

**Visalia Unified School District
Board of Education
MINUTES**

OPENING BUSINESS The December 14, 2010 Board meeting was called to order at 5:30 p.m. by President Jim Qualls in the Board Room at the VUSD Educational Office Complex, 5000 West Cypress Avenue, Visalia. A quorum of the Board was present.

ATTENDANCE		<u>Arrive</u>	<u>Leave</u>	<u>Absent</u>
	Tim Chaney	5:30	9:10	
	Rodney Elder	5:30	9:10	
	William A. Fulmer	5:30	9:10	
	Larry Jones	5:30	9:10	
	Donna Martin	5:30	9:10	
	Jim L. Qualls	5:30	9:10	
	Charles Ulmschneider	5:30	9:10	
	Dr. Craig Wheaton, Superintendent	5:30	9:10	

Staff Members Robert Gröeber, Assistant Superintendent, Administrative Services
Cindi Costa, Assistant Superintendent, Human Resources Development
Pam Ryan, Administrative Assistant, Superintendent's Office

CLOSED SESSION President Qualls identified the closed session topics listed below and called for public comment on the closed session items. There was none. The Board adjourned to closed session.

- 2.1 RECOMMENDED EXPULSIONS (Education Code Sections 48900, et. seq.)
- 2.2 RECOMMENDED SUSPENDED EXPULSIONS
- 2.3 CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
 - 1. Agency Negotiator: Cindi Costa
 - 2. Employee Organizations
 - 1. CSEA
 - 2. VUTA
 - 3. Management
- 2.4 SUPERINTENDENT'S MID-YEAR REVIEW

REGULAR SESSION The Board convened the regular Board meeting at 7:00 p.m. President Qualls announced that no action was taken in closed session. Bill Fulmer led the Pledge of Allegiance.

**PUBLIC
RECOGNITION/
PROCLAMATIONS/
ACTION**

RECOGNITION OF BOARD MEMBER Dr. Craig Wheaton, Superintendent, recognized and presented plaques to Board President, Jim Qualls, and Board Clerk, Bill Fulmer, for their leadership and

SERVICE commitment to serving the needs of students, staff, and their fellow board members. (Encl. No. 1)

BOARD BYLAW 9121-ELECTION OF BOARD PRESIDENT According to the Education Code, the meeting in December is described as the Annual Organizational Meeting of the School Board at which time the Board elects their officers for 2011. (Encl. No. 2) President Qualls opened the election of Board President. Superintendent Wheaton read Board Bylaw 9121, which includes the duties of the President.

Board members were given the opportunity to express their interest in holding the office of President and were allowed to ask fellow board members if they would be interested in serving as President before the floor was officially opened for the nomination of the office. Charles Ulmschneider voiced that he would like Jim Qualls to continue as President for another year. Mr. Qualls declined.

After discussion, Donna Martin moved to elect Bill Fulmer as Board President for 2011. Rodney Elder seconded the motion. Ayes: Chaney, Elder, Fulmer, Jones, Martin, and Qualls. Noes: Ulmschneider. Motion carried.

BOARD BYLAW 9123-ELECTION OF BOARD CLERK Superintendent Wheaton reviewed Board Bylaw 9123, the duties of the Clerk of the Board. (Encl. No. 3)

After discussion, Jim Qualls moved to elect Rodney Elder as the Clerk of the Board for 2011. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously. All board members switched seats, as is customary. Superintendent Wheaton explained to the audience that aside from the President and Clerk, the board members sit in alphabetical order.

BOARD BYLAW 9122- APPOINTMENT OF SECRETARY TO THE BOARD Education Code requires the board to take formal action to appoint the Superintendent to serve as Secretary to the Board. Superintendent Wheaton reviewed Board Bylaw 9122, the duties of the Secretary. (Encl. No. 4)

Jim Qualls moved to approve Superintendent Dr. Craig Wheaton as the Secretary to the Board. Rodney Elder seconded the motion. Ayes: All. Motion carried unanimously.

