

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

**OPENING
BUSINESS**

The March 22, 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	8:20	
Rodney Elder	5:30	8:20	
William A. Fulmer	5:30	8:20	
Larry Jones	5:30	8:20	
Donna Martin	5:30	8:20	
Jim L. Qualls	5:30	8:20	
Charles Ulmschneider	5:30	8:20	
 Dr. Craig Wheaton, Superintendent	 5:30	 8:20	

Staff Members

Robert Gröeber, Assistant Superintendent, Administrative Services
Cindi Costa, Assistant Superintendent, Human Resources Development
Pam Ryan, Administrative Assistant, Superintendent's Office
Jennifer Taylor, 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 no public comment. 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 RECOMMENDED CONTINUED EXPULSIONS
- 2.5 CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
 - 1. Agency Negotiator: Cindi Costa
 - 2. Employee Organizations
 - 1. CSEA
 - 2. VUTA
 - 3. Management

**EARLY BIRD
SESSION**

The Early Bird Session opened at 6:00 p.m.

**CSBA CHARTER
SCHOOL
WORKSHOP**

Stephanie Farland from the California School Boards Association (CSBA) facilitated a training session on the Board's role when authorizing charter schools. (Encl. No. 1) The presentation included a general overview of charter law, types of charters, the Board's responsibility in reviewing charter petitions, and general oversight obligations. This was a free service for being a CSBA member. There was no charge to the district for this workshop.

REGULAR SESSION The Board convened the regular Board meeting at 7:05 p.m. President Fulmer announced that no action was taken in closed session. Jim Qualls led the Pledge of Allegiance.

GENERAL PUBLIC COMMENT There was no public comment at this time.

ROUTINE ACTION Jim Qualls pulled Routine Action Item 5.4.1 – Minutes of the Board Meeting of February 22, 2011 (Encl. No. 14). He was not in attendance at that meeting and will abstain.

Rodney Elder moved to approve the remaining Routine Action Items, Encl. No. 2-14. Jim Qualls seconded the motion. Ayes: All. Motion carried unanimously.

Tim Chaney moved to approve Encl. No. 14. Donna Martin seconded the motion. Ayes: Chaney, Elder, Fulmer, Jones, Martin, and Ulmschneider. Abstain: Qualls. Motion carried.

5.1 ADMINISTRATIVE SERVICES

1. Warrant List – February 25, 2011 through March 4, 2011 (Encl. No. 2)
2. 2010-2011 Budget Revision No. 11 (Encl. No. 3)
3. VUSD General Fund Cash Flows as of February 28, 2011 (Encl. No. 4)
4. Approval of Bid #4725-Irrigation Improvements at Willow Glen, Elbow Creek, and Mt. View Elementary Schools (Encl. No. 5)
5. Approval of Bid #4726-Elbow Creek Irrigation Well Project (Encl. No. 6)

5.2 HUMAN RESOURCES DEVELOPMENT

1. Classified Personnel Report (Encl. No. 7)
2. Certificated Personnel Report (Encl. No. 8)
3. Consultant Contracts (Encl. No. 9)
4. Certification of Temporary Athletic Team Coach List for 2010-11 (Encl. No. 10)

5.3 INSTRUCTIONAL SERVICES

1. Student Field Trip Requests (Encl. No. 11)
2. Resolution – Local Agreement for Child Development Services Contract (Encl. No. 12)
3. Doc-Tracking Software License (Encl. No. 13)

5.4 SUPERINTENDENT'S OFFICE

1. Minutes of the Board Meeting of February 22, 2011 (Encl. No. 14)

**PUBLIC
RECOGNITION/
PROCLAMATIONS/
ACTION**

PROCLAMATION SUPPORTING Board Clerk, Rodney Elder, read the Proclamation Supporting School Library Media Month. (Encl. No. 15)

SCHOOL LIBRARY
MEDIA MONTH

Tim Chaney moved to adopt the Proclamation. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

