

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

**OPENING  
BUSINESS**

The January 11, 2011 Board meeting was called to order at 5:30 p.m. by President Bill Fulmer 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	9:05	
Rodney Elder	5:30	9:05	
William A. Fulmer	5:30	9:05	
Larry Jones	5:30	9:05	
Donna Martin	5:30	9:05	
Jim L. Qualls			x
Charles Ulmschneider	5:30	9:05	
Dr. Craig Wheaton, Superintendent	5:30	9:05	

**Staff Members**

Robert Gröeber, Assistant Superintendent, Administrative Services  
Cindi Costa, Assistant Superintendent, Human Resources Development  
Pam Ryan, Administrative Assistant, Superintendent's Office  
Travis Beck, Student Representative

**CLOSED SESSION**

President Fulmer 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 RECOMMENDED REINSTATEMENTS
- 2.4 CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
  - 1. Agency Negotiator: Cindi Costa
  - 2. Employee Organizations
    - 1. CSEA
    - 2. VUTA
    - 3. Management
- 2.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)
  - Property: Packwood School, 6832 Ave. 280, Visalia APN - #118020033
  - Agency negotiator: Robert Gröeber
  - Negotiating parties: City of Visalia
  - Under negotiation: Potential sale

**EARLY BIRD  
SESSION**

The Early Bird Session opened at 6:30 p.m.

**STUDENT  
ACHIEVEMENT  
AWARDS**

The Board honored outstanding students in Consumer and Family Studies and Foreign Language from the four comprehensive high schools. A revised list of students receiving awards was distributed at the meeting. Students from Sequoia High School, Charter Alternatives Academy, Visalia Charter Independent Study, and Visalia Adult School were recognized for Overall Achievement. (Encl. No. 1)

**Sequoia High School**

- Alejandra Martinez (Overall Achievement)

**Charter Alternatives Academy**

- Mark Frausto (Overall Achievement)

**Visalia Charter Independent Study**

- Laura Cabrera (Overall Achievement)

**Visalia Adult School**

- Lynsey Flores (English Language Development)

**El Diamante High School**

- Alexandra Espinoza (Foreign Language)

**Golden West High School**

- Kaitlin Syvirathphan (Consumer and Family Studies)
- Ashley Wright (Foreign Language)

**Mt. Whitney High School**

- Alex Byrd (Consumer and Family Studies)
- Susana Ramirez (Foreign Language)

**Redwood High School**

- Stephanie Torres (Consumer and Family Studies)
- Maria Uribe (Foreign Language)

**REGULAR SESSION** The Board convened the regular Board meeting at 7:10 p.m. President Fulmer announced that no action was taken in closed session. Jim Qualls was absent from the meeting because of illness and was excused. Charles Ulmschneider led the Pledge of Allegiance.

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

**Public Comment**

Ceceilia Gonzales, California School Employees Association (CSEA) President, introduced Gladys Ramirez as the new CSEA President. Mrs. Ramirez introduced the CSEA board members: Rachel Flores, CPRO; Joanne Landers, Secretary; Brian Andrews, Grounds; Robert Rodriguez, Chief Negotiator; Kay Kemble, Treasurer; CeCe Gonzales, Past President; and Diana Martinez, Vice President.

Karl Kildow, President, Visalia Unified Teachers Association (VUTA), invited the board and Superintendent Wheaton to the School Board Appreciation Dinner on February 17 to be held at the Visalia Convention Center.

**WINTER FACILITY  
UPDATE**

Joe Haley, Director, Administrative Services, presented the Winter Facility Update on the status of various projects recently completed or now underway. (Encl. No. 2) Because of the rain, the Maintenance Department was unable to complete all projects scheduled during winter break but were involved in numerous facilities construction, repair, refurbishing, and upgrade projects over the past several months.

**Public Comment**

Karl Kildow, President, VUTA, asked about water damage at Mt. Whitney High School in the library wing that was fixed last year. Joe Haley replied that the leak in October or November 2010 was due to a gutter that was installed wrong that brought water into the building. The ceiling tiles were dried out and have been replaced by the general contractor who did the remodel work.