**PUBLIC COMMENT/
PUBLIC INTEREST
ANNOUNCEMENTS/
STATUS REPORTS/
ACTION** (as applicable)

GENERAL PUBLIC COMMENT **Public Comment**
Dr. Susan Cox, Director-Risk Management, introduced Kelly Forney, Claims Manager for the JPA, Buckman-Mitchell, Inc. Ms. Forney recognized VUSD for reducing its Workers Compensation claims by 29.31% for the 2009-2010 school year.

**ACKNOWLEDGE
AND ACCEPT
DONATION TO
DIVISADERO
MIDDLE SCHOOL**

Karl Kildow, President, Visalia Unified Teachers Association (VUTA), presented the details of a donation to Divisadero Middle School. (Encl. No. 5) Daren Jackson, his former student, has made a very generous donation of \$15,000 to Divisadero that will supply two classroom sets of Texas Instruments Nspire Graphing Calculators as well as the Classroom Navigator System to connect them. These tools will engage students and encourage classroom participation with real-world problems. Divisadero's proposal from their Math and Science Departments was chosen on a competitive basis for this award. Divisadero Middle School staff and students thanked Mr. Jackson for his support.

Tim Chaney moved to acknowledge and accept the donation of \$15,000 from Daren Jackson to Divisadero Middle School. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

**BOARD MEMBER
REPORTS/
SUPERINTEN-
DENT'S REPORT**

The Board members' reports included the following:

- Tim Chaney
 - Presented a speech at the Fresno Regional Foundation that works with non-profits on what VUSD has implemented into the comprehensive sex education curriculum
 - Attended the VUTA dinner to honor VUSD Special Education teachers
- Charles Ulmschneider
 - Attended the VUTA dinner to honor VUSD Special Education teachers
 - Each month he has more and more confidence in the district
- Larry Jones
 - Attended the annual California School Boards Association (CSBA) Conference held in San Diego along with Superintendent Wheaton and Donna Martin
 - Discussed his visits to Valley Oak Middle School, Golden Oak and Ivanhoe Elementary Schools, Visalia Adult School, and Charter Home School
 - Read the list of duties and responsibilities for management and principals. After visiting every school this semester, he honestly believes that every principal thinks that they have the best staff, which in turn, makes for a great school district.
 - All principals meet each Wednesday for information and to share experiences. Encourages staff to continue with these Wednesday meetings. Applauded principals for their dedication and courage to take on these responsibilities.
- Jim Qualls
 - Attended VUTA dinner to honor VUSD Special Education teachers
 - Shared with the public that as President, this board was very supportive and gave him the confidence to be the President and leader this past year
 - Publically thanked all staff and administrators for a wonderful year and for the Superintendent spending time to mentor him.

- Rodney Elder
 - Attended Tulare County Hispanic Leadership Network kick-off to encourage people with Latino heritage to get into education and to move up in their careers
 - Visited Sequoia High School and Divisadero Middle School
- Donna Martin
 - Reported on the CSBA Conference. The Valley is fortunate that the new CSBA Vice-President is from Modesto.
 - She will be distributing information from the conference to the board members
- Superintendent Wheaton
 - Attended the CSBA Conference and was very valuable for him as a new superintendent

Board members and Superintendent Wheaton wished everyone holiday greetings and a Happy New Year, to take time to recuperate, and spend time with family.

**FOCUS ON
STUDENT
LEARNING**

Presentation/Public

Comment/Board

Discussion/ACTION

(as applicable)

**SOCRATES
CHARTER SCHOOL
PETITION**

Dr. Todd Oto, Area Superintendent, presented the SOCRATES (School of Career Research, Arts, Technology, Ethics, & Social Responsibility) Charter School Petition as the first formal step for the board to consider as a charter school. (Encl. No. 6) The petition was submitted by David Frisby of SOCRATES Charter School. The school would be located at 909 W. Murray and would open with approximately 85 students in the seventh through twelfth grades, with an anticipated enrollment of 350 students by 2015. The school would target students who would benefit from personalized independent learning, a small learning environment, project-based studies, and a flexible course instruction format utilizing a hybrid model that integrates face-to-face, online, and independent study approaches.