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

BY-TRUSTEE AREA
ELECTION PROCESS
UPDATE

Robert Gröeber, Assistant Superintendent-Administrative Services, presented the By-Trustee Area Election Process Update. (Encl. No. 16) At the March 8 meeting, the Board requested that staff include an update on the process at every meeting. Mr. Gröeber reported that at this time, staff is waiting for the information from the demographer. The census data was released three weeks earlier than expected. The demographer is working on the parameters based on the committee's suggestions. After the March 8 board meeting, an article was in the paper reporting the timelines which prompted a call from the County Elections Office stating their concerns regarding the timeline of their office getting the information and being able to meet the statutory deadlines as prescribed by the district's timeline. Mr. Gröeber stated that the district staff will be working with the Elections Office on their concerns and is confident that their concerns will be resolved and will be able to stay on the original timeline. The district can also adjust its timeline if needed. When the data is received from the demographer, a committee meeting will be scheduled.

DISTRICT-WIDE
GOALS – 2011-2012-
SECOND AND FINAL
READING

Superintendent Wheaton presented the second and final reading of the District-Wide Goals for 2011-2012. (Encl. No. 17) At the first reading at the March 8 board meeting, Dr. Wheaton read through each goal. Based on the suggestion from the Board, 3.1 was divided into 3.1 and 3.2. Now 3.1 reads "Ensure a safe and healthy school environment for all students" and 3.2 reads "Maintain a positive school environment promoting student sense of belonging and significance".

Jim Qualls moved to adopt the District-Wide Goals – 2011-2012. Donna Martin seconded the motion. Ayes: All. Motion carried unanimously.

FEDERAL
EDUCATION JOBS
FUNDS –
RESOLUTION

Christine Statton, CPA, Chief Financial Officer, presented the Federal Education Jobs Funds Resolution for Board approval. (Encl. No. 18) The district has received a Federal Education Jobs Fund Program allocation in the amount of \$5 million as part of the federal \$10 billion Education Jobs and Medicaid Assistance of 2010. These funds must be spent on site level salary and compensation before September 30, 2012. To be in compliance with federal guidelines, the resolution outlined the district's intentions to use the funding for employees who provide school-level educational and related services including but not limited to teachers who serve in kindergarten through second grade Class Size Reduction classrooms, site-level administrative positions, and certificated and classified support personnel who provide direct service to students. This is primarily how VUSD will be avoiding layoffs that other districts are facing at this time.

Public Comment

Karl Kildow, President, Visalia Unified Teachers Association (VUTA), stated that as a public records request, the association would like to know, out of the \$5 million, what percentage is being used to save site level administrator jobs; what percentage is being used to save certificated positions; and what percentage is being used to save classified support?

Also he requested a list of who would have been laid off, their salaries, and their benefits, and how the \$5 million figure was arrived at.

Tim Chaney moved to approve the Federal Education Jobs Funds Resolution. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**PUBLIC SCHOOLS
MONTH – APRIL
2011 – MASONS
RECOGNITION**

Superintendent Wheaton recognized April as the Masons Public Schools Month. (Encl. No. 19) Public Schools Month has been sponsored and promoted by the Free and Accepted Masons of California since 1920. The purpose of Public Schools Month is to encourage communities and schools to set aside one week during the month as a special time for the discussion of public schools and to enlist the support of the general public to the cause of public education. The Masonic Public Schools Awards Night will be held on Thursday, April 28 this year.

**FOCUS ON
STUDENT
LEARNING
Presentation/Public
Comment/Board
Discussion/ACTION
(as applicable)**

**REQUEST FOR
FUNDING FOR
VISALIA PARTNERS
IN EDUCATION
(VPIE)**

Dr. Todd Oto, Area Superintendent, and Bill Davis, Career Technical Education (CTE) Instructor, Golden West High School, presented the Request for Funding for Visalia Partners in Education (VPIE). (Encl. No. 20) The following VPIE members make up the partnership among community groups that have a shared interest in education:

- City of Visalia
- County of Tulare
- Visalia Chamber of Commerce
- Visalia Economic Development Corporation
- Tulare County Workforce Investment Board
- Tulare County Office of Education
- College of the Sequoias
- Visalia Unified School District

In 2006, the VUSD School Board continued a five-year commitment of financial support for career technical education, work-based program through VPIE in the amount of \$150,000 per year (\$750,000 for the five-year program) from the general fund. That commitment expires with the 2010-2011 school year. The presentation provided the Board with information related to VPIE and the request for continued

funding of \$150,000 per year. Roughly 3,200 students participate in CTE. The funding supports many career technical education programs throughout the district and provides work-based learning opportunities in many career pathways. With the budget crisis, the funding could be reconsidered at any time.

After discussion of support, Larry Jones moved to continue the funding of \$150,000 per year for a five-year commitment (\$750,000) that will be reviewed on an annual basis by the Board. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

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

Jennifer Taylor, Student Representative to the Board from Mt. Whitney 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:

- Larry Jones
 - Three board members attended the Sequoia High School welcome of the WASC Team. Encouraged board members to attend the Wednesday WASC report to hear the celebrations and the growth issues that will be put together. Three members of the WASC team were continuation administrators with plans to bring positive ideas from Sequoia back to their schools. The Redwood and Mt. Whitney High School will welcome WASC on Sunday and the results meetings are coming up this month also and conveyed how important it is for Board members to attend.
 - He stated that he has been studying superintendent contracts for eighteen years. Eleven of those eighteen years have been also here in Visalia. He understands what goes into superintendent contracts and does not need to hire an attorney for \$1,200-\$1,500 to look at a contract that he knows what is in it and understands what is in it and have taken the time to study it. He stated that he was frustrated that Mr. Ulmschneider accused him and other board members of “rubber stamping” this vote. He said, “I am sorry. I can’t agree with that. You put it in the paper. It is out there in the public, so I am asking you for a public apology.... Since obviously, you are not going to give that, I just don’t think and I don’t believe that you were adequately prepared to make a decision on this issue. This is a huge issue for this Board to vote on and you just weren’t prepared, I don’t think. And so under the circumstances, I believe that it is in the best interest of this district and this city that you resign as a trustee.”
- Jim Qualls
 - Stated that, “I am concerned about the naming calling of fellow Board members. I would actually say that I have learned a lot from Mr. Ulmschneider—what not to do. And this contract-- I have been on this Board since 1989. I was taken off in 1997 because of the superintendent, we let her go. Later on, I think the community understood what the Board stood for and her contract. So that contract was redeveloped with a lot of attorneys and CSBA; and we came up with, I think, a really great contract to offer a superintendent to protect our school district, our kids,

our community, and this Board. So, I would really appreciate it, as Mr. Jones said, to study it and ask those questions which needs to be asked, but prepare before you come and just vote 'No.' "

Donna Martin

- Stated she did not have any other report at this point
- Rodney Elder
 - Attended the WASC meeting for Sequoia. He said to the Principal, Yolanda Flores, that he appreciates that she is moving the school forward and is committed to Sequoia.
 - He stated that, "all I want, all I think we as Board members need to do, I agree with you, Jim, we need to all do our due diligence. We need to be prepared. We need to be able to ask questions. We need to be prepared to answer questions from the public from fellow Board members. We need to give a good defense for why we do vote. I don't believe that it is my job to obscure my reasoning. If somebody asks me a question, I feel I have an obligation to defend my reasoning or my decision. I don't believe that I can say that it is a protest vote. I don't believe that I can just simply say, 'Give me a call or give me an email and I will give you an answer.' In a public meeting, I believe it is, that is what it is, a public meeting and I have an obligation to you and the public and my fellow Board members to be able to be as transparent as I can be. I think I have really worked hard to do that over the years. And I appreciate that the Board that I have worked with over the years has done an excellent job at that. And I would hate to see that not continue. So, in that sense, as long as we are able to work together and get those questions answered, do our job in answering your questions, being accountable to you and each other, to that extent, I think we should continue to do so. If we can't, if any of us feel that that is something we can't do, then I agree with Larry, we shouldn't be here."
- Charles Ulmschneider
 - Stated, "Wow. Well, during the election, I was the one of two that had an opponent, and boy, what a race that was. So, it is very clear who those candidates were and I think the good people of Visalia put me up here and I certainly was not "rubber stamped" by the electorate in here. It was a tough race. And so I won rather decisively, and I am very gratified to the electorate the people."
 - He will show up on Sunday to attend the WASC accreditations for Mt. Whitney and Redwood.
 - He had a wonderful St. Patrick's Day. He was able to buy a little green tie for about \$2.40, wore it, and really and truly ate cabbage and corned beef on that day.
 - He has been watching some good movies with his family. He is the only Board member with kids still, but a lot of the other Board members have had children that have gone through our school district.
 - It has taken him back to hear this, but that is fine. A lot of politics. Overdoing this stuff when questions are asked. He said, "I want to see if

