

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

**OPENING
BUSINESS**

The April 26, 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	9:20	
Rodney Elder	5:30	9:20	
William A. Fulmer	5:30	9:20	
Larry Jones	5:30	9:20	
Donna Martin	5:30	9:20	
Jim L. Qualls	5:30	9:20	
Charles Ulmschneider	5:30	9:20	
 Dr. Craig Wheaton, Superintendent	 5:30	 9:20	

Staff Members

Robert Gröeber, Assistant Superintendent, Administrative Services
Cindi Costa, Assistant Superintendent, Human Resources Development
Pam Ryan, Administrative Assistant, Superintendent's Office
Samuel Jung, 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 CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
 - 1. Agency Negotiator: Cindi Costa
 - 2. Employee Organizations
 - 1. CSEA
 - 2. VUTA
 - 3. Management
 - 4. Assistant Superintendents
- 2.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: In the City of Visalia, 824 W. Goshen Avenue between Jacob and Stephenson Streets – APN 93-161-006
Agency negotiator: Robert Gröeber
Negotiating parties: Teymour Farhang
Under negotiation: Potential Purchase
- 2.5 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)

2.6 PUBLIC EMPLOYEE ASSIGNMENT/REASSIGNMENT/
APPOINTMENT (Government Code Section 54957)

Title:

- Principal

REGULAR SESSION The Board convened the regular board meeting at 7:05 p.m. President Fulmer announced that in closed session, there was an agenda item to discuss with no action to be taken, and for the record, in order to avoid any appearance of impropriety or potential conflict of interest because she works for TCOE Special Education Department, Donna Martin excused herself from the session during the discussion of that one item. Charles Ulmschneider left closed session at 6:05 p.m. to attend the By-Trustee Area Advisory Committee meeting. Also in closed session, on a motion by Larry Jones and second by Donna Martin, with Charles Ulmschneider absent, the Board voted to appoint Michel Lambert to the position as Principal for River Bend School. Ayes: Chaney, Elder, Fulmer, Jones, Martin, and Qualls. Absent: Ulmschneider. Motion carried. Michel Lambert will begin his new assignment on July 1, 2011.

Bill Fulmer led the Pledge of Allegiance.

**GENERAL PUBLIC
COMMENT**

Public Comment

Mike Waters, Principal-El Diamante High School, recognized the Odyssey of the Mind team, coach Lisa Kruger, and club advisor Ryan Waters for recently winning the State of California championship competition and will be participating in the world championships on May 26-31 in Maryland.

**PUBLIC COMMENT/
PUBLIC INTEREST
ANNOUNCEMENTS/
STATUS REPORTS/
ACTION**

At this time, President Fulmer changed the order of the agenda and moved to 6.6.2 – By-Trustee Area Election Process Update (Encl. No. 19).

**BY-TRUSTEE AREA
ELECTION PROCESS
UPDATE**

Robert Gröeber, Assistant Superintendent-Administrative Services, stated that a By-Trustee Area Advisory Committee meeting was held just prior to tonight’s board meeting to review the three proposed maps that were developed from the 2010 census data loaded into the recommended criteria that the Board approved at the April 12th board meeting—equal population, compliance with Section 2 of the Federal Voting Rights Act (no intentional discrimination, no racial gerrymandering, and community of interests of the trustee areas Goshen, Ivanhoe, and North Visalia). No action was required at the committee meeting. He recognized the committee members that were present and thanked them for their hard work and service to the community for nearly two years. The district’s voting rights and redistricting counsel, attorney Chris Skinnell, and demographer, Doug Johnson, reviewed the proposed maps via a conference call and answered questions.

Public Comment

Carol Clarke, teacher at Mt. Whitney High School, and the VUTA representative on the By-Trustee Area Advisory Committee and Russ Hansen, also on the committee, questioned if a vote had been taken by the committee for a recommendation. They were both unable to attend the committee meeting in November. Along with Juan Guerrero,

past-VUSD Board member, they gave input regarding the By-Trustee Elections criteria and/or their preference of Plan A, Plan B, or Plan C.