Per Education Code Section 47600 et seq., and VUSD Board Policy 0420.4, within 30 days of receiving a petition to establish a charter school, the board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the board, the board shall either grant or deny the request to establish a charter school. The Board of Trustees is tentatively scheduled to take action on this charter petition on Tuesday, January 11, 2011.

President Bill Fulmer opened a public hearing.

David Frisby, the proposed Director of the charter school, distributed a document detailing background and information on the SOCRATES Charter School. He read a statement from Peter Lobb, the chief financial advisor at Ed Tech, a company who assists with designing the start-up budgets for charter schools. He will be available at the next board meeting.

Mr. Frisby showed an interview from Seattle, Washington via the web with a graduate from the Center for Advanced Research and Technology (CART) in Clovis, who discussed how the curriculum at CART has aided him in his career in graphic design.

Tom Burns from CSU Fresno, Craig School of Business, spoke on behalf of the SOCRATES Charter School stating that he was used as an advisor for the charter school.

Laura Brown, an English teacher, stated that she believes students can benefit from this option of education.

Sergio Dussan, a teacher, spoke on behalf of the Adobe Creative Suite programs.

Judy Falcone, a VUSD parent, stated that her child loves computers. The charter school would open the doors in the digital world. She has spoken to other parents that will volunteer their time to make sure this school will open.

President Fulmer closed the public hearing.

ROUTINE ACTION Superintendent Wheaton made note that in Encl. 11 and Encl. 12, the backup attachments were inadvertently reversed.

Bill Fulmer pulled Routine Action Item 10.1.1-Warrant List-October 29, 2010 through November 19, 2010 (Encl. No. 7). He will abstain on that vote.

Charles Ulmschneider pulled Routine Action Item 10.2.2-Certificated Personnel Report (Encl. No. 16).

Rodney Elder moved to approve the remaining Routine Action Items, Encl. No. 8-26. Donna Martine seconded the motion. Ayes: All. Motion carried unanimously.

10.1 ADMINISTRATIVE SERVICES

1. Warrant List – October 29, 2010 through November 19, 2010 (Encl. No. 7)
2. VUSD General Fund Cash Flows as of October 31, 2010 (Encl. No. 8)
3. Approval of Authorized Signatures for Calendar Year 2011 (Encl. No. 9)
4. 2010-2011 Operations Applications: K-3 Class Size Reduction (Encl. No. 10)
5. Notice of Completion – Bid #4705 Houston Irrigation Project (Encl. No. 11)

6. Notice of Completion – Bid #4718 Irrigation Improvements at Mt. Whitney High School (Encl. No. 12)
 7. Resolution Authorizing the Adoption of the VALIC 457(b) Retirement Plan (Encl. No. 13)
 8. Agreement with Northwest Capital Recovery Group (Encl. No. 14)
- 10.2 HUMAN RESOURCES DEVELOPMENT
1. Classified Personnel Report (Encl. No. 15)
 2. Certificated Personnel Report (Encl. No. 16)
 3. Consultant Contracts (Encl. No. 17)
 4. Certification of Temporary Athletic Team Coach List for 2010-11 (Encl. No. 18)
- 10.3 INSTRUCTIONAL SERVICES
1. Student Field Trip Requests (Encl. No. 19)
 2. Annual District and School Safe School Plans, 2010-2011 (Encl. No. 20)
 3. Clinical Training Agreement Between Visalia Adult School and County of Tulare (Encl. No. 21)
 4. Agreement Between Tulare County Organization for Vocational Education in Conjunction with Visalia Unified School District and Westgate Gardens Convalescent Center, Linwood Gardens Convalescent Center, Redwood Springs Healthcare Center, Family Healthcare Network, Visalia Health Care, and Kaweah Manor (Encl. No. 22)
 5. Approval of Addendum to the Agreement Between Visalia Unified School District (VUSD) and Tulare County Organization for Vocational Education (TCOVE) and Kaweah Delta Health Care District (KDHCD) – Health Occupations/Sports Therapy and Fitness Class (Encl. No. 23)
- 10.4 SUPERINTENDENT’S OFFICE
1. Minutes of the Board Meeting of October 12, 2010 (Encl. No. 24)
 2. Minutes of the Board Meeting of October 26, 2010 (Encl. No. 25)
 3. Board Meeting Dates for 2011-2012 School Year (Encl. No. 26)

