodruff said staff is not asking for approval of a development fee at this time. He referred to the 20 assumptions listed above and said they are ultimately codified or related to the financing document. He referred to the attachments that the Board has already reviewed, and noted the addition of a matrix of what the funding models look like with the various fees related to the various projects. He said the financing program is a model that can be brought forward with the developers to begin talk about the mitigation impacts of the development related to housing new students.

President Foss proposed a different resolution to refer the assumptions to the Facilities Master Plan Committee and the discussion of the fee, and said this is what the committee is supposed to do. If the Board approves in concept the assumptions, there is no point in having the Facilities committee.

Board Member Lauterbach seconded the motion.

Board Member Troutman said she believes this should be the work of the Facilities committee, and the assumptions could be given to them as a beginning point for their work, especially if there is going to be talk about bond measures. She said the Facilities committee should be deciding whether this is a practical solution to financing, and when talking about boundaries, attendance, and anything to do with new facilities, this should be a Facilities committee discussion.

Board Member Eggers said staff is recommending that the concepts be approved, and Board members are stating that this should be done by a Facilities committee with input from staff. He noted that Mr. Woodruff stated the assumptions aren't set in stone, and that it sounded like the Facilities committee and the Board at a future date could make adjustments. Board Member Eggers requested input from staff on President Foss's suggestion to turning the assumptions to the Facilities committee.

Mr. Woodruff said the assumptions are not etched in stone, and that staff has tried to carefully craft the narrative to reflect what is implemented in the financing plan and to create some parallel structure. While he respected that the Board has an interest in having the Facilities committee look at these issues, he said these issues are targeted for new growth in former Fort Ord and all the narratives and funding model are responsive to those. It doesn't address the issues of surplus facilities and continuing modernization. He said it is targeted specifically to the new growth being planned in East Garrison and in the Marina developments.

Board Member Eggers concurred with staff recommendation to approve the item.

In response to Board Member Lauterbach's question who is going to pay for the land that schools will be built on, Mr. Woodruff said part of the funding model is the District, assuming there will be a small alternative high school or a starter high school, will establish state eligibility for funding. The state will pay for one-half of new school construction and the District will negotiate an arrangement to purchase land. State money will be used to leverage the new school and that's why it's included as a financing plan.

Facilities Consultant Rob Corley said this item has come before the Board several times, the basic assumptions are included, and only the format has been changed. He said the development in the Marina area and former Fort Ord is happening. The houses are being demolished, and when the land is decontaminated the houses will be built. He said the District needs to get moving before that process or the District will be left behind. Mr. Corley said the Board can vote at the next meeting, but at some point, staff needs to know that the Board is comfortable with the assumptions so staff can sit down with the City, developers, and financing agencies and speak to the needs and how to fill the gap. Mr. Corley said some of the decisions should have occurred a year ago, and at some point, the District needs to engage the developers and finalize financing. He said the request is that the Board review the assumptions, let staff know of any they are uncomfortable with, and let staff begin the negotiations dialogue process. He said the assumptions will be shared with the Facilities committee for their input. He said at this time, in absence from a firm commitment from the City to give the land for free, the District has to make some kind of assumption and other policy issues.

Board Member Haffa said he felt comfortable accepting the resolution with the possible exception of Item 18. He said some Board members have some discomfort with that one.

President Foss said as much as she has confidence with Mr. Lamb, Mr. Woodruff, and Mr. Corley, she said it's her job to have some kind of philosophical discussion about neighborhood schools, segregation, and K-8 schools, and that philosophical policy decisions are being made in the form of financing. She said she isn't ready to vote for the assumptions which are philosophical and have never been discussed by the Board.

Board Member Troutman referred to a section in the document that speaks to a bond measure in 2006, felt a bond measure won't pass in 2006, and that the Facilities committee will have a better feel for a bond measure.

Mr. Woodruff responded that the particular section is to respond to the collection of Level 2 developer fees, and that the District has the ability to do that unilaterally. Part of the criteria is that the District goes to the electorate to pass a bond. He said if that bond fails, the District will have the ability to levy Level 2 developer fees.