Board member Rodney Elder commended the Maintenance Department for cleaning graffiti on the Golden West High School campus quickly over the winter break.

**FOCUS ON  
STUDENT  
LEARNING**

Presentation/Public  
Comment/Board  
Discussion/ACTION  
(as applicable)

**ACCELERATING  
OUR RATE:  
CURRENT EFFORTS  
TO RAISE STUDENT  
ACHIEVEMENT**

Student achievement in language arts and mathematics has risen steadily for the past eight years. Doug Bartsch, Area Superintendent, provided a brief update regarding current efforts underway to ensure continued progress at an accelerated rate for all students. (Encl. No. 3) These initiatives are centered on four components: Program, Assessment, Collaboration, and Engagement (PACE). Teams will visit all schools during January and February with an emphasis on the PACE components:

- the implementation of adopted standards based Program materials
- meaningful Assessment
- teacher Collaboration around student results
- methods for Engagement of all students at high levels throughout the instructional day

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

Travis Beck, Student Representative to the Board from Redwood High School, gave a brief summary of the events that are taking place at each of the high schools.

The Board members' reports included the following:

- Charles Ulmschneider
  - Reported on his "fowl" winter break. His family ate goose for Christmas dinner, then pheasant, Cornish hen, and ended vacation with quail and watched movies—now back to teaching kids
- Tim Chaney
  - Noted the 41 recommended reinstatements from Charter Alternatives Academy as being huge—41 students he sees as being given a second

chance. He sees VUSD as making progress in helping kids in going afool in the traditional high schools. He works at the Corcoran prison and it is a miserable life to lead. Education is the key to not going to prison and to holding students accountable.

- Donna Martin
  - Wrote and read a poem for Superintendent Wheaton after he fell and broke two ribs
- Larry Jones
  - Attended Polly Wilhelmsen Basketball Tournament
- Rodney Elder
  - No report
- Bill Fulmer
  - No report
- Superintendent Wheaton
  - Thanked Donna for her poem

**ROUTINE ACTION** Larry Jones pulled Routine Action Item 8.2.2 – Certificated Personnel Report (Encl. No. 7).

Charles Ulmschneider pulled 8.3.2 – Quarterly Uniform Complaint Report (Encl. No. 11) and 8.3.3 – Memorandum of Understanding Between Visalia Unified School District and College of the Sequoias for Basic Equitation Class at Visalia Technical Education Center (VTEC) (Encl. No. 12).

Tim Chaney moved to approve the remaining Routine Action Items, Encl. No. 4-14. Donna Martin seconded the motion. Ayes: All. Motion carried unanimously.

8.1 ADMINISTRATIVE SERVICES

1. Warrant List – December 3, 2010 through December 17, 2010 (Encl. No. 4)
2. 2010-11 Budget Revision No. 8 (Encl. No. 5)

8.2 HUMAN RESOURCES DEVELOPMENT

1. Classified Personnel Report (Encl. No. 6)
2. Certificated Personnel Report (Encl. No. 7)
3. Consultant Contracts (Encl. No. 8)
4. Certification of Temporary Athletic Team Coach List for 2010-11 (Encl. No. 9)

8.3 INSTRUCTIONAL SERVICES

1. Student Field Trip Requests (Encl. No. 10)
2. Quarterly Uniform Complaint Report (Encl. No. 11)
3. Memorandum of Understanding Between Visalia Unified School District and College of the Sequoias for Basic Equitation Class at Visalia Technical Education Center (VTEC) (Encl. No. 12)

8.4 SUPERINTENDENT’S OFFICE

1. Minutes of the Board Meeting of November 9, 2010 (Encl. No. 13)

2. Minutes of the Special Board Meeting of November 16, 2010 (Encl. No. 14)

Encl. No. 7 - Certificated Personnel Report – Larry Jones asked Cindi Costa, Assistant Superintendent, Human Resources Development, if all of the board policies were used for hiring this person and her answer was, “Yes.”

