

PIEDMONT UNIFIED SCHOOL DISTRICT
Council Chambers, City Hall
120 Vista Avenue
Piedmont, California 94611

MINUTES OF
Regular Meeting of the Governing Board

January 27, 2009

CALL TO ORDER	Board President Monach called the Board of Education meeting to order at 5:32 p.m.
ESTABLISHMENT OF QUORUM	President June Monach, Vice President Ray Gadbois, Board Members Roy Tolles, Martha Jones, Rick Raushenbush
ADJOURN TO CLOSED SESSION	The Board adjourned to Closed Session at 5:33 p.m. to discuss: A. Public Employee Performance Evaluation: Superintendent (Government Code Section 54957)
OTHERS PRESENT FOR CLOSED SESSION	Constance Hubbard, Superintendent Michael Brady, Assistant Superintendent, Business Services David Roth, Ph.D., Assistant Superintendent, Educational Services
RECONVENE TO REGULAR SESSION	Board President Monach called the Regular Session of the Board of Education meeting of Tuesday, January 27, 2009 to order at 7:02 p.m., and led the Board and audience in the Pledge of Allegiance.
OTHERS PRESENT AT REGULAR SESSION	Constance Hubbard, Superintendent Michael Brady, Assistant Superintendent, Business Services David Roth, Ph.D., Assistant Superintendent, Educ. Services
Report of Action Taken In Closed Session	No action taken
Agenda Adjustments	None
COMMUNICATIONS / ANNOUNCEMENTS	
Association of Piedmont Teachers (APT)	None
California School Employees Association (CSEA)	None
Parent Clubs	None
Student Representative to the Board	Will Pritchett, Student Representative to the Board, reported: <ul style="list-style-type: none">• Second semester has started and student finals are coming up next week.• A Winter Formal dance will be held on January 31• Spring sports starting
PERSONS REQUESTING TO SPEAK ON ITEMS NOT ON THE AGENDA	Dr. Jamie Adams announced that the Curriculum Forum location has been changed to the Middle School multipurpose room. The date and time are the same, Thursday, 3:30-5:30 p.m. The information is on the web site.

Superintendent Announcements

Superintendent Hubbard wanted to make sure everyone is aware of the Parcel Tax Committee community meetings on Saturday, February 7, 9-11 a.m. at the Veterans Hall, and Monday, February 9, 7-9 p.m. at the Beach Elementary School auditorium.

Also, on Saturday is the Wildwood Dads' Club Crab Feed and the Lunar New Year Celebration.

Board President Announcements

None

REVIEW AND ACTION ITEMS

Conduct First Reading of Proposed New Board Policy 3510, "Green Initiative"

Assistant Superintendent Brady advised that the District is required to provide a safe and healthy learning environment. A District-wide committee was formed consisting of interested community members, the City of Piedmont, Republic Sanitation, Parent Clubs, administrators, students, teaching staff, and StopWaste.org, to deal with waste reduction and sustainability in construction and other school environmental issues. There are some practical applications to this policy because of the District's contract with the City to have the District's garbage removed and because the District is part of that contract, the District wants to be in coordination with the program. Because a portion of this involves Measure E projects, the District will be in line for some "green" funding. The proposed new policy will be placed on the Consent Calendar for adoption at the next Board meeting.

Measure E Bond Program

1. Conduct Final Review of Interim Housing Options for 2009-10 and Take Action on Options

Board President Monach stated that the District has roughly one-third of what the State Department of Education recommends (8 acres per school) for the amount of land, given the number of students we serve.

For Measure E, we have had five major gifts from our community:

1. Two community members, Janiele Maffei-Tovani and John Sumnicht, provided pro bono structural engineering services to conduct a Tier I analysis of our District facilities. Janiele has worked tirelessly with community members for the past nine years, giving technical support to the District's program.
2. Mark Becker and Andy Ball agreed to rebuild Havens School for a fixed price; Webcor Builders has agreed to rebuild Ellen Driscoll, also for a fixed price
3. In August 2010, a school will be built that is centrally integrated into central Piedmont for everyone to enjoy and be proud
4. Piedmont teacher Ken Taylor who previously worked in the Emery Schools, contacted them about using their facilities for Piedmont interim housing needs
5. The community has had numerous members who have donated countless hours in attending meetings, serving on committees and participating in the democratic process in implementing our community program

President Monach asked that once a decision is made, all hands on deck from the community will be needed to address the impact that the budget crisis will have on the quality of our school programs and people who work in our District, beginning next school year, up to an estimated \$1.5 million out of a total operating budget of \$29 million.