Encl. No. 7 – Warrant List. Rodney Elder moved to approve Encl. No. 7. Jim Qualls seconded the motion. Ayes: Chaney, Elder, Jones, Martin, Qualls, and Ulmschneider. Abstain: Fulmer. Motion carried.

Encl. No. 16 – Certificated Personnel Report. Charles Ulmschneider asked how many were interviewed. Cindi Costa asked which position, and Mr. Ulmschneider said all of them. Mrs. Costa replied with the number that applied, the number who were qualified, the number of those asked to interview, and the number of no shows for each of the positions. Mr. Ulmschneider asked what was meant by “qualified”. Mrs. Costa answered that whatever was listed on the job flyer as being required for the position, some applicants do not meet those job qualifications. Mr. Ulmschneider asked if the qualifications were listed on EdJoin. Mrs. Costa answered that those qualifications are listed on the EdJoin website. Mr. Ulmschneider asked how many more experienced people than first year teachers applied. Mrs. Costa stated that she would be happy to research that if she could have that question in advance, but she does not have those applications with her at this time.

Jim Qualls moved to approve Encl. No. 16. Donna Martin seconded the motion. Ayes: Chaney, Elder, Fulmer, Jones, Martin, and Qualls. Noes: Ulmschneider. Motion carried.

**ADMINISTRATIVE
PANEL RECOM-
MENDATIONS/
ACTION**

EXPULSIONS

Jim Qualls moved to accept the Administrative Panel Recommendations for Expulsions Case No. 11-32 E, Case No. 11-33 E, Case No. 11-34 E, Case No. 11-35 E, Case No. 11-36 E, Case No. 11-37 E, Case No. 11-38 E, Case No. 11-39 E, Case No. 11-40 E, Case No. 11-41 E, Case No. 11-42 E, Case No. 11-43 E, Case No. 11-44 E, Case No. 11-45 E, Case No. 11-46 E, Case No. 11-47 E, Case No. 11-48 E, Case No. 11-49 E, Case No. 11-50 E, Case No. 11-51 E, Case No. 11-52 E, Case No. 11-53 E, Case No. 11-54 E, and Case No. 11-55 E. (Encl. No. 27) Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

**SUSPENDED
EXPULSIONS**

Jim Qualls moved to accept the Administrative Panel Recommendations for Suspended Expulsions Case No. 11-15 SE, Case No. 11-16 SE, Case No. 11-17 SE, Case No. 11-18 SE, Case No. 11-19 SE, Case No. 11-20 SE, Case No. 11-21 SE, Case No. 11-22 SE, Case No. 11-23 SE, Case No. 11-24 SE, and Case No. 11-25 SE. (Encl. No. 28) Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

GENERAL AGENDA

Review/Public Hearing/

Public Input/

Board Discussion/

ACTION (as
applicable)