I can convey this to my colleagues up here that there is a difference between disagreement and support. OK? The consensus that we arrive at up here, we need to support it, but we don't always have to agree with it. OK? So, let's keep that in mind. And again, sometimes our personal lives if we are married to a teacher or administrator or another superintendent or something like that that could influence our orientation, and that saying it lightly, I don't need to go into details about that. Let's be civil."

- As a family, they watched the old version of *Cape Fear* with Gregory Peck and Robert Mitchem, *The Day After*, and *My Fair Lady*.
- He stated that he tried to divert and change and get into a better level here of thinking that is more positive and productive.
- He is currently reading two books checked out of the public library. One is "The Death and Life of the Great American School System" and the other is written on Melba Beals, whom we saw in Visalia.
- He has his feelings; his thoughts; freedom of expression and hopes being up here as Board members, put in here by the public, that we can respect each other's points of views, agreements and disagreements, and agree to disagree.
- Tim Chaney
 - He stated, "I do appreciate the governance structure that we have. I think that adversity in boards is the best system that there is on earth, I truly do. And I do respect all of you and your opinions and where we come from. If we do disagree, that's fine because that brings strength. I am very proud of this Board. I am on several boards, and let me tell you, this Board functions much better than the other two I am on. With that said, I think that I did do my home work, I did research Craig's contract. We saved the school district a lot of money by hiring an Interim last year. That wasn't discussed. I think that Craig brought stability to the district and, I think that everybody in the crowd understands that and appreciates that. How do you put a value on that? A search would have cost us from \$30,000-\$50,000 to go out and find somebody, but you know what, we were lucky enough to have somebody in-house that stepped in and has done a wonderful job. And I think that all of you deserve the stability that he brings to this district. I think he is a wonderful superintendent and I think we got a deal with what we pay him and I don't think the paper brought any of those facts out."
 - He attended the Divisadero and Valley Oak Middle School plays.
- Donna Martin
 - She stated, "I just wanted to say that, Larry, I do support your comments. You were very clear and articulate and I support you. Like you said, I don't appreciate being characterized as a "rubber stamp". I think that is a cheap shot. So, thank you for putting it out there and being very clear about what you said."
- Bill Fulmer
 - He stated, "I just wanted to make two notes here. We had the contract in

our hands two weeks before we voted on it; and personally, I read it a number of times. And also, if you read this week's *Economist*, one of their criticisms of American public employment is that we do not adequately reward our stars. We kind of hold everybody down. Now, in our current climate that borders on fatuous, but in the long term, we do need to be aware of, and at least appreciate, when we have somebody that is very talented at the head of our district."