Mr. Corley said the issues will be reviewed by the Facilities committee, developers, and cities and the discussion must begin somewhere. He said the goal is not to impose on the Board. It's to ask the questions, note the Board's questions, and if appropriate, amend or delete the assumptions. He said it is not the intent to dictate to the Board. He said staff needs to see where the Board is, hear concerns and comments, finalize the financing program, and move on.

Board Member Haffa said he would very much have liked to be able to bring resolution and move ahead, but he hears from his colleagues that they don't feel comfortable moving forward. He proposed that a special Board study session be set only on this topic so the Board can devote the time needed to get the word out to the community, receive feedback, and then set more general policy guidelines to give general guidance to the Facilities committee for follow-up, so issues like the K-8 concept, neighborhood school concept, and high school concept can be addressed. He said the study session should be scheduled soon because of the timeline and impending development. Board Member Haffa said policy issues can be discussed and used as a general guidance for the Facilities committee.

Mr. Lamb said the Facilities committee will be reviewing the same assumptions. He said the most critical assumption within the next month is the issue of the small alternative high school, and if action isn't taken soon, the District will lose great momentum from a funding mechanism. He felt it is the prerogative of the Board, rather than the Facilities committee, because it drives much additional funding that is going to take place. Mr. Lamb said the other proposals may well come up for review or modification. He said the intent is to say that so much of this is driven by discussions that probably should have taken place four months ago and didn't. He said one of the things that will be proposed for the committee to do is to develop a set of recommendations that will be brought back to the Board for consideration on January 23, 2006. If the District waits that long to do something relative to a small alternative high school in Marina, i.e., to relocate the present program, and to design what the program might look like so that it will be in place for 2006, it will be far too late in that short a time frame to do it. Mr. Lamb proposed for the September 19 meeting an agenda item to speak to the small alternative high school. He felt the issue is the most critical and time sensitive.

President Foss withdrew her motion. She said the Board might want to discuss Board Member Haffa's proposal for a study session scheduled after September 26 so the Facilities committee can be invited to the discussion. She said at the next meeting, there can be a motion to approve whatever concept is needed for the small high school in Marina and any other specifics that are critical, and that the remaining assumptions will be referred to the Board and the Facilities committee.

Doug Yount, Marina Strategic Development Center Director, encouraged the Board in their decision-making process to remember that there are other critical partners in the process --- the City of Marina, the development community and developers, and the community at large. He said the City is very interested in a collaborative process, and that school issues, school siting and financing, and the quality of schools is a significant issue for the City in its future development. He also asked the Board to encourage staff to make opportunities for involvement of those development partners, as well as the City in all deliberations and discussions.

At this time, Marina Community Partners, LLC, Project Director Simon Whitney representing the University Village project, was acknowledged in the audience.

Board Member Lauterbach withdrew her second.

*8. Approve District's
2004-2005
Unaudited Actuals –
Strategy 1

Education Code 42100 requires that all school districts prepare and file, on an annual basis, unaudited actuals for the prior fiscal year. Mr. Woodruff said the Board is required to take action on the unaudited actuals by September 15, and that the next step is for the District's auditors to review and certify the document as audited actuals. He highlighted the following regarding the General Fund:

- The District has a 3% reserve for economic uncertainties
- Improperly coded expenditures were re-coded. The Business Office staff was commended for their efforts.
- There was an excess of revenues over expenditures of \$2.3 million. Transfers in and transfers out reduced the fund by \$914,000.
- The unrestricted General Fund balance decreased its fund balance by \$116,223. The restricted fund balance is \$1,558,976.
- Beginning balance for 2005/06: Unrestricted is \$2.825 million; Restricted is \$4.208 million

(Board Member Troutman left the meeting at 10:16 p.m. and returned 10:19 p.m.)