**NORTHWEST
ELEMENTARY
SCHOOL PROJECT**

Student enrollment continues to climb in the northwest area of the Visalia Unified School District. The impact on Oak Grove and Manuel F. Hernandez Elementary Schools has been significant. (Encl. No. 29) Robert Gröeber, Assistant Superintendent, Administrative Services, reviewed information that he shared at the November 9 board meeting of possible strategies that could be used to manage enrollment growth—1) add portable classrooms; 2) transport students; 3) change school boundaries; or 4) new school construction. For several years, the school district has owned thirteen acres of land located at the corner of County Center, Shannon Parkway, Ranch, and Denton. At that meeting, Mr. Gröeber also reviewed the competitive “Lease-Leaseback” option for the construction of a new elementary school. After discussion at the November 9 meeting, it was the consensus of the board for district staff to move forward with the Northwest Elementary School project, but there were further questions that would need to be clarified on the Lease-Leaseback method.

The estimated cost for building a new elementary school is \$15M—50% would come from the district’s Fund 250 (developer fees) and 50% would come from State facilities dollars. Later this month, the State will have approximately \$2.2B in restricted facilities dollars available to school districts for matching construction projects. All of the necessary requirements for construction of a new elementary school are ready and in

place, and VUSD is currently in line for these funds. If the district does not receive the matching funds from the State, there would be enough money in the VUSD developer fee and facilities funds to pay for the construction without using General Fund dollars. The proposed time frame for the new elementary school to open is August 2012.

After discussion, Larry Jones moved to authorize district staff to proceed with the construction of the new elementary school and to preauthorize district staff to accept the State dollars when they become available. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

CONSIDERATION OF
COMPETITIVE
LEASE-LEASEBACK
DELIVERY METHOD
FOR THE
NORTHWEST
ELEMENTARY
SCHOOL PROJECT

Robert Gröeber reviewed information that he presented at the November 9 board meeting on the competitive Lease-Leaseback (LLB) delivery method, which is authorized by Education Code 17406, to construct the new northwest elementary school. (Encl. No. 30) The competitive LLB delivery method develops a strong construction team that helps ensure that projects are delivered on time with the least amount of change orders providing the best value to the school district.

The proposed VUSD process using the LLB delivery method follows:

- District staff would solicit Request for Qualifications (RFQ) for general contractors
- VUSD Facilities Committee would review applications
- Interviews conducted/selection of general contractor
- Competitively bid for subcontractors
- Negotiate price with general contractor/guaranteed maximum price and profit
- Established contingency for changes
- Developing an effective team: district, architect, general contractor, subcontractors

Rodney Elder moved to authorize district staff to utilize the competitive Lease-Leaseback delivery method for construction of the new northwest elementary school. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

2010-2011 FIRST
INTERIM FINANCIAL
REPORT

Christine Statton, Chief Financial Officer, presented the 2010-2011 First Interim Financial Report. (Encl. No. 31) In accordance with Education Code 33127, the board is required to certify by December 15 whether the district will be able to meet its financial obligations through the current fiscal year and two subsequent years. Mrs. Statton reviewed how the district is able to meet its financial obligations at year's end with a required 3% reserve and a positive projection for the next two years.

Tim Chaney moved to approve the First Interim Report as of October 31, 2010 and the Positive Certificate. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

BOARD
REPRESENTATIVE
COMMITTEE
APPOINTMENTS

Superintendent Craig Wheaton reviewed the Board Representative Committee Appointments for 2011. (Encl. No. 32) The board discussed the committees and volunteered for vacancies.

FOR 2011

Charles Ulmschneider moved to approve the revised Board Representative Committees for 2011. Donna Martin seconded the motion. Ayes: All. Motion carried unanimously.

SELECTION OF BOARD REPRESENTATIVE TO PARTICIPATE IN 2011 ELECTION OF MEMBERS TO THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

As required by Education Code Section 4005 and 35023, the board yearly selects a board member to vote on behalf of Visalia Unified School District in electing members to the County Committee on School District Organization. (Encl. No. 33) This committee considers and must approve reorganization proposals before they are forwarded to the State Board of Education for final approval.

