

OAK GROVE SCHOOL DISTRICT
BOARD OF TRUSTEES

Minutes
Regular Board Meeting
District Office Board Room
June 12, 2008

Dennis Hawkins, President of the Board of Trustees, called the meeting to order at 6:36 p.m.

CALL TO ORDER

Members present: Dennis Hawkins, President
Yvonne Cook
Dianne Lemke
Jeremy Nishihara

Member absent: Jacquelyn Adams, Vice President/Clerk

Others present: Manny Barbara, Superintendent
Tony Garcia, Assistant Superintendent
Chris Jew, Assistant Superintendent
Barbara Service, Assistant Superintendent
Interested Community Members
Interested Staff Members
Carol Mercer, Recording Secretary

Set the Agenda

On motion by Member Nishihara and second by Member Cook, the Board set the agenda as presented with a unanimous vote.

SET THE AGENDA

Closed Session

The Board recessed to Closed Session at 6:38 p.m. to discuss public employee performance evaluation–Superintendent; public employee discipline/release/dismissal; student discipline; to confer with legal counsel regarding anticipated litigation: four potential cases; to confer with District labor negotiators, Tony Garcia and Chris Jew, regarding Oak Grove Educators Association; California School Employees Association, Chapter 412; and American Federation of State, County and Municipal Employees, Local 101; and to confer with and provide direction to District real property negotiators, Chris Jew and Tom Shannon, regarding price and terms for the potential sale, lease or exchange of surplus District properties located in San Jose at: 6578 Santa Teresa Boulevard, 420 Calero Avenue, 500 Shawnee Lane, 420 Allegan Circle, and 6670 San Anselmo Way.

CLOSED SESSION

Open Session

The Board reconvened to Open Session at 7:50 p.m.

OPEN SESSION

Open Session (continued)

President Hawkins welcomed those in attendance; and explained the process to be followed in conducting the Board Meeting, including the presentation of information to the Board and the manner in which those present could address the Board during the meeting, either regarding specific agenda items or during “Matters from the Public – Oral.” He also explained the implications/restrictions of the Brown Act on comments made at meetings of governmental bodies in California.

OPEN SESSION

Flag Salute

Former Oak Grove School District Board Member and current District 2 City Councilmember Forrest Williams led the flag salute.

FLAG SALUTE

Superintendent’s Report

The Superintendent reported on a variety of events, visits and activities in which he participated since the last Regular Board Meeting. He also noted a special presentation by Councilmember Williams at the end of his report.

SUPT’S. REPORT

Mr. Barbara commented on an event he and Mr. Garcia attended at Synopsis where San Jose State University interns who will be District teachers next year presented their projects in completion of their credential work. The Superintendent noted the presentations were excellent, as is this partnership between the District and San Jose State University.

Superintendent Barbara discussed the recent “Relay for Life” American Cancer Society community event held at Davis Intermediate School, voicing appreciation to District Office purchasing staff member Judy Barnhart for her leadership of the event. He noted the District team was the second highest fund raiser of the entire relay, with teams from Sakamoto, the District Office and Davis raising in excess of \$21,300 this year, and the entire Blossom Valley Relay team raising \$100,000.

Mr. Barbara enjoyed attending the recent Herman Band Concert, commending instructor Nancy Farmer and the students on an excellent performance. He also commented on the outstanding work of the other intermediate music instructors, Eric Morgan (Davis) and Randy Tyler (Bernal). He also attended the District Honors Chorus/Recorder performances at Davis School, voicing appreciation to Visual and Performing Arts (VPA) instructors Jeannine McCoy, Kristin Steenberg and Lynne Bergna for their wonderful work.

The final District Advisory Committee (DAC) Meeting of the year was held including a year-end social where there was an opportunity to meet some of next year’s DAC representatives. Mr. Barbara announced that Leslie Gaynor from Baldwin School will be the DAC President next year.

Superintendent's Report (continued)

SUPT'S. REPORT

The Superintendent attended the District's 2042 graduation ceremony for District teachers completing their inservice training work as part of state credential requirements. He extended appreciation to Assistant Superintendent Barbara Service and the Educational Services Division for the leadership taken in this area, as well as Mr. Garcia. Mr. Barbara also attended the Independent Study Program and Academy graduation events, expressing appreciation to District administrators Risa Quon and Joel Herrera for their leadership of these programs, as well as program instructors Karen Moga, Tonia Coleman and Sara Piazzola for their outstanding efforts.

