

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

MINUTES OF
Regular Meeting of the Governing Board

October 27, 2010

CALL TO ORDER	Board President Roy Tolles called the meeting of the Board of Education to order at 6:02 p.m.
ESTABLISHMENT OF QUORUM	Board Members Martha Jones, June Monach
ABSENT FROM CLOSED SESSION	Vice President Rick Raushenbush (excused), Board Member Ray Gadbois (excused)
ADJOURN TO CLOSED SESSION	The Board adjourned to Closed Session at 6:03 p.m. to discuss: A. Conference with District Negotiator Constance Hubbard Regarding 2010-11 Negotiations with the Association of Piedmont Teachers (APT) (Government Code Section 54956.6) B. Conference with District Negotiator Constance Hubbard Regarding 2010-11 Negotiations with the Association of Piedmont Administrators (APSA) (Government Code Section 54956.6)
OTHERS PRESENT IN CLOSED SESSION	Constance Hubbard, Superintendent Michael Brady, Assistant Superintendent, Business Services Dr. David Roth, Assistant Superintendent, Educational Services Namita Brown, Legal Counsel for District, Fagen Friedman & Fulfrost
RECONVENE TO REGULAR SESSION	Board President Tolles called the Regular Session of the Board of Education to order at 7:08 p.m. and led the Board and audience in the Pledge of Allegiance.
ABSENT FROM REGULAR SESSION	Vice President Rick Raushenbush (excused), Board Member Ray Gadbois (excused)
OTHERS PRESENT AT REGULAR OPEN SESSION	Constance Hubbard, Superintendent Michael Brady, Assistant Superintendent, Business Services Dr. David Roth, Assistant Superintendent, Educational Services
REPORT OF ACTION TAKEN IN CLOSED SESSION	None
AGENDA ADJUSTMENTS	None
COMMUNICATIONS / ANNOUNCEMENTS	
Association of Piedmont Teachers (APT)	APT President Harlan Mohagen is amazed at how quickly the quarter is ending (this Friday). She urged everyone to vote on November 2 nd .

Gabriel Kessler, a 4th grade teacher at Wildwood, expressed his appreciation for the Board, community and administrator support, which has made a difference in the classroom and an impact on curriculum. An inservice day for a writer's workshop between the three elementary schools was held and that work has continued to grow and be sustained; he has also seen more fluency in the students and in their writing scores.

California School Employees Association (CSEA) None

Associated Parent Clubs of Piedmont None

Student Representative to the Board Eric Huppert, Student Representative to the Board, reported that:

- First Quarter of the school year is coming to a close
- In Civics classes, seniors are doing urban planning
- The Robotics Club with their fighting robots was mentioned in an article in the San Francisco Chronicle
- Fall sports are also coming to a close, along with league playoffs
- The Associated Student Body Food Drive is starting up; last year, Piedmont High School set a record among schools for collecting the most food; this year, they hope to do the same
- A mock election was held yesterday. Students were able to take an actual state ballot. The results came in today. It was good for the students to see how politics affect them.

PERSONS REQUESTING TO SPEAK ON ITEMS NOT ON THE AGENDA

Amy Jeffries, editor of Piedmont Patch, a new news and information web site, introduced herself to the Board.

Several students for the Civics class attended the Board meeting and brought up the following issues:

- The Piedmont girls' golf team needs to have a North Coast Section equivalent in order to compete (Superintendent Hubbard directed the student to the California Interscholastic Federation League Designee for Piedmont, Piedmont High School Principal Randall Booker)
- Members of the girls' varsity basketball team requested new uniforms and did a lot of fundraising for that purpose. They were then told it might be an issue. Is there any way students can have more control over the purpose for which they thought they were fund raising? (Superintendent Hubbard again directed the student to Piedmont High School Principal Randall Booker)
- A student has been taking the Ceramics class for the past four years. This fourth year, a new pug mill has been obtained and she thanked the District because it is very useful
- During the recent District-County disaster drill, although it was a beneficial use of class time, it would have been better if the teachers had explained what would be done in a situation if the drill happened during lunch or a free period
- The District tends to base some curriculum decisions on the English Language Arts surveys participated in by parents who may not know much about how students are doing; it would be

beneficial to see more surveys directed to students. In terms of the budget, it would be great if there was more student involvement about what is happening and solicit student input.