Larry Jones moved to approve Encl. No. 7 - Certificated Personnel Report. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

Encl. No. 11 – Quarterly Uniform Complaint Report – Charles Ulmschneider had concerns that with 32,000 students and 2,500 employees, there were no complaints, all zeroes on the report, involving the Williams Settlement. He asked if the notices are posted in the classrooms. Dr. Todd Oto, Area Superintendent, answered that they are posted in the classrooms and was checked by the CPM review team that came to Visalia Unified earlier this year. Bill Fulmer added that he has personally been in approximately forty classrooms this year and all had the notices posted. Mr. Ulmschneider asked if they were clearly visible and Mr. Fulmer answered, “Yes.”

Rodney Elder moved to approve Encl. No. 11 – Quarterly Uniform Complaint Report. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

Encl. No. 12 – Memorandum of Understanding Between Visalia Unified School District and College of the Sequoias for Basic Equitation Class at Visalia Technical Education Center (VTEC) – Charles Ulmschneider asked if this horse riding class is available to all students. He stated that with some of the cuts that have been made, he has a problem with how this helps all students. Dr. Oto stated that this is a VTEC course that allows students to fulfill a PE requirement through the riding and maintenance of horses. It is one of the signature programs through VTEC which has a strand that is focused on veterinary technician. Mr. Ulmschneider said that most students do not have a farm or horses and will never do that and it costs a lot of money.

Tim Chaney expressed that this is a shared program with COS and is not new. He believes it is a wonderful program. Bill Fulmer noted that a very small portion of the VTEC budget comes out of the General Fund. Superintendent Wheaton clarified that VUSD did not pay for this class the first semester. It is very inexpensive for what is paid for PE in any other school and connects to a unique career path.

Tim Chaney moved to approve Encl. No. 12. Donna Martin seconded the motion. Ayes: Chaney, Elder, Fulmer, Jones, and Martin. Absent: Qualls. Noes: Ulmschneider. Motion carried.

**ADMINISTRATIVE  
PANEL RECOM-  
MENDATIONS/  
ACTION**

**EXPULSIONS** Rodney Elder moved to accept the Administrative Panel Recommendations for Expulsions Case No. 11-56 E, Case No. 11-57 E, Case No. 11-58 E, Case No. 11-59 E, Case No. 11-60 E, and Case No. 11-61 E. (Encl. No. 15) Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

**SUSPENDED EXPULSIONS** Tim Chaney moved to accept the Administrative Panel Recommendations for Suspended Expulsions Case No. 11-26 SE, Case No. 11-27 SE, and Case No. 11-28 SE. (Encl. No. 16) Rodney Elder seconded the motion. Ayes: All. Motion carried unanimously.

**REINSTATEMENTS** Donna Martin moved to accept the Administrative Panel Recommendations for Reinstatements Case No. 11-53 R, Case No. 11-54 R, Case No. 11-55 R, Case No. 11-56 R, Case No. 11-57 R, Case No. 11-58 R, Case No. 11-59 R, Case No. 11-60 R, Case No. 11-61 R, Case No. 11-62 R, Case No. 11-63 R, Case No. 11-64 R, Case No. 11-65 R, Case No. 11-66 R, Case No. 11-67 R, Case No. 11-68 R, Case No. 11-69 R, Case No. 11-70 R, Case No. 11-71 R, Case No. 11-72 R, Case No. 11-73 R, Case No. 11-74 R, Case No. 11-75 R, Case No. 11-76 R, Case No. 11-77 R, Case No. 11-78 R, Case No. 11-79 R, Case No. 11-80 R, Case No. 11-81 R, Case No. 11-82 R, Case No. 11-83 R, Case No. 11-84 R, Case No. 11-85 R, Case No. 11-86 R, Case No. 11-87 R, Case No. 11-88 R, Case No. 11-89 R, Case No. 11-90 R, Case No. 11-91 R, Case No. 11-92 R, and Case No. 11-93 R. (Encl. No. 17) Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**RECOMMENDED CONTINUED EXPULSIONS** Rodney Elder moved to accept the Administrative Panel Recommendation for Continued Expulsions Case No. 11-14 RCE. (Encl. No. 18) Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

**GENERAL AGENDA**

Review/Public Hearing/

Public Input/

Board Discussion/

**ACTION** (as applicable)

**SOCRATES CHARTER SCHOOL PETITION** The board held a public hearing on December 14 to consider the SOCRATES Charter School Petition and to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. The petition, presented by David Frisby, was to establish a charter school that would target seventh through twelfth grade students.