Superintendent Wheaton joined the committee in June and was not with the committee the entire two years. His understanding of the committee's purpose was to recommend guidelines so that maps could be drawn and reviewed. He stated that the committee finalized the recommendation at the November committee meeting using the basic guidelines that had been discussed over and over and were brought forward which were:

- Using political boundaries, in the district's case, school district boundaries, as a guideline to develop plans
- Community of interest was specifically identified as Ivanhoe, downtown Visalia, and Goshen
- Equal population following State and Federal legal requirements of the Voting Rights Act which says there is no intentional discrimination in the drawing of the boundaries and no gerrymandering

Superintendent Wheaton stated that a summary of the points of discussion from the committee were brought to the Board in December and again on April 12. He agreed that a vote was not taken by the committee, and there was nothing in any of the notes or timelines in anything that he read or when he talked with Randy Groom, who chaired the committee, stating that a vote by the committee would be taken for their recommendation. The committee was designed to complete its work by January 2011, turning over basic outlines and criteria in order to draw maps that would be considered by the Board. That is where the district is at this point.

Board Comment

- Tim Chaney stated that he saw Charles Ulmschneider stand up when members of the committee were asked to stand up and be recognized. Was he on the committee? Charles Ulmschneider said yes.
- Bill Fulmer stated that that would be inappropriate.
- Superintendent Wheaton stated that a board member was never appointed to be on the committee and from memory, the discussion was the exclusion of board members being regular committee members.
- Charles Ulmschneider stated that he was on the committee before he was elected, and he has not attended that many times since his election.
- Larry Jones stated that, but he is a board member now and should not be on that committee anymore.
- Charles Ulmschneider stated that he sat in on that committee today and has had no input whatsoever.
- Larry Jones stated that he wants to make sure the district will not be sued a year from now because the plan does not meet the criteria set out with the law.

Public Comment

Karl Kildow, President-VUTA, stated that when he was in attendance at the November meeting, he does not recall any vote being taken. There was a lot of discussion.

Robert Gröeber, Assistant Superintendent-Administrative Services, stated that he, like Dr. Wheaton, came late into the process. It was his understanding when it was handed over to him that, at that time Plan C was the recommendation of the committee. It entailed the criteria that Dr. Wheaton outlined.

The three proposed maps will be posted on the VUSD website for the public's review and input. Superintendent Wheaton has scheduled community presentations where he will explain the maps and get public input. The maps can be revised as needed. There was no Board action required tonight.

The Board of Trustees welcomes public comments and suggestions on the proposed By-Trustee Area Election Boundaries. Upcoming meeting opportunities for public input to be held at the Visalia Unified School District Office, 5000 W. Cypress Avenue, Visalia are as follows:

- May 10 7:00 pm – VUSD Board Meeting – Public Hearing & First Reading
- May 19 4:00 pm – VUSD Community Forum – Conference Room 4
- May 24 7:00 pm – VUSD Board Meeting – Public Hearing & Final Reading

Board President, Bill Fulmer, continued the meeting in the appropriate order on the agenda continuing with Routine Action.

ROUTINE ACTION Tim Chaney pulled Routine Action Item 4.3.2-Migrant Education Program 2011-2012 District Service Agreement (DSA) (Encl. No. 12).

Charles Ulmschneider pulled Routine Action Item 4.2.3-Certificated Personnel Report – Extended Year (Encl. No. 9) and Item 4.3.1-Student Field Trip Requests (Encl. No. 11).

Jim Qualls moved to approve the remaining Routine Action Items, Encl. No. 1-11. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

4.1 ADMINISTRATIVE SERVICES

1. Warrant List – April 1, 2011 through April 8, 2011 (Encl. No. 1)
2. 2010-2011 Budget Revision No. 13 (Encl. No. 2)
3. VUSD General Fund Cash Flows as of March 31, 2011 (Encl. No. 3)
4. Approval of Bid #4733 Projector Install at Various Sites (Encl. No. 4)
5. Approval of Bid #4735 Asphalt for Parking at Golden West High School (Encl. No. 5)
6. Resolution Requesting Renewal of an Exemption from the Field Act for Real Property Used by the Visalia Charter Independent Study Program (Encl. No. 6)

4.2 HUMAN RESOURCES DEVELOPMENT

1. Classified Personnel Report (Encl. No. 7)
2. Certificated Personnel Report (Encl. No. 8)
3. Certificated Personnel Report – Extended Year (Encl. No. 9)

4. Certification of Temporary Athletic Team Coach List for 2010-11 & 2011-12 (Encl. No. 10)
- 4.3 INSTRUCTIONAL SERVICES
1. Student Field Trip Requests (Encl. No. 11)
 2. Migrant Education Program 2011-2012 District Service Agreement (DSA) (Encl. No. 12)

Encl. No. 9 – Charles Ulmschneider asked for clarification of what “100% of Extended Year” means. Cindi Costa, Assistant Superintendent-Human Resources Development, explained that the two administrators listed have accepted the position to be the principal for summer school for the entire length of the program. They are not sharing that assignment with someone else. President Fulmer suggested that this sort of question is best asked prior to the meeting.