Jon Elliott, community member, speaking on behalf of himself, wanted to talk about the public disclosure which was made in the sunshining of the Associated Piedmont Teachers (APT) contract which he thought was flawed. It was presented as a proposal, and submitted for the consideration of the Board, as of four weeks ago. As of two weeks ago, when the Board discussed it, it was hinted at that the decision had already been made in Closed Session and so the fact that it was a proposal might have met a formalistic requirement and there had not been a formal public vote. As a member of the public, a call for comment suggests that the Board is ready to listen to the public and a disclosure such as, "we are disclosing a decision made and you are invited to express an opinion", would have called for a level of, "I liked it", or, "I didn't". He tried to have comments that were substantive and might help in forming a decision, but it turned out the process had already passed. When might the public have made comments that the Board would have been ready to hear? Had a call gone out for comments, they could have usefully been made. At the Special Meeting in May, the attorney suggested that a Board workshop be held before Closed Session so the Board could gather information from constituents. In the immediate term, the Board will be sunshining the contract in two weeks. If a decision has been made, disclosing it as a disclosure would at least give members of the public the "straight shot" on what kind of comments are not a waste of time. Looking forward, the next time the Board looks at going into Closed Session to debate or discuss things, something to think about is: is this something where the only input needed is from the Superintendent and staff, or to consider whether it is a matter of public concern and where it is possible, that at least one member of the public in town may have an opinion or information that is useful to the process, and if so, please give us that opportunity.

Steve Schiller, member of the Piedmont Recreation Facilities Board, talked about the Blair Park project, which has been under development for a long time and is coming before the City Council on November 15th and December 6 regarding the Environmental Impact Report. The Recreation Facilities Board is taking the opportunity to talk to various groups about the project. The Blair Park is a recreation park including some sports fields, it is a community project. He invited the Board to participate in the hearings. They are looking for support of the project.

David Hunt, Piedmont High School senior, stated he has seen the effects the budget has had on the classrooms. This year, his Journalism class has approximately 31 students and there aren't enough desks for anyone; sometimes students sit on the floor. He is asking what the student body can do to help.

Superintendent Hubbard added that has already had a conversation with this student wherein she stated students can help keep costs lower by: controlling litter (we pay someone to pick up student garbage); protecting school property – she recently ran a skateboarder off for skateboarding on a new retaining wall; and encouraging parents not to make appointments for students during

school time so the District will not lose State money. She stated that District staff would be glad to talk to any class or the student body at any time.

Superintendent Announcements

Superintendent Hubbard stated that, as one of the students mentioned, the District conducted a joint County-wide and District-wide Disaster Drill on October 21.

Board President Announcements

President Tolles presented an engraved gavel to outgoing Board President Ray Gadbois for his service as President.

REVIEW AND ACTION ITEMS

Seismic Safety Bond Program:
Approve Notice of Completion for the
Seismic Safety Bond Program for Havens
Elementary School

Webcor Builders completed the Havens Elementary School in the first week of August. The Division of the State Architect (DSA) Form 6 indicated that 98% of the work has been completed. Remaining issues are for small punch list items, such as some handrails and signage. There are also some issues related to the synthetic field turf, such as seams that require work, and the District is still waiting for warranties from the manufacturer. Therefore, District staff is recommending a retention of \$230,000. Filing a Notice of Completion on the project protects the District from any future liens and should be filed as soon as possible.

There was no one from the public requesting to speak.

It moved by Board Member Monach and seconded by Board Member Jones to approve the Notice of Completion for the Seismic Safety Bond Program for the Havens Elementary School Project.

The motion passed as follows:

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

Staff Report and Preliminary Discussion of Witter Field; Board to Provide Next Steps

Superintendent Hubbard advised that representatives from various community-based user groups for soccer, lacrosse, rugby, and baseball have requested that the Board re-visit the limited use of Witter Field so that more organized groups have access to the fields on Sundays.