Mr. Barbara commented on the recent Stipe multicultural day event providing community members the opportunity to come together at the school and partake in various cultural events.

The final Continuous Improvement Team (CIT) meetings were held recently with principals and their respective leadership teams. Staff are now planning for next year and how to improve student performance. The Superintendent voiced his gratitude to Mrs. Service and Educational Services staff for their support of these meetings.

Mr. Barbara attended Oak Ridge School's 35th anniversary celebration, noting the first principal of Oak Ridge School, Chuck Morrow, was also in attendance. In addition, the Superintendent attended Glider School's open house event, expressing his appreciation to Glider Principal Lisa Barlesi and the staff for a great evening. Another graduation Mr. Barbara attended was the 100 Black Men mentoring group at Bernal School. He voiced appreciation to Principal Katherine Baker and 100 Black Men past president Bill Kendrick for their work and support of the successful program.

The District's annual and unique Employee Recognition Dinner was held the previous week. The Superintendent voiced appreciation to Mr. Garcia, the entire Human Resources staff, and especially retiree Sandy Farnsworth for her organization of the always enjoyable event, as well as to President Hawkins.

The first bond committee meeting was held earlier in the week to begin planning in anticipation of a District bond measure on the November ballot. The Superintendent extended appreciation to Mr. Jew for setting up the series of meetings and his work in this area. The District's final HABLA (Hispanic Advisory Board Learning Assessment) Meeting was also held where attendees provided input to the District's Five-Year Plan. Thanks were also expressed to Dr. Herrera for his work with this group.

Superintendent's Report (continued)

The Superintendent introduced City Councilmember Forrest Williams for a special presentation.

Mr. Williams addressed the Board, commenting on the outstanding quality of education taking place in the District, reflecting on the education and accomplishments he has observed over the years, and the outstanding work of dedicated District teachers. In this regard, he presented commendations from the City of San Jose to two District teachers who will be retiring at the conclusion of the current school year: Evelyn Guess and Nita Picchetti. Ms. Guess and Ms. Picchetti voiced their appreciation to Mr. Williams for the recognition and to the District for the many opportunities over the years. President Hawkins extended congratulations to Ms. Guess and Ms. Picchetti upon their upcoming retirement, as well as appreciation to Mr. Williams for the City's recognition of District employees.

Public Hearing on the Initial Bargaining Proposal from Oak Grove Educators Association to Oak Grove School District

President Hawkins opened the public hearing on the initial bargaining proposal from the Oak Grove Educators Association to the Oak Grove School District. There was no one to speak to the proposal, and the public hearing was closed.

Public Hearing on the Initial Bargaining Proposal from Oak Grove School District to the Oak Grove Educators Association

President Hawkins opened the public hearing on the District's initial bargaining proposal to the Oak Grove Educators Association. There were no comments on the proposal, and President Hawkins closed the public hearing.

Closed Session Items

President Hawkins reported that no action was taken by the Board during Closed Session held earlier in the evening in discussion of: public employee performance evaluation-Superintendent; public employee discipline/release/dismissal; or in conferring with the District legal counsel regarding anticipated litigation, as well as discussion with the District labor negotiators and real property negotiators.

During Closed Session the Board also discussed several student discipline cases.

Open Session (continued)

The Board took the following actions in Open Session in consideration of the student discipline cases.

Student Discipline Case No. 07/08-07(S): On motion by Member Nishihara with a second provided by Member Cook, the Board unanimously approved continuation of the expulsion of student 07/08-07(S) based on current information until the requirements of the rehabilitation plan have been met and documented,

SUPT'S. REPORT

PUBLIC HEARING -
OGEA/OGSD

PUBLIC HEARING -
OGSD/OGEA

CLOSED ITEMS

OPEN SESSION/
CLOSED ITEMS

Closed Items/Open Session (continued)

and the student petitions the Oak Grove School District for reinstatement to a comprehensive public school, including any high school districts, for the 2008-2009 school year.

OPEN SESSION/
CLOSED ITEMS

Student Discipline Case No. 07/08-16(S): On motion by Member Cook and second by Member Lemke, the Board approved continuation of the expulsion of student 07/08-16(S) based upon current information, and will review the case at the Regular Board Meeting of August 28, 2008. The Board's vote was unanimous.

Student Discipline Case No. 06/07-18: On motion by Member Cook and second by Member Nishihara, the Board unanimously approved continuation of the expulsion of student 06/07-18, and will review the case in January 2009.