Dr. Todd Oto, Area Superintendent, presented the Staff Report and Proposed Findings of Fact regarding the review of the SOCRATES Charter School Petition as follows: (Encl. No. 19)

- Finding 1: California Education Code Section 47605, subdivision (b)(5)(D) requires that a charter school charter include a reasonably comprehensive description of the school’s governance structure. The petition does not contain a reasonably comprehensive description of the governance structure for SOCRATES Charter School.
  - Does not establish formally the size or composition of the charter school

board, the term of service of board members, or the method for selection board members.

- Finding 2: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:
  - Education Code Section 47605, subdivision (b)(1) sets forth the following grounds for denial of a petition.
    - Petition describes a school that combines both site-based and independent study forms of instruction into a hybrid (approximately 50%/50%) instructional program. Budget established for the school fails to take into account the reduced ADA funding levels for school that incorporate more than 20% independent study.
  - SOCRATES Charter School Petition states that Visalia Unified School District and the charter school shall engage in a mutually agreeable memorandum of understanding, which outlines further details of the relationship between the district and the charter in the areas of transportation and food services to be provided by the district; services to be purchased by the charter school from the district, and the fee schedule for such services; details of the oversight and monitoring relationship between the charter school and the district; mutual indemnification from loss; cash advances to handle cash flow issues; charter school's receipt of mandated cost reimbursement; fiscal reporting requirements to the state, either independently or through the district; district support of the charter school in seeking additional funding.
  - Visalia Unified School District is unable to enter into such an agreement due to staffing restrictions.
  - The budget outlined in the petition indicates anticipated revenue of \$6,142 per ADA. Tulare County Office of Education, the California Association of School Business Officials, and School Services of California all recommend that schools not count on the recent 5% increase in funding, and that they reduce anticipated ADA revenue to \$5,857 per ADA.
  - The budget outlined in the petition relies heavily on receipt of a \$450,000 Public Charter Schools Grant Program (PCSGP) grant for planning and implementation. It contains no documentation to establish that the school will be eligible for or to receive those funds and includes no contingency plan for funding should the school fail to receive that grant.
  - District staff recommended that the Governing Board adopt this staff report and the findings of fact as its own and also recommended to the Board that the petition be denied.

### **Public Hearing**

David Frisby, the proposed Director of the SOCRATES Charter school, addressed some of the comments that were presented. He is currently enrolled and participating in a University of Southern California graduate program and at the end of June, 2011, he will be a certified California School Business Official. When forming the budget and completing the necessary documents for starting up a new charter school, he consulted with and hired a charter school development agency, Ed Tech, which supports over 200 charter

schools in California. Ed Tech put together the budget for SOCRATES Charter School. Mr. Frisby stated that if the board approved the petition, he and Ed Tech would work together to get any issues resolved with the Memorandum of Understanding. The National Association of Charter School Authorizers (NACSA) works with districts to develop good agreements with charter schools. Due to time lines, he needs to get an approval of authorization to get the funding. He received information that 97% of new charters that are authorized are being funded with the Charter Schools Grant.

After discussion, Larry Jones moved to approve the Staff Report and Findings of Fact regarding review of the SOCRATES Charter School Petition. Donna Martin seconded the motion. Ayes: All. Motion carried unanimously.

After clarification and discussion, Tim Chaney moved to accept the district staff recommendation to deny the SOCRATES Charter School Petition. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

APPROVAL OF  
RESOLUTION OF  
INTENTION TO  
DEDICATE RIGHT  
OF WAY

Visalia Unified School District plans to grant property to the City of Visalia for Right of Way use for public street purposes. The property belonging to VUSD is not appropriate for educational use, and it is in the best interest of the district to transfer the land to the City of Visalia. (Encl. No. 20) This will correct the legal description mistake from ten years ago when the school district built Oak Grove Elementary School. It amounts to a mistake in inches and feet. There will be no cost to the district.