Mr. Woodruff referred to Fund 9, the Charter School Fund, and said there was a deficiency of revenues over expenditures of \$197,477. He noted that the beginning balance in July 1, 2004, was \$5,775 and that the ending balance in June 30, 2005, was a negative fund balance of \$191,701. He said the District has an obligation to provide financial oversight to the charter schools and that he has asked the three charter schools to prepare a remediation plan to mitigate the fund balance. He said the trend can be reversed, and that it appeared that the District was remiss in providing good oversight to the charter schools and needs to work with them to make sure their budgets are tracking more appropriately based on their revenues this year. Mr. Woodruff said he has been working closely with the charter schools, and that they have been responsive when asked for information and documentation. He said he will present a report at a future Board meeting. Mr. Woodruff said it is not all three charter schools, and that staff is sorting the details.

President Foss suggested, at some point, that a budget study in general can be agendaized at a future meeting.

Board Member Haffa referred to the Deferred Maintenance fund and the \$2.3 million unappropriated amount. He said it's important to have some money in case of an emergency, but on the other hand, some can be used. He asked if it would make sense for staff to develop a plan for both evaluating how much of a reserve there should be, and what can be done with the remainder.

Mr. Woodruff said staff can recommend an appropriate amount for a reserve and also revisit the District's Five-Year Maintenance Plan.

RESOLVED that the District's 2004-2005 Unaudited Actuals be approved and submitted to the Monterey County Superintendent of Schools.

MSC	Eggers, Lauterbach
AYES:	6
NOES:	0

Noting that the time was nearing 10:30 p.m., it was the consensus of the Board to extend the meeting to 11:00 p.m.

(Board Member Haffa left the meeting at 10:29 p.m.)

*9. Ratification of Change Order 1 for General Construction Project (Modernization) at Olson School for Bid Package G01-1C.2 – *Strategy 6*

RESOLVED that the ratification of Change Order 2 for General Construction Modernization Package G01-1C.2 to increase DMC Construction, Inc. contract amount from \$712,774.00 to \$718,143.00, be approved.

MSC	Troutman, Foss
AYES:	4 (Board Member Haffa was not present during the vote)
NOES:	0

*10. Ratification of Change Order 2 for General Construction Project (Modernization) at Cabrillo School for Bid Package G01-1C.2 – *Strategy 6*

RESOLVED that the ratification of Change Order 2 for General Construction Modernization Package G01-1C.2 to increase DMC Construction, Inc. contract amount from \$691,838.00 to \$695,316.00, be approved.

MSC	Eggers, Foss
AYES:	4 (Board Member Haffa was not present during the vote)
NOES:	0

(Board Member Haffa returned to the meeting at 10:34 p.m.)

*11. Ratification of Change Order 2 for General Construction Project (Modernization) at Marshall School for Bid Package G01-1C.2 – *Strategy 6*

There was brief discussion about the canopy removal at Marshall School due to dry rot, and whether it will be replaced prior to the rainy season. Mr. Woodruff said staff can look into it, but noted there are certain requirements that have to be met when something is put overhead on a school campus and there’s probably not a quick fix.

President Foss said she will agendize giant umbrellas for each classroom at a future meeting.

RESOLVED that the ratification of Change Order 2 for General Construction Modernization Package G01-1C.2 to increase DMC Construction, Inc. contract amount from \$711,543.00 to \$743,946.00, be approved.

MSC	Eggers, Troutman
AYES:	5
NOES:	0

*12. Ratification of Change Order 12 for Re-Roofing Bid Package R06 (Modernization) at Marshall Elementary School – *Strategy 6*

RESOLVED that the ratification of Change Order 12 for Re-roofing Modernization Package R06 to increase contract amount from \$924,512.00 to \$1,189,420.00, be approved.

MSC	Eggers, Troutman
AYES:	5
NOES:	0

(Board Member Eggers left the meeting at 10:38 p.m. and returned at 10:41 p.m.)

*13. Approve Contract for First Layer Site Preliminary Environmental Assessment Services – *Strategy 6*

RESOLVED that the contract with Kleinfelder for Phase I Environmental Assessment Services be approved.

MSC	Lauterbach, Troutman
AYES:	5
NOES:	0

(Board Member Eggers left the meeting for the evening at 10:45 p.m.)