Student Discipline Case No. 07/08-08(S): On motion by Member Nishihara, with a second by Member Cook, the Board approved reinstatement of student 07/08-08(S) based upon current information, which allows student 07/08-08(S) to attend a comprehensive public school for the 2008-09 school year. The Board's vote was unanimous.

Student Discipline Case No. 07/08-22(S): On motion by Member Lemke, with a second by Member Nishihara, the Board unanimously approved expulsion of student 07/08-22(S) through May 19, 2009, for violation of Education Code Sections 48915(c)(2), 48900(a)(1), 48915(a)(2), and 48900(k), with the enforcement of the expulsion being suspended; and student 07/08-22(S) will be reinstated to a comprehensive school other than the school the student attended before the incident occurred.

Matters from the Public - Oral

There were no comments from the public.

PUBLIC

Consent Agenda

Superintendent Barbara presented the Consent Agenda, noting these are routine items requiring Board action.

CONSENT
AGENDA

On motion by Member Cook and second by Member Lemke, the Board approved the Consent Agenda as presented with a unanimous vote.

President Hawkins acknowledged and expressed appreciation for a cash donation on the Consent Agenda from Ram Banin Ttee to be used in classrooms at Del Roble School to support students and staff.

Consent Agenda (continued)

Superintendent Barbara introduced the three new Assistant Principals for 2008-2009 as approved on the Consent Agenda's Certificated Personnel Order:

- Kristina Clecak – Bernal School (currently a cycle coach at Stipe School)
- Laura Meusel – Herman School (currently a language arts teacher at Herman School)
- Dianne McEntee-Sanck – Davis School (currently a cycle coach at Christopher School)

Mr. Barbara extended congratulations to the new Assistant Principals, noting they are all involved in the District's Summer School Program, as well as transitioning to their new positions.

Superintendent's 2008-2009 Budget Recommendations

Mr. Barbara commented on the state budget situation and the education challenges with the state fiscal crisis at hand, noting the situation necessitated the District to reconvene the Budget Committee to look at budget factors. He noted that as a result of the Governor's original budget proposal in January the District was facing a projected budget deficit of approximately \$3 million. Currently, with the release of the Governor's "May revise" budget, the projected budget deficit for the District is approximately \$1.5 million. Although this is better news than originally projected, there is still a need to make reductions. He noted the Board would be receiving recommendations from the Budget Committee, which he has accepted, which include only the "proposed increased revenues/reduced expenditures" as listed in the Board backup materials. The Superintendent expressed his appreciation to Mr. Jew for all his work related to the budget and chairing of the Budget Committee.

Mr. Jew reviewed the process followed by the Budget Committee, acknowledging committee members representing various District areas and organizations; he highlighted the charge to the committee and the areas the committee considered for reduction. It was noted that additional items were considered should there be further need for reductions once the state budget is approved.

As a result of the "May revise" data and modifications by the Superintendent to the Budget Committee's original recommendations, the following reductions are being recommended to the Board:

- One-time 2007-08 carryover funds (Mand. Cost Revenue) \$ 710,000
- Director position in Educational Services Division 150,000
- Increased staffing ratio--19.5-1 to 20-1 (K-3) at 3 schools 180,000
- 10% reduction of unrestricted "non-compensation" General Fund budgets 425,000
- Summer School transportation for regular education 35,000
- Total not subject to bargaining \$1,500,000

CONSENT
AGENDA

SUPT'S. BUDGET
RECOMMEND.

Superintendent's 2008-2009 Budget Recommendations (continued)

Member Cook expressed appreciation to the Budget Committee for their work, noting she is pleased that the District will be able to continue the Preschool Program at Christopher and Stipe, although modified, as well as continue the District's core programs (class size reduction, Visual and Performing Arts, after-school sports, counseling). She further stated that the District will definitely be impacted in the coming year, but it appears it will not be as bad as it could have been.

President Hawkins, Mr. Jew and Mr. Barbara discussed staffing ratio and the reorganization of positions in Educational Services, as well as the possibility of revisiting factors if any major changes occur once the state budget is adopted.

On motion by Member Cook and second by Member Lemke, the Board accepted the Superintendent's 2008-2009 Budget Committee recommendations with modifications as presented, and directed the Superintendent to incorporate them into the final 2008-2009 Budget. The Board's vote was unanimous.