Superintendent Hubbard reviewed some general points:

- The seismic renovation started with a review of facilities in 2000. That was a Tier I report which would have cost the District approximately \$100,000. The report identified potential buildings that could be problematic in the event of an earthquake. At that time, the District had no monies to do any further study, and following that, the Measure E Bond Program was passed.
- In the Tier I report, Havens was identified as a potential problem, along with the High School Quad/Library building and Student Center, the Alan Harvey Theater, Wildwood and Beach. The Middle School was considered seismically safe because of the type of structure and the date it was constructed. It was suggested that another look be given to the 10's, 20's and 40's buildings and the Maintenance building for review.
- Once Measure E was passed and all of the evaluations were done, a program was developed where seismic issues were identified and buildings were ranked.
- Buildings identified as needing immediate mitigations were: the Maintenance building (being worked on now and expected to be completed by the end of February); the glass classroom wings at Havens (students removed); remove the heavy tile roof on the high school Quad/Library building (removed and installed temporary lighter roof); and Student Center (mitigated by using it less and restricting use). Mitigations were implemented as soon as the deficiencies were identified. The other comprehensive program conducted was for non-structural seismic hazards such as lights that were not attached; items that could fall, etc.
- After the classroom wings at Havens were vacated, community meetings were held and the "Becker Plan" came to the forefront. Under the proposed plan, it was realized that the District could maintain the program budget and address all red-tagged buildings (unusable after an earthquake) and/or possibly yellow-tagged (may be unusable after an earthquake), once the Board agreed to the "Becker Plan" and Webcor Builders agreed to a fixed-price budget and a timeline which tied us to the 2009-10 school year. The District again confirmed that all red-tagged buildings could be addressed.
- Since then, the District put in all the applications available for State funding. The District confirmed that it is eligible for \$11 million based on Havens and the High School alone; that funding eligibility (up to 6 months ago) was money that the State had in their bank already and was not dependent on bonds being sold; it was dependent on the District having approved plans out of the Division of the State Architect and having our plans in. One of the grants we are eligible for by the State is for a "small urban site", and the District would get extra money from the State Allocation Board. The District was expected to receive that money in August 2009. Since that time, due to the budget crisis, State projects have been frozen, our monies have been frozen and therefore, the District cannot reasonably expect that money to be available in August 2009.
- During all of this process, the District has been doing cash flow projections that talk about bonding capacity, when State money would come in, when projects would come due, when items would go to bid, when the District would have to pay its contractors, and the lease/lease-back option with Webcor, which would release the District property to Webcor, Webcor would improve it, the District would pay lease payments, and then lease it back to the District

when they are done improving the site. The District has looked at structures such that it could extend its lease payments beyond the year in which the school is done since the District was unsure about State flow of money and bonding capacity. The District is at the point now that it is within the District's power to make sure that it can pay for the Havens and High School projects and has the cash flow options worked out. Even in this unsteady economy, the District knew the two projects could be finished.

- What is in question in the timeline is that in the second phase – Wildwood and Beach - the District has saved money in the bond program to make sure that when that time comes, there is money in the bond program. The District needs to make sure State fronting funding is obtained in order to get Havens and the High School done. Once the District receives that money, it can proceed with Wildwood and Beach. The intent is that Wildwood and Beach will still be addressed. The only unknown is whether or not the State will have the money in order to address this in the original timeline which has the Wildwood work starting in 2010-11 and Beach in 2011-12. Cash flow from the State is such that this is still in question.
- The District is in constant contact with its advisors in Sacramento to make sure that when the monies come in, the District will get an unfunded authorization like an IOU from the State. They are paid out in date order of receipt. It is important that the District get in line to get its projects funded.

Superintendent Hubbard wants to make sure everyone understands that:

- We do have the capacity to pay for the Havens and High School projects
- We know what our bonding capacity is
- We are keeping true to our promise to the community to keep our indebtedness in the \$120 per \$100,000 or less range
- We have confirmed our ability to make cash flow contingencies as part of our lease/lease-back agreement with Webcor up to two years up to \$10 million
- We can issue bonds in time to pay off our debts
- We will continue to proceed to get all of this in line when the money starts flowing from the State; we can continue on that timeline

At the next Board meeting, there will be a presentation that was given at the Citizens' Oversight Committee meeting on bonding and cash flow.

President Monach opened the public hearing and limited everyone to two minutes. She advised the public that the Board reads all emails sent. She asked that messages not be repeated.

Comments were as follows:

Sue Smegal: in the past when our community has worked together to solve problems, the schools and children have been the great beneficiaries. The Piedmont Educational Foundation was founded to raise monies for the schools. We should react with "what can we do to make this decision work?" She has four grandchildren who will be affected by the interim housing. She said she appreciated the

hundreds of hours the Board members have given away from their families and careers to work on this effort and to work for the betterment of all of our children and she could be counted on to work on lessening worries, maintaining outstanding learning environments, and being part of what makes Piedmont great, no matter what the Board decides.

Andrea Swenson: she is asking the Board to make a decision tonight. Not everyone will be happy. We have a budget crisis that needs the full attention of the Board and administrators. She also feels that the value of a Piedmont education does not depend on the actual physical structure that our students are in: it depends on the students, teachers, and the educational program provided.

Claudia Harrison, speaking on behalf of the Havens Parent Club: she is impressed with the depth of opposition to busing students out of town. She is also concerned that the Board does not have the accurate figures that will allow them to make a decision. Option C was felt to be the best option. Speaking on her own behalf, she asked if it was feasible to keep a small number of portables on Havens for use by Wildwood and Beach. This would allow for an in-town option that is much less expensive, would allow play space, would allow us to create the new field and even have some blacktop if we were to keep the six portables, and if there was some way Webcor could create the field without having to remove all of the portables.

George Childs: he was at the joint meeting of January 26th. Whatever solution is selected, the District must choose what is good for all three years and not split up the sites. It will waste a lot of resources and probably be more disruptive to the student body. Using that philosophy, that would rule out the Blair Park option. He also questioned the in-town option that called for use of the tennis courts. The Emeryville option seems to be the most economic sense. Safety, seismic, and security concerns are not likely to be serious issues.