Tim Chaney moved to approve the Resolution of Intention to Dedicate Right of Way. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

APPROVAL OF  
RESOLUTION OF  
INTENTION TO SELL  
CERTAIN DISTRICT  
REAL PROPERTY

Robert Gröeber, Assistant Superintendent-Administrative Services, stated that the district is now the owner of a parcel of real property (the "Property") which is located in the City of Visalia, on Stevenson Street between Race and Goshen Avenues (APN 931-660-01) in Tulare County, California. (Encl. No. 21) The board had indicated that said property is not and will not be needed by the district for district purposes. The board intends to dispose of the described property by public bid on February 22, 2011.

Larry Jones moved to approve the Resolution of Intention to Sell Certain District Real Property. Donna Martin seconded the motion. Ayes: All. Motion carried unanimously.

2009-2010 ANNUAL  
DISTRICT  
FINANCIAL AUDIT

Eric Xin, partner with Brown Armstrong CPA's, presented findings for the district's 2009-10 fiscal year audit. (Encl. No. 22) He reported the district's financial activities and statements to be in conformity with accepted accounting principles. While there were a few agreed upon requests to correct policy language, there were no audit findings or questioned costs regarding the financial statements, federal or state program compliance. The entire financial report is available by contacting David Loverin in Administrative Services, 559-730-7539.

Rodney Elder moved to approve the 2009-2010 Annual District Financial Audit. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.



**ANNUAL REPORT  
AND RESOLUTION  
OF CAPITAL  
FACILITIES FUND  
(DEVELOPER FEES)**

Pursuant to Government Code Section 66006, districts must maintain a separate capital facilities account for reportable fees, and must make available to the public within 180 days after the last day of each fiscal year a Reportable Fees Report. Pursuant to Government Code Section 66001, districts must make findings every five years with respect to unexpended funds. The report meets the requirements of these code sections. The report was made available to the public on December 16, 2010, and tonight was presented for public comment, review, and adoption of a resolution affirming said report.

David Loverin, Internal Auditor, explained that developer fees are used to meet the needs of student enrollment growth in the district. (Encl. No. 23) Land for future schools, new school facilities, and portable buildings are examples of developer fees are typically used to meet the needs of enrollment growth. Developer fees would be used as the district's 50% match with State funds to build the new northwest elementary school.

There was no public comment.

Rodney Elder moved to approve the Annual Report and Resolution of Capital Facilities Fund (Developer Fees). Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

**RECESS –  
CONVENE TO  
VISALIA  
FINANCING  
CORPORATION  
MEETING/ACTION**

President Fulmer recessed the General Session and opened the Annual Meeting and Selection of Officers for the Visalia Financing Corporation. (Encl. No. 24)

**ANNUAL MEETING  
AND SELECTION OF  
OFFICERS FOR THE  
VISALIA FINANCING  
CORPORATION**

The Visalia Financing Corporation (VFC) is a nonprofit public benefit corporation formed in May 1989 under the California Nonprofit Public Benefit Corporation Law to provide financial assistance to the district by acquiring, constructing and financing facilities, land and equipment and leasing the same for the benefit of the public served by the district.

The VFC was a financing agency for the 1990 Certificates of Participation (COP) which were subsequently refinanced in September 2005 at a lower interest rate. Annually, the Board of Education members, who also preside as the Board of Directors for the VFC, must hold a meeting for the purpose of organization, selection of officers, and other business. The status report and selection of officers fulfills the VFC's requirement to hold the annual meeting. Nathan Hernandez, Finance Director, reviewed the details of the COP and answered board questions. As in the past, staff recommended that the same people holding the office of President and Clerk for the VUSD Board of Education be appointed to serve as the President and Secretary/Treasurer for the Visalia Financing Corporation.

Tim Chaney moved to appoint Bill Fulmer as the President of the VFC and Rodney Elder as the Secretary/Treasurer. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

**CLOSED VISALIA  
FINANCING  
CORPORATION  
MEETING**

Board President Fulmer closed the VFC meeting and reconvened to the General Session of the regular board agenda then adjourned the meeting.

**OPEN SESSION**

RECONVENE TO  
REGULAR BOARD  
AGENDA

**ADJOURNMENT**


The meeting was adjourned at 9:05 p.m.

**NEXT MEETING**

The next regularly scheduled Board meeting will be held on Tuesday, January 25, 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