Declaration of Need for Fully Qualified Educators

Mr. Garcia presented the routine item that is submitted to the State Department of Education's Commission on Teacher Credentialing annually by districts who wish to employ individuals on emergency permits. Such permits will be essential in providing properly certified staff to meet the District's bilingual and special education program requirements.

On motion by Member Cook, with a second provided by Member Lemke, the Board unanimously adopted the Declaration of Need for Fully Qualified Educators, certifying there is an insufficient number of certificated persons who meet the District's specified employment criteria for the 2008-2009 school year.

Initial Bargaining Proposal from Oak Grove School District to Oak Grove Educators Association

Mr. Garcia presented the District's initial bargaining proposal to the Oak Grove Educators Association to be adopted and begin the bargaining process.

On motion by Member Nishihara and second by Member Lemke, the Board adopted the initial bargaining proposal of the Oak Grove School District to the Oak Grove Educators Association as presented with a unanimous vote.

Resolution No. 885-06/08 – Discontinuance of Specific Classified Services for the 2008-2009 School Year

Prior to introducing the resolution, Director of Personnel Joel Herrera voiced appreciation to Mr. Garcia for his leadership of the Human Resources Division. Dr. Herrera then presented a resolution identifying particular kinds of classified services to be reduced effective as of July 1, 2008. He indicated the District has

SUPT'S. BUDGET
RECOMMEND.

DECLARATION -
FULLY QUALIFIED
EDUCATORS

INITIAL
PROPOSAL -
OGSD/OGEA

RESOLUTION -
CLASSIFIED
SERVICES

Resolution No. 885-06/08 – Discontinuance of Specific Classified Services for the 2008-2009 School Year (continued)

met and conferred with CSEA (California School Employees Association, Chapter 412) regarding the proposed reductions in hours only, which they approve.

On motion by Member Lemke and second by Member Cook, the Board adopted Resolution No. 885-06/08 as presented to reduce particular kinds of classified services, thus reducing the number of classified employees. The roll call vote was as follows:

Ayes: Members Cook, Lemke, Nishihara and Hawkins
Noes: None
Absent: Member Adams

Resolution No. 886-06/08 – Discontinuance of Specific Classified Services for the 2008-2009 School Year

Dr. Herrera presented a second resolution identifying particular kinds of classified services to be reduced effective as of July 1, 2008. He noted the resolution was for a position elimination due to a lack of funds.

On motion by Member Cook and second by Member Nishihara, the Board adopted Resolution No. 886-06/08 as presented to reduce particular kinds of classified services, thus reducing the number of classified employees. The roll call vote was as follows:

Ayes: Members Cook, Lemke, Nishihara and Hawkins
Noes: None
Absent: Member Adams

Resolution No. 884-06/08 – Board Member Absence

Pursuant to California Education Code Section 35120(c), Superintendent Barbara presented a resolution entitling a Board Member to be paid for any meeting when absent due to illness/emergency/hardship deemed acceptable by the Board.

On motion by Member Lemke and second by Member Nishihara, the Board approved Resolution No. 884-06/08, Board Member Absence, with the following roll call vote:

Ayes: Members Lemke, Nishihara, Adams and Hawkins
Noes: None
Abstain: Member Cook

RESOLUTION -
CLASSIFIED
SERVICES

RESOLUTION -
CLASSIFIED
SERVICES

RESOLUTION -
BOARD ABSENCE

2008-2009 Budget Adoption Assumptions

2008-09 BUDGET
ASSUMPTIONS

Superintendent Barbara introduced the item, voicing his appreciation to Mr. Jew, Business Director Nina Correa, Budget Analyst Michelle Kennedy and the entire Business Services Division for their work in the preparation of the budget data.

Mr. Jew reviewed the specific budget assumptions being used in the development of the 2008-09 District Budget based on information available at the current time. He also acknowledged staff members for their efforts.

His presentation included an overview of: the budget calendar, analysis of the Governor's "May revise" data in comparison to projections released in January (state of the economy, key economic indicators, lottery proposal, sales tax increase, shifting of funds), Proposition 98 data (funding per pupil and appropriations), revenue limit COLA since 1990-91, flexibility options, supplemental hourly program funding. He further reviewed 2008-09 budget revenue and expenditure assumptions and "other" factors taken into consideration (general fund reserves).