Rick Rowe: lives on Scenic Avenue on the ridge directly above Blair Park and is a member of the Friends of Moraga Canyon, a coalition of homeowners and neighbors on both sides of the canyon. The group opposes any high-density development of the park, including the proposed sports field complex and a siting for hundreds of students in portables. Traffic and noise are two of the reasons. There would be no level of safety for any students walking to the site. He is appalled at the efforts of the mayor and vice mayor to pressure the school board. This is a wholly inappropriate place for a school site and asked that it be removed from consideration.

Wynne Kokka: their move to Piedmont was based solely on the basis of a community-based school. She is baffled as to why such an unpopular option (busing to Emery) is continuing to be explored. Some negative ramifications are: parents could not regularly volunteer in the schools, collecting scrip monies would be harder, this would be an issue for Piedmont Language School ; there is also an issue of serving of hot lunches. There are fiscal impacts as well – parents would lessen their donations to school fundraising.

Rhodney Williams: our children will be resilient if the choice is made to move to Emery.

Piedmont High School Varsity Tennis Coach Neil Rothenberg: stated there were some misconceptions from last night's joint meeting. He is for maintaining a vibrant tennis program at Piedmont schools. He stated it will not be easy to find a site that would accommodate the High School tennis program. It will decimate the tennis programs at the High School and any City of Piedmont Recreation tennis programs. He checked with Laney College and Merritt College is out. UC Berkeley is out and is too expensive. The Berkeley Tennis Club has no space. The Claremont County Club has no space and is not willing to give up court space. The Claremont Resort also has no space nor a designated site for the tennis program.

Laura Katter; Vice President of the Beach Parent Organization: thanked the Board for all of their work. The fiduciary responsibility of the Board has to implement the bond measure. It seems there are some eleventh hour ideas that sound in danger of overspending the allocation. Stay within the budget so all of retrofitting at all sites can be done.

Kathy Grier: she listened to the joint meeting last night. She is not willing to consider the possibility of not being able to get to the retrofitting of Beach and Wildwood because of the contingencies of consideration of the in-town options. One thing she has learned in this process is the intelligence and resourcefulness of everyone involved and there are still parents who would be willing to volunteer in Emery and provide a bus monitoring solution and we will make it work.

Catherine Teare: thanked the Board for their hard work. She supports the Emeryville option because it is the best option fiscally. We can't wish away the constraints that we face. We commit to working with the final option, regardless of the Board's decision.

Terri Burge, speaking on her own behalf, thanked the Board for all their time and effort. This needs to be a community solution - a three-year solution, not one-year. There should be no delays. Although she would like an in-town solution, Emeryville would be the best option. She heard some speculation on opt-in, opt-out; she encouraged the Board not to choose. The children need the sense of community.

Rob Andrews: he agrees with the previous four speakers, especially with regard to fiduciary responsibility, and appreciates the process the Board has followed.

Catherine Ogle: she supports the previous five speakers.

Elizabeth Epstein: passed out some Wildwood petitions. She supports the Emeryville option. It is a great financial responsibility to follow the criteria.

Wildwood parent Bill Sanders: was amazed at the Emeryville solution which would avoid the portables and split solutions. There is

no viable in-town solution. Wildwood is also heavily used during weekends, summers and holidays. It is equitable that each school site has to move to Emery for one year.

Gil Goetz: all measures but one have varying degrees of inconvenience. The tennis team will be impacted if we continue using the portables at Vista.

Larry Hawkins: opposes any mandatory Emeryville option. Proponent of voluntary Emeryville option. It is an opportunity for the community to pull together. From the joint meeting of last night, the City Council was strong in their view of this issue and that should be taken into consideration, also.

Kurt Fleischer: what has caused this to be so divisive? There is a cluster of Havens parents very much opposed, but this will affect each school. In spite of all the inconveniences, Havens will be getting a brand new school and Beach and Wildwood will be retrofitted. There are people in Emeryville who have volunteered to help out. His only concern is about an earthquake at Emeryville. Every dollar spent on trying to find an in-town solution is a dollar we won't have for retrofitting a building somewhere else. Support the Board in whatever decision is made.

Carin Bradley: thanked the Board for their hours on this issue. In the joint meeting, it appears the roles keep shifting: "those who yell the loudest win" – that's what she noticed. She chooses the Emeryville option over having to lay off teachers or not getting Beach retrofitted.

Parent MJ Dodds: her son is a tennis player; the coach's opinion should be treated as an expert opinion regarding finding other courts. She encouraged leaving the portables off the Vista courts.

Tami Collins: the City Council urged seeking a solution in Piedmont. Havens parents want to be near their children in the community where they live. Teachers from all the sites said they will work together whatever the decision.

Theresa Stricker: she agrees with keeping the fiscal responsibility and keeping costs low in order to complete the construction of Wildwood and Beach.

Burr Nash: appreciates the Board's effort and time in making this difficult decision. Tonight is a choice between passion and pragmatics. Supports keeping the children in town. Please consider this.

Elizabeth Becker on behalf of Havens parents: she has a lot of sentiments and thanks the Board for its time. The parents feel very powerless and it is frustrating. She invited the Board and everyone to participate in an exercise and do something that will benefit five year olds and eight year olds who cannot come here to speak.