Tim Chaney moved to approve Encl. No. 9. Jim Qualls seconded the motion. Ayes: All. Motion carried unanimously.

Encl. No. 11 – Charles Ulmschneider asked how much the out-of-state student field trips would cost. Superintendent Wheaton explained that this is why it is best to ask for that information in advance of the meeting so that the appropriate personnel could bring that information to the board meeting. These particular field trips will be paid with ASB funds, fundraising, and donations. Nothing will come from the General Fund to pay for these field trips. He said that the estimated costs could be given to Mr. Ulmschneider at a later date if so requested.

Jim Qualls moved to approve Encl. No. 11. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

Encl. No. 12 – Tim Chaney requested an overview regarding the purpose and importance of this program. Araceli Feliz, Coordinator of State & Federal Projects - Instructional Services, clarified that this is a supplemental program to their regular education intended to alleviate the gap that incurred by students that are identified migratory whose parents move frequently because of employment. The program is fully paid with federal funds.

Tim Chaney moved to approve Encl. No. 12. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**PUBLIC
RECOGNITION/
PROCLAMATIONS/
ACTION**

NATIONAL SCHOOL NURSE DAY – MAY 11, 2011 Superintendent Wheaton announced that May 11, 2011 is National School Nurse Day—a day that the community voices appreciation and recognizes the nurses of Visalia Unified School District who, with care and compassion, meet the challenge of providing for the health needs of our students. (Encl. No. 13)

Larry Jones moved to adopt May 11 as National School Nurse Day. Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

RESOLUTION – Clerk Rodney Elder read the California Department of Education Resolution declaring May
CALIFORNIA 11, 2011 as “Day of the Teacher”. (Encl. No. 14)
DEPARTMENT OF
EDUCATION DAY OF
THE TEACHER – Tim Chaney moved to adopt the resolution. Jim Qualls seconded the motion. Ayes:
MAY 11, 2011 Chaney, Elder, Fulmer, Jones, Qualls, and Ulmschneider. Absent from the room
momentarily: Martin. Motion carried.

RESOLUTION – Clerk Elder read the Resolution – Classified School Employee Week – May 15-21, 2011.
CLASSIFIED (Encl. No. 15)
SCHOOL EMPLOYEE
WEEK – MAY 15-21, Charles Ulmschneider moved to adopt the resolution. Donna Martin seconded the motion.
2011 Ayes: All. Motion carried unanimously.

RESOLUTION Clerk Elder read the Resolution Declaring May 2011 Asian/Pacific American Heritage
DECLARING MAY Month. (Encl. No. 16)
2011 ASIAN/PACIFIC
AMERICAN Tim Chaney moved to adopt the resolution. Jim Qualls seconded the motion. Ayes: All.
HERITAGE MONTH Motion carried unanimously.

PUBLIC SCHOOL Superintendent Wheaton presented the Public School State of Emergency Resolution.
STATE OF (Encl. No. 17) Visalia Unified Board of Trustees will join forces with CTA, CSBA,
EMERGENCY – ACSA, and other education, labor, and community groups to declare a Public School State
RESOLUTION of Emergency to bring attention to the need for lawmakers to pass the revenue extensions
proposed by Governor Jerry Brown. The resolution demonstrates support of a week of
action, May 9-13, 2011, to encourage the state legislature to approve revenue extensions to
prevent deeper cuts to schools, colleges, and other essential public services.

Donna Martin moved to adopt this resolution. Tim Chaney seconded the motion. Ayes:
All. Motion carried unanimously. Dr. Wheaton is working with VUTA, CSEA, and other
school leaders to meet with a representative in Assemblywoman Connie Conway’s office
to present this resolution along with other VUSD information on how the lack of action
will create an even greater budget problem for the district.