She reviewed a staff report on the history of Sunday use restrictions for the Witter Field Complex which stated that the issue of use of Witter Field on Sundays has been of interest for all of the years since the Witter Field Complex was renovated in 1997. The staff report stated that the Witter Complex has a softball field, a baseball field, track, and football field. The use was restricted in the early years to fulfill a commitment to the community to make the complex available for "casual" use for community members and as part of the need to "rest" natural grass turf.

Additional background information was provided with the Staff Report: Staff Report from Superintendent Hubbard to Board dated April 7, 2004, "Discussion of Witter Field Issues Raised at Focus Group Sessions"; Staff Report from Superintendent Hubbard and former Assistant Superintendent Richard Green to Board dated April 28, 2004, "Consider Recommendations Concerning the Use and Access of Witter Field Athletic Complex"; Staff Report from

Superintendent Hubbard dated September 14, 2005, "Review of Pilot Program for Sunday Use of Witter Field"; and Staff Report from Superintendent Hubbard dated September 28, 2005, "Approve Continuance of Program for Sunday Use of Witter Field". The background material summarized the most recent review of the use restrictions that in 2005 led to the pilot and eventual extension of limited permitted use of the Witter Complex on Sundays. The process involved several meetings and outreach to approximately 300 families in the proximity of the Witter Field Complex.

Superintendent Hubbard continued that there have been reports of unofficial organized user groups on the fields on Sundays for which the District does not receive revenue and in effect does not allow for the intended casual use by the community. There are also reports of concerns when a non-permitted group violates accepted common practices such as use of profanity and/or misuse of support facilities such as restrooms.

Consideration by the Board has been requested to allow additional Sunday use for all of the fields in the Witter Complex including allowance for games and opportunities for organizations that serve older children. Requests include allowing use during the currently restricted months between April and October; not restricting use for organizations that serve students 12 and under; expanding the hours of availability to include mornings and later afternoon times; and not limiting Sunday use for baseball and softball fields to eight for the year.

Concerns include the need to have District personnel available on weekends to monitor restrooms and lock and unlock gates, traffic and noise for neighbors, and the previous commitment to limit the use on Sundays. The arguments for additional revenue for the District and the suggestion that the permitted use would, in fact, allow for more controlled use has also been heard.

The Superintendent requested that a proposal be developed and sent out in advance, rather than having several public hearings to discuss the details.

Board Members present were in consensus with directing the Superintendent to develop a draft proposal for a pilot program of expanded use of Witter Field on Sundays for the Board to review at the November 10th Board meeting. Following the meeting, a letter will be sent out to Witter Field neighbors indicating what the proposed plan is for extended use on Sundays, and advising them that the plan will be adopted at the Board meeting of December 10th following a public hearing.

Discuss and Provide Direction on Purpose and Purview of Parcel Tax Program
Citizens' Advisory Committee

Superintendent Hubbard noted the original charge of the Citizens Advisory Committee as established and adopted by the Board on May 27, 2009. Recently, three committee members resigned. The Parcel Tax Committee was established as part of the approval of Measures B and E to provide recommendations as to the levy of the Parcel Tax. The original charge of the committee, the issue of terms and required representative composition of committee membership were reviewed.

At its October 13, 2010 meeting, the Board felt the original charge of the committee needs to be revised to reflect terms of service. The Citizens' Advisory Committee requested to learn from the Board what areas to address.

President Tolles felt since this is an advisory committee to the Board, the Board must provide clear direction because the current charge is too broad.