Lilis Stern: supports what Claudia Harrison said: Havens only needs 26 portables, including bathroom needs so when assessing the cost of options, there should be a reduction of 4 portables of

each one of the options; and she urges to consider her idea of allowing some portables to stay at Havens to help accommodate our sister elementary schools.

There being no one else wishing to speak, the public hearing was closed.

Board discussion was held.

President Monach said there is a question from the Council regarding what the District wants to do with Blair Park – whether or not we want to be included in the environmental impact report.

Board Member Tolles appreciated that the public seems to understand how difficult the decision is. He would like to craft a solution that gives a concession to all concerned. Could any of the current options be eliminated? If all other Board members feel the same way, he would like to remove Option B (portables remaining at Vista) from consideration. He wants to see the tennis program maintained.

Board Member Raushenbush liked the idea of removing options that don't work. He also feels that portables at Vista will not work. The portables must remain in one place while the construction work is being done because we do not have money to move them. What he heard from the Council is that there would be approval of this for one year but there was no second to the motion of two additional years for keeping the portables on Vista. There don't seem to be obvious solutions. He is not comfortable putting portables on Vista court in the event they have to be moved. The District budgeted \$72,000 for repairing the courts at Vista. Yet the City has estimated \$240,000 to resurface the courts, \$300,000 if the lights have to be taken down and replaced, pay \$30,000 in lost income per year for the portables, and any and all mitigation costs to rent any other courts at \$30/hour. We are looking at a \$5.2 million remedy. In addition, the fire chief has identified low water pressure at the Vista courts. Measure E is not a limitless cost and the option is not feasible.

Board Member Jones agreed and is concerned that the District clear the courts as a goodwill gesture toward the community.

Vice President Gadbois agreed that Options B-1 and B-2 should be taken off the table. He is concerned about the second, third and fourth year of the program. He thinks the Board should be thinking about a fourth year of the program. It is important to look at the burden being placed on different parts of the community.

President Monach agreed. When she thinks about what is going to happen in central Piedmont next year in terms of the magnitude of the project, it is very significant and disruptive. She also thinks about young children being surrounded by all of the construction sounds.

By Board consensus, Options B-1 (Havens, Vista, Wildwood - Vista for 3 years: assumes the use of Vista Courts for 3 years contingent on necessary CEQA review; Havens students on site during Havens construction; construction delay would result in additional cost for portable leases or removal/reinstallation; displaces recreational and

Piedmont High School use of tennis courts); and B-2 (Havens, Vista, Beach, Wildwood - Vista for 1 year: impacts all elementary sites with interim construction; Beach students on site during construction; Havens students on site during Havens construction; assumes the use of Beach courts for two years contingent on necessary CEQA review; displaces recreational and PHS use of tennis courts) were removed from consideration.

Board Member Jones has been keeping a tally of emails received and opinions expressed. Duplicates were not removed and she did not include any emails received today or people who only came to the podium but did not submit an email, which provided the following information: there are about 710 elementary households and of the 710, about 300 are Havens households. There are about 200 each Wildwood and Beach households (information provided by the Piedmont Educational Foundation). Four hundred emails were received: 300 have been since January 10th, and about half are from Havens parents. Her report, which she will finalize, indicates that:

- There were 80 comments on Blair; 50 for and 30 against

From December 10th on:

- Opposition to the Emeryville site: 108 emails out of the 400; 103 from Havens parents
- Added opposing Emeryville for preference for any of the in-towns: 130 emails that favor the in-town split; 120 of those were Havens parents
- About 10 who said they open to anything (7 from Havens)
- There are very few emails from Wildwood (about 37) and same with Beach (73)
- Many people are willing to adapt to any of the solutions
- In terms of favoring Emeryville, there were about 80 (half from Beach, 17 from Havens and 14 from Wildwood)

She will put together the report to make it a part of the public record so it can be seen that it is not the “overwhelming majority” that opposes Emeryville.

Board Member Raushenbush wanted to bring up the Blair Park Option. Board Member Tolles and Vice President wanted to leave the Blair Park Site Option possibility open at this time until it is clear what is happening with the main program.

Regarding the Blair Park site option, President Monach said the critical question she would ask is: does Blair help or hinder the likelihood of the development of Blair Park? Does it satisfy coming in on time and on budget and minimizing disruption to the educational program? She feels the school district should be excluded from the scope of the environmental impact report. She said the Blair Park Site Option is a distant third in her mind.

Board Member Tolles said we need to look at options that best guarantee that we are going to start at least one project in the summer. He thinks it is virtually impossible that all of the projects be completed within three years rather than four. He does not like Option C (Havens / Wildwood Split) because it would delay the High School renovation project.