**PUBLIC COMMENT/
PUBLIC INTEREST
ANNOUNCEMENTS/
STATUS REPORTS/
ACTION** (as
applicable)
ARRA STIMULUS
FUNDING UPDATE

Christine Statton, CPA, Chief Financial Officer, presented the planned and recent
expenditures of the American Recovery and Reinvestment Act (ARRA) federal stimulus
funding that has been received by VUSD. (Encl. No. 18) The presentation included the
expenditures of four main categories of funding sources:

- o State Fiscal Stabilization Funds (SFSF)
- o Individuals with Disabilities Education Act-Special Education Funds (IDEA-SE)
- o Title 1 ARRA Funds
- o IDEA Special Education Preschool Funds

As part of the federal compliance requirements, Mrs. Statton requested the board's approval of the continued plans for the expenditures. Most of the expenditures were already approved by the board at the January 12, 2010 board meeting and additionally at the May 25, 2010 board meeting. All funds are to be spent by September 30, 2011.

Larry Jones moved to approve the continued plans for the expenditures. Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

**NAMING OF NEW
ELEMENTARY
SCHOOL**

In August 2012, the community of Visalia will celebrate the opening of a new elementary school. Doug Bartsch, Area Superintendent, reviewed Board Policy 7310-Naming of Facility, the timeline, and the process for the selection of the name for the new school. (Encl. No. 20) School name suggestions are being solicited from the community, students, and staff. The New School Name Committee, consisting of three students and three parents/guardians who reside within the boundaries of the new school, one teacher, one classified employee, one principal, two community representatives, one architect assigned to the construction project, and three Governing Board representatives, will meet May 5, 12, and 19 to review policy and submissions to select names to recommend to the Board of Trustees.

The New School Name Committee will present the list of possible names to the VUSD Board for consideration at the May 24 board meeting as a first reading. The Board will discuss and adopt the name of the new elementary school at the June 14 board meeting. This was an informational item only.

**NEW ELEMENTARY
SCHOOL
ATTENDANCE
BOUNDARY
REVIEW PROCESS**

Robert Gröeber, Assistant Superintendent-Administrative Services, reviewed the process and timeline to establish the new northwest elementary school attendance area as an information only item. (Encl. No. 21) He reviewed Board Policy 5116-School Attendance Boundaries, the duties of the Boundary Committee made up of the Area Superintendent, principal and parent representatives from Oak Grove and Manuel F. Hernandez Elementary Schools, a representative from the City of Visalia, the Board of Realtors, district transportation, district attendance/enrollment, and up to three Board members. The committee is facilitated by Administrative Services. The committee will meet in May as needed and bring recommendations to the Board in June.

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

**MEMORANDUM OF
UNDERSTANDING –
BIG SMILES
SCHOOL-BASED
ORAL HEALTH
PROGRAM**

Lucinda Mejdell-Awbrey, Director of Student Services-Instructional Services, presented the Memorandum of Understanding (MOU) with the Big Smiles School-based Oral Health Program. (Encl. No. 22) This program has been present in many school districts across California for the past twelve years using local dentists to provide comprehensive dental care to students who have not received regular dental care and targeting students

on MediCal or who have no way of paying for dental care. Selected schools provide space while Big Smiles staff provides all other services.

Rodney Elder moved to approve the MOU with Big Smiles. Larry Jones seconded the motion. Ayes: All. Motion carried unanimously.

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

Samuel Jung, Student Representative to the Board from El Diamante 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
 - Visited Redwood High School open house.
 - Pleased that English Departments throughout the district offer "*To Kill a Mocking Bird*"
 - Got through Palm and Easter Sundays--rested
 - Reflecting back on the California Voting Rights Act (CVRA), going by area, the district has the data which needs to be digested to come to conclusions
 - When looking at the itemized expenditures that were presented by Christine Statton, he asked if all high schools had intercom all calls. Superintendent Wheaton replied that the district does not have all calls functioning in all buildings in all parts of the campuses.
 - Interested in the cost of installing all calls in each classroom for inclusion of the daily bulletins making it consistent throughout the district. He stated that two high schools have them and three do not.
- Tim Chaney
 - No report
- Jim Qualls
 - No report
- Larry Jones
 - No report
- Donna Martin
 - This was School Bus Drivers Day. She enjoyed the breakfast and rode a bus route this morning on a brand new bus. She expressed her appreciation of what the district's school bus drivers do every day ensuring that our students are safe.
- Rodney Elder
 - No report
- Superintendent Wheaton
 - No report

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

Tim Chaney moved to accept the Administrative Panel Recommendations for Expulsions Case No. 11-124 E, Case No. 11-125 E, Case No. 11-126 E, Case No. 11-127 E, Case No.

11-128 E, Case No. 11-129 E, Case No. 11-130 E, and Case No. 11-131. (Encl. No. 23) Charles Ulmschneider seconded the motion. Ayes: All. Motion carried unanimously.