- *14. Resolution of Support for America's Choice Curriculum at King School and Seaside High School for 2005-2006 – *Strategy 3*

Assistant Superintendent Carol Weesner said the resolution of support is related to the America's Choice curriculum design model and is the result of meeting the requirements of the Williams Settlement legislation. She said the only difference is the addition of the wording "aligned to state standards" in the curriculum. She said in the earlier resolution approved in 2003, that wording was not included. The resolution is related to the sufficiency of state-adopted textbooks and standards-aligned curriculum that has to be written into every course outline.

Board Member Troutman expressed concern about its format, and said after talking with teachers, she didn't know if this is something that the Board should support or not.

Mr. Lamb reiterated it is the exact same resolution the Board approved in 2003 with the exception of the wording "aligned to state standards." He said approval is needed in order to move forward with the Williams Settlement requirements.

In response to President Foss's comment that she didn't recall Seaside High School being included in 2003, Mrs. Weesner said the resolution of support is primarily for King School. Because King School and Seaside High School are both Williams or decile 1-2-3 sites and they must meet the requirements for sufficiency of instructional materials, King must have a resolution stating it uses a state-adopted curriculum, and at Seaside High School, because it doesn't use the America's Choice full program design model, the resolution certifies that the textbooks being used are aligned to the state standards.

President Foss said she didn't have a problem with the Williams Settlement legislation, but with the use of America's Choice. She said it's been a long time since the Board has reviewed the program and it seems that there can be a lot of money tied up on the program.

Board Member Troutman suggested that a progress report on America's Choice be agendized for a future meeting.

President Foss said because of the timeline constraints she will support it. She went on record that when she is voting for a resolution of support, she's not.

RESOLVED that a resolution of support for the America's Choice Design implemented at King School and Seaside High School be approved.

MSC Haffa, Lauterbach
AYES: 4
NOES: 0

- *15. Calling for Nominations for Directors-At-Large, American Indian and Black – *Strategy 1*

President Foss called for nominations to the California School Boards Association Directors-at-Large, American Indian and Black.

There were no nominations from the Board.

- *16. Consider System for Taping and Broadcasting of School Board Meetings – *Strategy 1*

At the request of the Board, the taping and broadcasting of school board meetings was agendized for information and discussion at the July 18, 2005, meeting. Regional Occupational Program (ROP) Coordinator Elmer Canady presented a range of alternative systems for recording school board meetings for Board consideration. At that time, it was the consensus of the Board to bring the item back for action and to determine the type of system to use, and other specifics related to the taping and broadcasting the meetings. The item was brought back for action at the August 1, 2005, meeting. At that time, it was the consensus of the Board to table the item, and for staff to look into the feasibility of using two mounted cameras with a switch and to determine the related costs.

Mr. Lamb reported that the taping of the meeting area with two fixed camera was shared with Board members, and it isn't at the level where the Board would want to recommend and spend monies that way. At this time, Mr. Lamb said Technology Director Mary Phillips will speak about the feasibility of live streaming Board meetings

Mrs. Phillips said the Instructional Materials Center is connected to Access Monterey Peninsula (AMP) with a fiber line, and has the ability to live streaming board meetings. She said Fred Cohn, City of Monterey Assistant City Manager, offered the school board the use of the City's Council Chambers so it can hold a meeting there and observe the use of live streaming for its meetings. If favorable, Mrs. Phillips said a comprehensive plan and budget can be developed for Board consideration.

Mr. Lamb said if the Board would like to consider the proposal, the Peninsula Governance Collaborative can be moved to the Monterey Council Chambers, to give the Board a chance to evaluate the option.

In response to President Foss's suggestion to direct staff to hold the Collaborative at the Monterey Council Chambers, live stream the meeting, and for staff to determine the cost, Mrs. Phillips said there is a one-time cost of approximately \$30,000 to set up live streaming, a yearly cost to maintain the system, and personnel costs (camera crew) associated with the taping of the meetings.

It was the consensus of the Board to drop the option of live streaming.

Mr. Lamb announced that the September 26 Peninsula Governance Collaborative will be held at the District Office Board Room, 700 Pacific Street, Monterey, because the initial meeting of the Facility Master Plan Task Force will be meeting at the Instructional Materials Center from 6:30 p.m. – 8:30 p.m.