Vice President Gadbois said we all need to find a way to bring the community back together. He does not support Option A – Emery. He supports Option C but it is a four-year program and postpones the High School renovation. He suggested a hybrid plan which is to use the Havens' portables for the High School construction and move forward with the relocation of those portables; develop the Wildwood blacktop with 8-10 portables; and enter into negotiations with Emeryville to use their facility for some of our children. In the first year, the High School would use Havens while the High School is being done; send 200-250 students to Emery and send another 200-250 students to Wildwood and Beach. The students sent to Emery would all be fifth graders from all three elementary schools, making Emery a fifth grade school. The remaining Havens' students would be split between the remaining classrooms at Beach and Wildwood and expanded to portables at the Wildwood blacktop. Years 2 and 3 would be the same plan for Wildwood and Beach. This is a compromise plan and is not perfect. It is to help alleviate the fears of safety and proximity for Havens parents. It still keeps our project on time for Havens and the High School. It provides a partial solution for a fourth year if we need some sort of plan to extend a project. It's a compromise budget.

Board Member Tolles stated the Board should look at options that can guarantee that at least one project could be started in the summer. Both Beach and Wildwood could go in its entirety to the Emery campus. It is not the equivalent to putting all of the Havens students in Emeryville. Or, an alternate would be to consider moving Havens 4th graders – maybe 3rd graders – and keeping the portables at Wildwood for flexibility.

Board President Monach wanted to speak to the issue of keeping some of the Havens portables on site. Webcor's assumption is that the District cannot keep the portables for much beyond that construction period for operational reasons and contractual reasons (lease/lease-back).

Board Member Raushenbush thanked the public for their input and thanked the Superintendent and Assistant Superintendent once again for all of their efforts. He reiterated that he is going to base his decision on the best interests of the community as an entirety – not any one school or group, and based on facts, rather than speculation and hope. The Blair Park site is no longer a first-year option and the District does not have funds for contributing to the development of the site. There are serious traffic and safety issues involved with the Blair Park option and does not want to keep this option open. So there is Option A – Emeryville, and the hybrid of Option C – year one is Havens at Havens and Wildwood, year 2 is the High School at Wildwood or Havens, and years 3-4 is Wildwood at either Beach or Havens.

Having portables remain at Havens for possibly four years is not a good idea. At Beach, it is difficult because when Beach is under construction, there will not be any adjacent school facilities for any of the students to be. They will be around a construction area. We are a month and a half into the time we are supposed to be making this decision. He doesn't know what the teachers would say about taking

the fifth graders away. He knows the teachers wanted to keep the students together and not split them up. The Board received feedback that fifth grade is not the time to pull students out of school and place them somewhere else. The Emeryville option is less costly. He sees a risk in delaying the High School construction. He is not in favor of Option C. He thinks it is inconvenient keeping portables at Wildwood and Beach. He does not see Blair being an option, either. He is not in favor of Option C or its hybrid, and thinks the cost would be higher than Option A – Emeryville. He does not want to risk a delay in the renovation of the High School. He continues to support Option A-Emeryville as the logical choice if the Lease Agreement is acceptable. He would like a fourth year option included in the lease.

Board Member Jones also sees Option C as a backup plan. She would like to see all the projects done on time. The teachers have been very clear that they prefer to keep the students together so she does not favor the Option C hybrid. She thinks it is complicated and expensive. She thinks the public would be served better through Option A – Emeryville, and that it is the more equitable option.

President Monach said this issue is also hard for her because of a lot of things being said; judgment calls between friends and peoples' fears of providing public input because their choice may not match others. The sooner we get in line for State funding, the better off the District will be. We must meet the projects on time and on budget and that is how we achieve balance for all of the construction programs. She feels Option A – Emeryville, is the best option. The commitment by the staff would be unwavering. Option C is her choice as a backup although she does not like the idea of delay, and the Option C hybrid would be her third choice.

Board Member Tolles moved for a ten-minute break.

Board Member Jones moved for a vote.

Board Member Tolles explained that he wanted to talk some more and Vice President Gadbois said he would like to make additional comments.

Board Member Raushenbush seconded Board Member Tolles' motion for a ten-minute recess.

Board Member Jones' motion died for lack of a second.

Board Recess

President Monach called for a ten-minute recess.

Board Member Tolles feels very strongly that making no modification to the plan, especially based on overwhelming concerns in the Havens community, literally means we will lose program in the coming years. As a Board member, he hopes we can model open and honest debate and honor the process that we are a board and once it is done, it is done, and we need to move forward and be positive. He thinks the Board is exacerbating the economic situation and it will have a negative impact on fundraising for the District.

Vice President Gadbois has struggled a lot with this issue. He is not in favor of the Emeryville (Option A) and when a large number of Havens parents say the Emeryville Option is a big problem to them, he considers that to be just as real as the burden on the Blair Park neighborhood, the Vista neighborhood, the tennis, baseball, soccer players, or the Beach neighborhood. He cannot discount that the parents want their children to go school within a couple of blocks of where they purchased their homes. That is just as much an inconvenience and serious impact as the others. He feels the construction program will become a four-year plan.

He feels some self-assessment needs to be done as a Board and governing team. He felt the process and planning could have been handled a lot better. He does not think an adequate job of long-term planning for this particular exercise – enough time to build in CEQA planning – was done. For the public process, we have given everyone ample time to provide their comments. We have moved from one option to another option to another option and created an environment of “squeaky wheelism”; he would rather build consensus within the community.

However, whatever is decided tonight, he thinks the students will be fine and the students will be safe and continue to receive a high quality education. He will support the majority decision and hopes the entire community will do the same. He asked that, no matter how the parents feel, that they don't take it out on the students by not supporting the schools.