- Superintendent Wheaton
 - He stated, "I would like to summarize a couple of things. One is, I really do appreciate that all seven of you unanimously appointed me to Superintendent; and that was a consensus of the entire board. That meant a lot to me because it is important that we do commit together to move forward. I fully actually honor and respect differences of opinion. Charles and I talked about the vote on the contract, and I fully expected that. However, as we can all tell, when we look at good governance and decision making, it is a difficult task. It is difficult because when a team works together in order to come to a decision and to make sure that decision is the best decision, it takes a lot of work, time, effort, and preparation. It also takes a trust among all of us, that if you have an opinion, you bring it out during the decision making process. And I think what you have seen here is a feeling of breaking that trust and really having a lot of opinions come out after the decision has been made, not before. If you are going to influence a decision, and Charles, this isn't really just for you now, it is for the entire Board, if we are going to make decisions and influence decisions, you need to do it before the vote not after the vote. That's the responsibility of Board members to respect each other all the way across. And my concern, really I would like to get this over with and move on, honestly, and what I am hoping is we will do that. A lot of feelings have come out here, but we are going to move forward with what is really in the best interest of students, and we are going to make a lot of tough decisions in the future. A lot more important decisions than this last one. I hope we can do that together, and I hope we look at the mistakes we have made together as a Board here with how this all rolled out and ensure that we all ask questions in advance and get our opinions on the table before we vote. If we do that, I think we will respect each other's opinions and honor the differences of opinions. We are diverse. We do not always have to agree, but we do need to be honest with getting that on the table before a decision is made. I am looking forward to working with all seven of you."

**ADMINISTRATIVE
PANEL RECOM-
MENDATIONS/
ACTION
EXPULSIONS**

Rodney Elder moved to accept the Administrative Panel Recommendations for Expulsions Case No. Case No. 11-105 E, Case No. 11-106 E, Case No. 11-107 E, Case

No. 11-108 E, Case No. 11-109 E, Case No. 11-110 E, Case No. 11-111 E, Case No. 11-112 E, and Case No. 11-113 E. (Encl. No. 21) Jim Qualls seconded the motion. Ayes: All. Motion carried unanimously.

**SUSPENDED
EXPULSIONS**

Donna Martin moved to accept the Administrative Panel Recommendations for Suspended Expulsions Case No. 11-42 SE, Case No. 11-43 SE, and Case No. 11-44 SE. (Encl. No. 22) Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

REINSTATEMENTS

Jim Qualls moved to accept the Administrative Panel Recommendations for Reinstatements Case No. 11-96 R and Case No. 11-97 R. (Encl. No. 23) Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**RECOMMENDED
CONTINUED
EXPULSIONS**

Jim Qualls moved to accept the Administrative Panel Recommendation for Continued Expulsions Case No. 11-16 RCE. (Encl. No. 24) Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

GENERAL AGENDA

Review/Public Hearing/

Public Input/

Board Discussion/

ACTION (as
applicable)

**CONTRACT
APPROVAL – CM
CONSTRUCTION
SERVICES**

Robert Gröeber, Assistant Superintendent-Administrative Services, requested that the Board take Encl. No. 25 (Contract Approval – CM Construction Services) and Encl. No. 26 (Approval of Lease-Leaseback Contract for New N/W Elementary School) together in one vote. The contract with CM Construction Services is to assist on the development and construction of the new Northwest Elementary School at Shannon Parkway and Ranch Street. The construction manager shall be the District's agent on the project and shall be responsible for the overall coordination, administration, and scheduling of all work on project. The construction manager shall be responsible for ensuring that the project is properly completed within the district's budget and timeline.

**APPROVAL OF
LEASE-LEASEBACK
CONTRACT FOR
NEW N/W
ELEMENTARY
SCHOOL**

The district, Construction Manager, Architect, and General Contractor have completed the competitive bidding selection of subcontractors and the development of the Guaranteed Maximum Price and lease-leaseback contracts at the Guaranteed Maximum price of \$15M. The Guaranteed Maximum Price (GMP) of \$15M will be paid half from district facilities funds and half from State matching funds.

There was no public comment.

Rodney Elder moved to approve the Contract with CM Construction Services (Encl. No. 25) and the Lease-Leaseback Contract for the New Northwest Elementary School (Encl. No. 26). Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.


ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

NEXT MEETING

The next regularly scheduled Board meeting will be held on Tuesday, April 12, 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