**SUSPENDED
EXPULSIONS**

Jim Qualls moved to accept the Administrative Panel Recommendations for Suspended Expulsions Case No. 11-54 SE, Case No. 11-55 SE, Case No. 11-56 SE, Case No. 11-57 SE, Case No. 11-58 SE, and Case No. 11-59 SE. (Encl. No.24) Tim Chaney seconded the motion. Ayes: All. Motion carried unanimously.

GENERAL AGENDA

Review/Public Hearing/

Public Input/

Board Discussion/

ACTION (as

applicable)

EMPLOYMENT

AGREEMENT: TWO

(2) ASSISTANT

SUPERINTENDENTS

Superintendent Wheaton presented the annual renewal of the three-year employment agreements for the two Assistant Superintendents. (Encl. No. 25) The contracts:

- Extend the current contracts by one year and will start July 1, 2011 and end June 30, 2014
- All terms and conditions of the Assistant Superintendents' employment agreement remain status quo with the previous contract
- Effective July 1, 2011, the Assistant Superintendents will remain at their current placement (frozen) on the Board approved Assistant Superintendent base salary schedule for 2011-12
- Assistant Superintendents will be afforded health & welfare benefits consistent with all other management staff including medical, dental, vision, employee assistance benefits, and term life insurance
- Any adjustments made to management staff will also affect the Assistant Superintendent contracts in the future
- The only change was that they are supervised by the Superintendent and not the Interim Superintendent

Tim Chaney moved to approve the employment agreements of the two (2) Assistant Superintendents. Donna Martin seconded the motion.

Discussion

- Charles Ulmschneider stated that the contracts are not status quo; they are not the way they are now; there are some changes. He asked to entertain a motion to table this item and take both contracts separately. It is on this agenda to vote as one action and would need to be tabled until the next meeting and would need to be listed on the agenda as being taken separately.
- Tim Chaney asked Charles Ulmschneider what would be the purpose for that?
- Charles Ulmschneider stated that he did not have any input into the agreements, not even one-seventh; and it would be hypocritical for him to vote on these knowing that he didn't vote for the Superintendent's. He received the Assistant Superintendent's agreements last Thursday and has been going through them finding slight differences and asked if it could be tabled.
- Jim Qualls asked Charles Ulmschneider if he was in closed session the whole time tonight. He stated that Charles Ulmschneider left for a committee meeting during

closed session, and he has an obligation to this Board to stay in closed session. So when he says he has not had enough time, he needs to put in his time appropriately and spend it in closed session and also do the homework. Jim Qualls called for the motion on the floor.

- Charles Ulmschneider stated that he was at the committee meeting but that there are two different contracts. One he can vote for and the other one he cannot. There are things within the contracts that he does not agree with.
- Rodney Elder told Charles Ulmschneider that he works really hard to understand him and wants to be fair with him but is terribly confused at times. He stated that the Board does have opportunities to have input and was sorry that he feels that he does not and stated that he doesn't seem to take advantage of the time when he can have input. When wanting to table this until another meeting when the Board has other issues to deal with, lengthening the meeting ten to fifteen minutes longer to discuss something that the Board already had the opportunity to talk about it in closed session, he does not understand but is trying to.
- Tim Chaney stated that Charles Ulmschneider could move to amend the motion but would need a second to that motion.
- Superintendent Wheaton said to Charles Ulmschneider that he gave an update under negotiations regarding these contracts in closed session, and he chose not to be there. It was his obligation to be there and that is why he has offended Board members here by questioning this in open session when you would have had an opportunity prior to tonight or during closed session in order to discuss the process of negotiations and how the district arrived at these contracts.

Vote: Ayes: Chaney, Elder, Fulmer, Jones, Martin, and Qualls. Noes: Ulmschneider.
Motion carried.

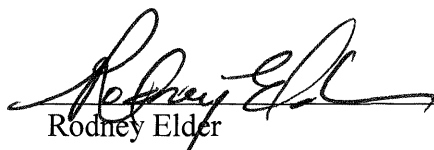
ADJOURNMENT

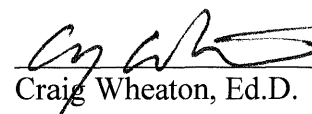
The meeting was adjourned at 9:20 p.m.

NEXT MEETING

The next regularly scheduled Board meeting will be held on Tuesday, May 10, 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