Board Member Raushenbush concurs that not supporting the schools because one is not happy with the final decision ends up hurting the schools and the students. He also doesn't want the school district staff blamed. Over the course of the last three months, Superintendent Hubbard and Assistant Superintendent Brady put in a countless amount of time and effort. The reason why these issues take so long is because they care about the children and are trying to accommodate everything they can think about. In the end, it is a school board decision and the public can take it out on the Board at the next election!

He also wanted to address the possibility he heard of kindergarteners having a choice of going to Emeryville or staying in Piedmont.

Superintendent Hubbard said mathematically it may seem possible, but information and options for accommodations and assignments will be worked on and discussed with the principals and the City of Piedmont Recreation Department that are site-specific to the option chosen. Superintendent Hubbard said the Board has never implemented how students are assigned to schools, how the grade configurations are done, such as a split class, etc.. It is not usually within the purview of the Board.

It was moved by Board Member Raushenbush to direct the Superintendent to enter into a lease agreement with Emery Unified School District to implement Option A.

Board Member Jones seconded the motion with the stipulation that the lease have a provision that after a year, we can renew.

Board Member Raushenbush amended his motion to direct the Superintendent to enter into a lease agreement with the Emery Unified School District to implement Option A seeking at least a two year option with the ability to walk away without penalty if there is insufficient funding to proceed with construction work in Piedmont, and also seeking an option for a fourth year to the extent the District can get it.

Board Member Jones agreed to the amended motion.

The Board was polled and the motion passed as follows:

AYES: Monach, Jones, Raushenbush
NOES: Gadbois, Tolles
ABSTAIN: None
ABSENT: None

President Monach said that with respect to the Blair Park site, she would like to provide a definitive answer formally to the City Council.

Board Member Tolles asked about following up with keeping the Wildwood blacktop as an option if, for some reason, the lease agreement with Emery does not work out.

Superintendent Hubbard said that, upon advice of legal counsel, Categorical Exemptions cannot be filed at the same time, so the Emeryville lease will be pursued first and if that falls through, then a Categorical Exemption can be filed for the Wildwood blacktop.

Board Member Tolles wants the public to know that a thorough inspection of the Emeryville site will be conducted before they are occupied by the students.

It was moved by Board Member Raushenbush and seconded by Board Member Jones that the District spend no additional monies exploring the Blair Park Site Option at this time and that the Superintendent notify the City Administrator of this decision to remove the District from the City's cumulative environmental impact report with respect to Coaches' and Blair Park.

Superintendent Hubbard clarified that if the District wanted to proceed with the Blair Park option, the expectation of the City would be that they will spend significant donated money in moving to the next step and that would be with the promise that it would be the District's first site consideration. Superintendent Hubbard said the City is still proceeding with the CEQA process and traffic study, but what it would affect is seeing what the design difference would be to make the site portable-ready (\$120,000), which would include District help with the development.

Board Member Tolles thanked the Council for giving the Board many options.

The Board was polled and the motion passed as follows:

AYES: Monach, Jones, Raushenbush
NOES: Gadbois, Tolles
ABSTAIN: None
ABSENT: None

President Monach appealed to the community to close ranks and remember we are all on the same team

Board Member Jones requested that the Board consider a new procedure whereby if the meeting goes longer than 11:00 p.m., Board members have to vote to continue. She said the meetings are lasting too long. Superintendent Hubbard will check into the procedure needed to implement this request.

It was moved by Board Member Raushenbush and seconded by Board Member Jones not to spend any additional money at this time on the Blair Park Site option and that the Superintendent notify the City Administrator of that fact.

The Board was polled and the motion passed as follows:

AYES: Monach, Jones, Raushenbush
NOES: Tolles, Gadbois
ABSTAIN: None
ABSENT: None

2. Accept Report of Structural Peer Reviewer, Theodore C. Zsutty Ph.D., for the 100% Construction Documents of the Ellen Driscoll Theater Seismic Retrofit

It was moved by Board Member Raushenbush, seconded by Vice President Gadbois, and passed unanimously to accept the report of structural peer reviewer Ted Zsutty.

Adopt Resolution 09-2008-09, "Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement, and Agreement to Waive Future Claims"

It was moved by Board Member Jones, and seconded by Board Member Tolles to adopt Resolution 09-2008-09, "Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement, and Agreement to Waive Future Claims". This action will settle a test claim regarding reimbursement for costs associated with behavioral intervention plans required by the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides \$520 million in reimbursement for past costs associated with behavioral intervention plans and \$65 million annually for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85% of all districts, county offices of education, and special education local plan areas constituting 92% of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

REVIEW AND DISCUSSION ITEMS
District General Fund Budget Discussion

The Board was polled and the motion passed unanimously.