Board Member Gadbois, who was unable to attend the Board meeting due to illness, provided a statement on his thoughts of the purpose of the Citizens' Advisory Committee for the Parcel Tax Program, which was read by President Tolles. A portion of Board Member Gadbois' statement stated that he feels the primary purpose is to provide the Board and community with a clear and comprehensive analysis of the school district budget, including important metrics, historical trends, and comparisons with other high-performing school districts, and a high level analysis of the impact of the parcel tax on the District budget. Based on this analysis, the committee should make a recommendation to the Board on the parcel tax amount to be levied in the coming year. He does not feel the committee should expand its scope beyond its financial analysis and tax recommendations without clear directions from the full board. He does not expect the committee to research, analyze and make recommendations with regard to the educational program, curriculum, contract negotiations, etc. which, in his opinion, is outside the purpose, scope, and expertise of the committee, and duplicates the work already being done by other groups, including the administrators, the Curriculum Forum, the Budget Advisory Committee, the negotiating team, and the Board. It turns the Citizens' Advisory Committee into an open-ended policy-making body that was never proposed or anticipated and it makes the committee's decision making process less analytical and much more political. As such, he believes the scope of the committee should not be expanded without the majority vote of the Board. The committee should provide objective analysis and information regarding the District budget and the parcel tax and committee members should be solicited with the requisite skills to provide this information.

The committee started with ten persons and now is down to seven, which is the minimum.

Board Member Jones thanked the committee for its service to date. Reports submitted have been useful and very comprehensive. Although not obligated to advertise for more Citizens' Advisory Committee members, it would be a good idea. She feels the charge of the committee is to make a recommendation on the parcel tax for next spring.

Board Member Monach also thanked the committee for their work. She agreed that applications should be sought for additional members, sooner rather than later. She also agrees that the crux of the charge is to make a recommendation on the parcel tax for next spring. The Board should take some responsibility for the fact that in this first year, it needed to see how the committee would work and focus on the charge of the committee. It was interpreted more

broadly than she would have liked so she agrees with Board Member Gadbois' statement that the primary charge be to do the objective review of the District's financials, and develop a recommendation in the form of an annual report that is tied to our budget development cycle on whether to levy and at what level to measure both measures. The work should also be tied in direct alignment of the budget development process and the meetings of the Budget Advisory Committee. It would also be helpful and effective to add in the charter language that it would require a majority vote of the Board to identify what additional questions we are asking of the committee in providing additional advice. In terms of process, the Board has received communications from the chair and she supports the chair exploring different ways to improve upon the internal workings of the committee. The committee identifies itself as a quorum as consisting of four members present when it should identify a quorum as a majority of the total number of committee members and also delineate that in terms of committee decision-making and actions that it takes, that it be the majority of members present at the meeting. The committee as it stands has a high frequency of meetings. The committee should settle on a focus and work plan for a report to the Board on February 1. Regarding committee membership, she would refer to the Board liaisons to the committee to work with Superintendent Hubbard in terms of repopulating the committee.

President Tolles agreed. He stated the financial information has been extremely useful. He would like to see certain charts carried on over time in order to provide a history of key metrics. He would like to get some back-and-forth between the Board and the committee as to which reports are the most valuable, which ones could be improved upon, etc. He agrees that new members should be sought. He and Vice President Raushenbush are the two Board liaisons to this committee. Recommendations on the parcel tax levy is the main task. The Board should decide how it wants information provided to them.

Board Member Monach added that consensus cannot always be achieved on a committee and she would like to see the majority and minority opinions on recommendations, which is already part of the structure of the committee.

Public comment was received as follows:

Jon Elliot, chair of the committee, agreed that the Board's thoughts characterize the ups and downs of the committee last year.

Eileen Ruby, former member of the Citizens Advisory Committee, said she resigned before her two-year term was over because the committee turned out to be different than what she had expected. She thought the committee's conversations about whether to recommend levying the taxes would focus on whether the District was delivering what the voters wanted when they passed these measures, as opposed to what committee members wanted. She had expected that their only charge would be to make recommendations about the levy. She was surprised to find out that the committee intended to pursue a broader agenda than that and that the language of the founding document was being interpreted to justify inquiry into policy areas that, in her perspective, were not

relative to the committee's charge. She feels precedents are being set and she would like the Board to consider that (1) the purpose of the committee is to make recommendations on whether to levy the parcel taxes and if so, at what level, but the language in the charge is quite specific with regard to Measure E – there is specific criteria with how to determine if the tax should be levied. With Measure B, it only says the committee shall explain the basis for its recommendation, but there is not any direction about what that should be based on. She suggested that it be specified that the basis for the recommendation should be how much tax has to be levied to meet the expectations of the voters? In other words, is the tax funding what it is supposed to fund, and does it need to be levied at the full amount in order to maintain as much of the program as possible, keep the class sizes as small as possible, and attract and retain the best teachers? The basis should be whether the will of the voters is being met, not if the opinions of the committee members are being met.