In conclusion, Mr. Jew noted that for the 2008-09 school year, a balanced budget using some one-time funds will be presented for the Board's consideration. It will include continuation of critically important operations, including class size reduction, extended-day kindergarten, visual and performing arts in the upper grades, intermediate school counseling, and after-school sports, while still maintaining the required reserve levels. He indicated most of the major budget assumptions are still "up in the air" at this point, noting the Governor's May revise has some controversial aspects to it that will likely be challenged (the Governor's plan is contingent upon generating additional revenue from future lottery sales, or possibly a one-cent sales tax increase). We will definitely not have an "on time" state budget, and any changes to the budget assumptions will be re-presented prior to the Board adoption of the budget on June 26, 2008.

Member Nishihara and Mr. Jew discussed factors regarding the Governor's lottery plan and proposed sales tax. Member Cook and Superintendent Barbara commented on what is happening in the state legislature related to the budget issue.

KC Walsh, President of Oak Grove Educators Association, commented on Proposition 98 and the Governor's lottery/sales tax proposal. As a member of the Budget Committee, she also noted there is very little left to consider for reduction, and the District continues to do an outstanding job with less and less, but cannot sustain and keep going as in past years.

2008-2009 Budget Adoption Assumptions (continued)

On behalf of the Board, President Hawkins expressed appreciation to Mr. Jew for an excellent presentation and commented on the continual flow of information through various reports that the Board receives to keep them apprised of and familiar with the budget situation. He also voiced appreciation to members of the Budget Committee for their work.

2008-09 BUDGET
ASSUMPTIONS

Real Property Purchase and Sale Agreement to Sell Calero School Site Property

Superintendent Barbara provided background information to put things in context for the presentation on the sale of the Calero School property. He highlighted key programs the District has been able to maintain over the years (extended-day kindergarten, class size reduction, Visual and Performing Arts, after-school sports, counseling, etc.). He also discussed past reductions made, the closure of two schools, equalization and how districts are not funded equally, parcel tax funds and how the District can generate revenue. Mr. Barbara indicated the sale of surplus property would generate a source of ongoing revenue through interest that will contribute funds to allow the District to remain competitive in offering outstanding education experiences for Oak Grove students. The sale of the Calero School site property to the East Side Union High School District is consistent with trying to meet the expressed needs of the Calero community, although the District could likely generate more income if the site were sold to a developer. However, the Superintendent indicated that a public agency (East Side) is interested in the site, and the law allows the District to negotiate with them. A potential agreement has been reached that could result in the sale of the property to East Side Union High School District to be maintained as a school, thus avoiding development of the site. Mr. Barbara extended his appreciation to Mr. Jew for all of his work in this area since the beginning of the school year.

CALERO SALE
AGREEMENT

Mr. Jew shared information on the terms of the potential agreement with the East Side Union High School District at a price of \$20 million with a \$100,000 non-refundable deposit. East Side has completed its review of the site, with their Board to consider approval of the sale at their meeting on June 19. If approved by the East Side Board, Oak Grove's Board will consider approval at their June 26th meeting. Upon approval of both districts' Boards, it is hoped that the close of escrow would take place the end of July, but no later than August 8, 2008. Additional terms include: East Side paying escrow fees; both districts sharing title and closing costs; each party paying their own commission costs; the property is sold in "as is" condition; County Office of Education would continue to lease a portion of the property and Grace Bible Church will relocate. If East Side elects to sell or lease a portion or all of the site for a non-public school use, Oak Grove would have the first right to buy the site back.

President Hawkins expressed appreciation to staff for the report, noting there was no action to be taken and the Board will look forward to receiving a report back and hopefully an agreement for consideration at the meeting on June 26.

Communications

President Hawkins acknowledged the regular quarterly communication in the Board backup from John V. Guthrie of the Santa Clara County Finance Department regarding the status of the County Treasury Investment Portfolio and the District's co-mingled funds.

The Board received an updated Board Activities Calendar listing a variety of events and activities for Board members' attendance and participation.

Board Discussion

There were no items for Board discussion.

Closed Session

The Board recessed to Closed Session at 9:23 p.m. to continue discussion of public employee performance evaluation-Superintendent. There was no action taken.

Adjournment

On motion by Member Lemke and second by Member Nishihara, the meeting was adjourned at 9:40 p.m. with a unanimous vote of the Board.

Manny Barbara
Secretary to the Board of Trustees

Jacquelyn Adams
Vice President/Clerk

COMMUNICATION

BOARD
DISCUSSION

CLOSED SESSION

ADJOURNMENT