Superintendent Hubbard advised that District staff have run every scenario possible for the budget. What everyone has agreed on and what School Services of California has made very clear is: whichever one we look at – the legislature's or the governor's, it only

gives a broad idea of the scope for the entire budget:

A PowerPoint presentation providing an update on the State Fiscal Crisis and its possible effects on our District was provided as follows:

- The District 2009-10 Total Operating Budget is approximately \$30 million
- State & Federal funds account for roughly two-thirds of PUSD revenue, or \$19 million
- Local funds, including donations and the parcel tax account for \$11 million
- Projected revenue limit loss for 2009-10 is approximately \$1.1 million (or 7.53%)

PUSD Budget – People:

- 192 Certificated FTE: \$19,000,000
(Teachers, Counselors, Librarians, Math and Reading Specialists, Site Techs, Site & District Administrators)
- 115 Classified FTE: \$6,500,000
(Paraeducators, Custodians, Maintenance, Site & District Clerical support)

Costs for Personnel

- Certificated personnel: \$90,000+
(Teachers, Administrators)

Classified personnel

- Paraeducators: \$40,000
- Clerical Support: \$60,000
- Maintenance: \$75,000
- Cost per day of Instruction: \$107,000

Projected 2009-10 Shortfall:

- Loss of revenue limit funding: \$1.1 million
- Increased costs of operations
(2008-09 vs. 2009-10): \$400,000
- Total projected delta between loss
of State revenue and increased costs
of operations for 2008-09 and 2009-10: \$1.5 million

Program & People Reductions:

\$1.1 million in reductions represents:

- full-time teachers/administrators
- full-time classified employees
- 10 days of instruction

Areas for Review -

Items that do not require negotiation:

- Classified layoffs
- Certificated layoffs
- Administrative layoffs
- Increased class size (under contract limits)
- Reductions in program offerings
- Categorical funding/Carryover flexibility

Areas for Review -

Items that do require negotiation:

- 175 day instructional year (\$535k)
- Reduce 7 to 6-period day at PHS (6.0 FTE)

- Reduce 7 to 6-period day at PMS (4.6 FTE)

Next Steps:

- Administrative team has identified areas for reductions that are the “farthest removed” from the classroom
- The District will not rely on “one-time fixes” to balance the 2009-10 budget

By the Special Board Meeting of February 24th, more detailed information will be available regarding the layoff process. February 15th is the deadline given employees to notify the District whether they plan to retire. The District also need to know who is returning from a leave. The budget will be discussed at joint Support Club Group and Associated Parents Club of Piedmont meetings, and all parent club meetings will be attended to advise them of the budget. There doesn't seem to be a real understanding that the District has to do something. It is not like in past years. The State's lack of clarity in telling school districts what the real target is has been nerve-wracking. On the elimination of Particular Kinds of Services, the Board will be requested to provide large areas to be identified and then hone down to specifics.

Board Member Tolles asked about lowering the economic reserve requirement, to which Assistant Superintendent Brady responded that the County does not look on this favorably. The common message among Chief Business Officials and the County Office is to really limit the opinions on flexibility before it becomes a reality, such as not having to match the Deferred Maintenance and using leftover categorical funding.

Vice President Gadbois stated he would rather explore reducing the instructional calendar day (even though it is a reduction in the actual education of our children and is a forced furlough for the students and must be negotiated), library time, class size or specific programs that do not take away electives in the middle school and high school. He thinks we should hear from parents and other stakeholders. He would not want the Board to make some programmatic changes for one year if the voters would be willing to come back and help support them the following year with the parcel tax renewal.

Board Member Raushenbush agreed that the District should not rely on one-time fixes.

Layoffs will also be discussed at the February 24th Board meeting and voted on at the March 11th Board meeting. Board Member Raushenbush encouraged parents to advise the Board whether they would rather cut services or increase the parcel tax.

Vice President Gadbois advised that the Parcel Tax Advisory Committee is planning two community meetings to learn to what extent does the community want to fund the present program? The Parcel Tax Advisory Committee will give an initial recommendation at the February 11th Board meeting and it will be voted on at the March 24th Board meeting. He asked if there is something that can be done to prevent significant layoffs and something that doesn't have specific program cuts – like less electives and less specific program. Assistant Superintendent Brady responded that at this time, a

revised instructional calendar is not permissible, although it may change at the end of the month.

Board Member Raushenbush said he would rather have a larger class size than to have a program dropped.

President Monach said a listed is needed of what we are expecting the community to support. There could be a supplemental proposal that is much more specific.

Board Member Jones said a specific resolution is needed on what is actually being planned. It should also be written into the Resolution that there be a parcel tax review committee that convenes for every parcel tax measure (every 4 years).

Vice President Gadbois asked: if we increase class size, is there an FTE equivalent or cost amount? Superintendent Hubbard responded it would be about 4.0 to 5.0 FTE (4-5 certificated personnel) for the middle school and high school.

Superintendent Hubbard added that the District is trying to protect the seven-period day, by perhaps reducing the number of school days or class size rather than reducing specific programs. Maybe some one-time fixes make sense. Once you cut a program, it is more expensive to bring back.

Board Member Raushenbush asked what the District can do to increase revenue: perhaps in Adult Education or leasing of the sports field. Superintendent Hubbard stated the District has been looking at the ROP classes. ROP stated they will not cut their funding, but do not plan to add any ROP funding. The District is also looking at eliminating some support services farthest away from the classroom.

Board Member Gadbois asked if the District can increase enrollment by adding more interdistrict students? One idea was to allow the children of grandparents who reside in Piedmont to attend Piedmont schools. The Superintendent posed the difficulty of what means would be used to prove the relationship of the grandparents.

Superintendent Hubbard stated that Endowment Fund does not currently have the monies, yet the Piedmont Educational Foundation knew the District was counting on the money and they affirmed they would provide monies. President Monach added that the District should be concerned that the monies are coming out of the Piedmont Educational Foundation's General Fund, rather than the Endowment Fund. This would indicate that fund raising trends are dropping.