Q. Consent Agenda

1. Approval of Consent Agenda - *Strategy 1*

RESOLVED that the Consent Agenda be approved as submitted.

- *1. Approve Minutes
- August 15, 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
Life National School Studios	Bay View School For instructional supplies	\$743.88
La Mesa School PTA	La Mesa School For the music teacher's salary	\$33,000.00
Coca Cola Bottling Enterprises	Fitch Middle School For instructional supplies	\$251.36
Fitch Middle School PTSA	Fitch Middle School For instructional supplies	\$800.00
Pepsi Bottling Group	Monterey High School For instructional supplies	\$307.32
SPX Corporation	Monterey High School For the automotive technology program	\$400.00
Monterey Peninsula Foundation	Monterey High School For the restoration of the athletic fields	\$25,000.00
Washington Mutual Bank	Central Coast High School For instructional supplies	\$492.15

- *4. Approve Board Policy 5116.1 – Students, Intra-District Transfer Policy
- *5. Approve High School Mathematics Course Outline and Adoption Recommendation – Personal Finance
- *6. Approve Agreement for Professional Services – Rob Corley
- *7. Approve Monterey High School Out-of-State Trip to the Reno Jazz Festival, April 28-30, 2006

MSC Foss, Haffa
 AYES: 4
 NOES: 0

R. Reports
Strategy 1

- 1. Committees/
 Conferences
 - *Strategy 1*

The following reports were tabled due to the lateness of the hour:

- Community Human Services Project
- Mission Trails Regional Occupational Program
- Head Start Liaison to County Office
- Board Policy Subcommittee
- Monterey County School Boards Association
- Special Education Joint Powers Board
- Subcommittees to the Cities of Marina, Monterey, Seaside, Del Rey Oaks, and Sand City

- 2. Superintendent's
 Report
 - *Strategy 1*

- Status Update on the Monterey High School Athletic Field Proposal. This item was tabled to the next meeting due to the lateness of the hour.
- Status Update on Facilities Task Force. Mr. Lamb reported that approximately 30 people have agreed to serve on the task force to date. A status update will be presented at the next meeting.

- 3. Report on
 Management
 Evaluations
 - *Strategy 5*

The report on management evaluations was tabled due to the lateness of the hour.

S. Information

- 3. Review MPUSD
 Athletic Code of
 Conduct, MPUSD
 Safety and
 Sportsmanship
 Standards and
 Expectations, Game
 Management Plan
 for Fall Sports, and
 Board Policy for
 Athletic Code of
 Conduct – *Strategy 1*

Mr. Lamb and Monterey High School Principal Dan Albert reviewed the proposed MPUSD Athletic Code of Conduct, MPUSD Safety and Sportsmanship Standards and Expectations, Game Management Plan for fall sports, and Board Policy 5130.4 – Students, Athletic Code of Conduct. He said a Game Management Plan for winter and spring sports will be presented to the Board at a later time. Mr. Lamb emphasized the zero tolerance policy and the four points to guarantee that good sportsmanship is embodied at all events which MPUSD high schools participate. In addition, a pre-game address was shared, as well as a fans yellow card. It was suggested that the fans yellow card also be translated in Spanish.

Mr. Lamb said the Board Policy Subcommittee will review BP 5130.4 at its next meeting, and the Athletic Coach Guidelines and Secondary Athletic Coaches Guidelines are being reviewed at this time and will be shared with the Board in December.

Mr. Albert added that the above also applies to middle school competition.

This item will come back for Board action at the next meeting.

3. Opportunity School/Cost – *Strategy 3* This item was tabled due to the lateness of the hour.
- T. **Board Member Request(s) for Information and/or Possible Future Agenda Items** President Foss said possible future agenda items include: the Monterey High School field, class size reduction, charter school accounting, deferred maintenance, umbrellas at Marshall School, report on America’s Choice, and update on Opportunity class.
- U. **Board Self-Evaluation, as Applicable**
- V. **Closed Session** There was no need for the Board to go back into closed session.
- W. **Adjournment** The meeting adjourned at 11:01 p.m.

Respectfully submitted,

John Lamb
Executive Secretary

JL/jjf

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