Jim Qualls moved for Donna Martin to continue on this committee. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

PUBLIC HEARING-VUSD SEEKS WAIVER TO ESTABLISH BY-TRUSTEE AREA ELECTIONS

President Bill Fulmer opened a Public Hearing to receive public input and testimony from the community on a proposal for Visalia Unified School District to submit a General Waiver Request to the State Board of Education. (Encl. No. 34)

The school district seeks waiver of Education Code Sections 5019, 5020, and 5030, and any related Education Code provisions as necessary, to the extent those statutes require that a decision to establish by-trustee area elections in seven single-member trustee areas be submitted to a vote of the district's voters. This waiver is necessary for the board to be able to implement by-trustee area elections for its regularly scheduled board elections in November 2011.

Public Comment

Karl Kildow, President, Visalia Unified Teachers Association, VUTA, stated that he met earlier this year with Superintendent Wheaton regarding this issue. As an association, VUTA is in favor of by-trustee area elections. The association believes this is more democratic and recognizes it being more practical in terms of the Voting Rights Act and other areas to save the district litigation costs. The best method would be granting the district the authority to go forward with the waiver process.

Superintendent Wheaton stated that he met with VUTA President, Karl Kildow, and also with representatives from the California School Employees Association, CSEA. CSEA has taken a neutral stand. Over the last month, he has met with all of the district advisory committees, the District Site Council, District Learning Advisory Committee (DLAC), District FORUM, and PTA Council to explain that there would be a Public Hearing at tonight's board meeting, explain the process, give background, and answer questions. All groups understood the importance of the by-trustee area election and were in favor of this waiver.

President Fulmer closed the public hearing.

REVISED RESOLUTION TO

The district is studying population trends in order to ensure that board members represent, as nearly as possible, equal populations. This revised resolution updated the

**INITIATE A
CHANGE OF
ELECTION SYSTEM
TO BY-TRUSTEE
AREA ELECTIONS**

board’s previous resolution from May 2009, applying to the County Committee to change the district’s electoral system to comply with the California and federal Voting Rights Act, because that resolution proposed to have the change take effect in 2013. (Encl. No. 35) The new version tonight expressed the board’s desire to implement the new system in 2011.

Tim Chaney moved to approve the Revised Resolution to Initiate a Change of Election System to By-Trustee Area Elections. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**RESOLUTION
REQUESTING A
WAIVER FROM THE
STATE BOARD OF
EDUCATION TO
ADOPT A SINGLE-
MEMBER BY-
TRUSTEE AREA
ELECTION PROCESS**

Robert Gröeber, Assistant Superintendent-Administrative Services, explained that this is the resolution that follows the Public Hearing that was just held. (Encl. No. 36) This resolution authorizes the district to seek the waiver from the State that will allow board members to make the decision to go to and hold the process to move to by-trustee area elections. Otherwise, without the waiver, the district would have to go to the electorate to have them vote whether or not they wanted to move away from at-large elections to by-trustee area elections.

Larry Jones wanted further clarification that approval of this resolution would mean that voters would not be deciding to change the process. Mr. Groeber stated that that was correct.

Rodney Elder moved to approve the Resolution Requesting a Waiver from the State Board of Education to Adopt a Single-Member By-Trustee Area Election Process. Jim Qualls seconded the motion. Ayes: Chaney, Elder, Fulmer, Martin, Qualls, and Ulmschneider. Noes: Jones. Motion carried.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

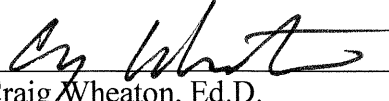
NEXT MEETING

The next regularly scheduled Board meeting will be held on Tuesday, January 11, 2011, at 5:30 p.m. in the Board Room at the VUSD Educational Complex located at 5000 West Cypress Avenue, Visalia (unless otherwise posted).

Respectfully submitted,



Rodney Elder
Clerk



Craig Wheaton, Ed.D.
Superintendent