The Support Club Group Presidents and Associated Parents Clubs of Piedmont asked what they could do and at minimum, they are prepared and planning to step up their communications effort with respect to the budget crisis. It is important to get the word out.

INFORMATION ITEMS

Application Opening for 2009 Arthur Hecht
Volunteer of the Year Award

The District is accepting nominations which can be picked up from the District Office or obtained online on the District web site. Last year's recipient was Maude Pervere. The deadline for submittal is 4:30 p.m. Tuesday, March 3.

Special Board Meeting of Tuesday,
February 24, 2009

A Special Board meeting has been scheduled for Tuesday, February 24, when the Board will be asked to take action on the ballot language for the parcel tax renewal which has a deadline of March 6 to go to the Alameda County Registrar of Voters and Alameda County Board of Supervisors. The Board may also be requested to review recommendations for reduction in Particular Kinds of Service, which will be finalized on March 11. There will definitely be reductions in personnel.

CORRESPONDENCE

None

BOARD REPORTS

Board Member Jones attended a boot camp for new and interim Board members in Sacramento. She learned that if agenda backup material is not available until after close of business, it is reasonable that the packet would not be able to be sent out until Monday morning. The agenda can still be sent out on a Friday.

CONSENT CALENDAR

It was moved by Vice President Gadbois, seconded by Board Member Tolles and passed unanimously to approve the Consent Calendar presented as follows:

- A. Accept School Accountability Report Cards, 2007-08
 - Beach Elementary School
 - Havens Elementary School
 - Wildwood Elementary School
 - Piedmont Middle School
 - Piedmont High School
 - Millennium High School

The Board of Education views School Accountability Report Cards as one way of informing the community about conditions, needs and progress at each school and to provide data by which parents/guardians can make meaningful comparisons between schools
- B. Approve Consolidated Application, Part II
The Consolidated Application (ConApp) is used by the California Department of Education (CDE) to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California. Annually, in June, each local educational agency (LEA) submits Part I of the application to document participation in these programs and provide assurances that the district will comply with the legal requirements of each program. Program entitlements are determined by formulas contained in the laws that created the programs. Part II of the application is submitted in the fall of each year and contains the District entitlements for each funded program. Out of each state and federal program entitlement, districts allocate funds for indirect costs of administration, for programs operated by the district office, and for programs operated at schools
- C. Approve one Consultant Services Contract with Anna Bach-y-Rita, to provide school psychologist services to the district, effective February 1, 2009 through June 30, 2009, at a total cost not to exceed \$18,000.00. Funding Source: Special Education

- D. Approve one Consultant Services Contract with Helen Miller, to provide an assistive technology evaluation, report and attend an IEP meeting for one middle school student, effective December 30, 2008, at a total cost not to exceed \$1,485.00. Funding Source: Special Education
- E. Approve one Consultant Services Contract with Shelly Lynn Hansen, M.S., SLP, of Think Social East Bay, to provide social pragmatics therapy for one kindergarten student, effective December 3, 2008 through June 30, 2009, at a cost not to exceed \$2,295.00. Funding Source: Special Education
- F. Approve one Individual Service Agreement with Falcon Ridge Ranch, to provide basic educational services for one high school student, effective January 15, 2009 through June 30, 2009, at a total cost not to exceed \$9,000.00. Funding Source: Special Education
- G. Approve one Consultant Services Contract with Piedmont Recreation Department/Tot Zone, to provide pre-school classes for one pre-K student, effective September 1, 2008 through January 31, 2009, at a total cost not to exceed \$2,569.00. Funding Source: Special Education

FUTURE BOARD AGENDA ITEMS
(subject to change)

- Mid-year assessment on goals and objectives (Feb)
- Review and Adopt Yearly Budget Development Calendar, 2009-2010 (Feb)
- *Everyday Math* Program Review (Feb)
- Adopt Resolution for Reduction in Particular Kinds of Services (Certificated) (March)
- Review 2008-09 Second Interim Financial Report of the District; Accept a “*Qualified Certification*” of the District’s Ability to Meet Financial Obligations for Current Year and Subsequent Two Fiscal Years; and Adopt Resolution Authorizing Budget Transfers of Funds (Mar)
- Revised Board Policies/Administrative Regulations on Discrimination / Hazing / Harassment, Including Sexual Harassment, Intimidation, Bullying & Cyberbullying – a section on HATE CRIMES to be added (April/May)
- Review of Board Bylaws (Section 9000) (TBD)
- Board Policy/Administrative Regulations 6163.4, “Acceptable Use of Technology” (TBD)

CONVENE TO CLOSED SESSION

It was moved by Board Member Tolles, and seconded by Board Member Jones to convene to Closed Session at 12:17 a.m. to continue discussion on the Emery Lease Agreement.

RECONVENED TO OPEN SESSION

The Board reconvened to Open Session at 12:40 a.m. There was no action taken in Closed Session.

ADJOURNMENT

There being no further business, and with no objections by the Board, President Monach adjourned the meeting at 12:41 a.m.

JUNE MONACH, Board President
Piedmont Unified School District
Board of Education

CONSTANCE HUBBARD
Secretary, Piedmont Unified School District
Board of Education