Her second suggestion is that Superintendent Hubbard mentioned that there is a provision in the charge that says the Board may also ask the committee to provide additional evaluations. The school board never actually voted to ask the committee to perform tasks over and above the basic report. The way this played out is that the committee brought up some things that some of the committee members were interested in looking into and asked school board members if they could do these things. Since a variety of answers were received by Board members, the Board was invited to a Citizens Advisory Committee meeting and asked to clarify specifically what kind of research they wanted the committee to do. Different answers came from different Board members. So the result of that is that each CAC heard that at least one school board member was interested in what he/she wanted to do. So it was taken as license to form subcommittees and do all the different things committee members wanted to do. Her suggestion is that, in the future, requested to provide additional evaluations, if there are any, should be generated by the Board to the CAC and not the opposite direction. She hopes the committee's charge is narrowed down to the primary purpose of issuing an annual report of levying the tax measures. Broadening the charge has had the effect of creating a shadow school board and requiring our administrators to spend more time than is desirable staffing that shadow board as well as this one.

Amal Smith, President of the Piedmont Educational Foundation, wanted to reiterate Ms. Ruby's statement. Ms. Smith said it seems like the CAC has overreached its mandate, it's primary purpose. There is a big disconnect between the implied mandate and the information that is provided by the committee and it does not seem at all directly related to the parcel taxes. She does not feel the charge of the committee should be to do research and recommend new policies. It feels like a shadow board. Part of the issue is that if she stands before the Board and speaks as a private citizen, it has a certain amount of weight, but if the chair of the Associated Parents Clubs of Piedmont (APCP) or a Parent Club or as President of the Educational Foundation, there is a certain amount of seriousness or implied consensus behind that and to her, some of the information from the CAC is very good, but should not come from the committee. It is information and recommendations from

private citizens and should be recognized as such. She also feels the Board should limit the mandate of the committee back to its original purpose, and if the Board is seeking information on special projects, she would suggest forming special advisory groups but not to tag it on to something that is part of the Citizens Advisory Committee to the Parcel Tax Program, Measures B and E..

Board Member Monach stated that, given what has been discussed, she is wondering if there is a way the Board could request the Board liaisons to the CAC (Board Members Raushenbush and Tolles) to work with the Superintendent and develop some proposed revisions to clarify and tighten the language in the original charter and then come back to the Board for review and approval of a revised charge before it goes out to advertise for additional members. Board members present were in consensus with this suggestion.

Chairperson Jon Elliott was asked by President Tolles on timeline for revising the charge and soliciting new committee members. The next scheduled meeting of the CAC is November 18th, therefore, guidance from the Board would be appreciated before that time.

INFORMATION ITEM State Budget Update

Assistant Superintendent Brady reported that the State Budget has passed, nearly 100 days after it was due. The good news is that it restores many of the cuts that were from the May Revise (.39% COLA and \$250 per student revenue limit). In essence it reduces what was a deficit factor of 22% down to about 18%. In hard dollars for the District, our revenue limit goes from about \$12.6 million to \$13.2 million. In the context of the revenue limit that we have lost per ADA, instead of losing \$2.5 million in revenue, it is now \$1.9 million. The District still has a factor of there being less revenue coming to the District and it is way below which the District reserved in 2008. When the budget is due, a revised budget will be presented within 45 days. If there are substantive changes, they will be done. The District also received one-time federal funds in the amount of \$430,000. The First Interim will show expenditures through October 31, 2010 and will be more comprehensive with the new assumptions. The District could still be looking at mid-year cuts.

CORRESPONDENCE

Since the last Board meeting, several emails were received: one from an elementary parent on the budget deficit; an email from a community member on the "plain writing act" of 2010; a couple of followup emails from the same elementary parent regarding use of private donation funds from parent clubs; an email from the co-chair of the CAC regarding this evening's agenda; and an email from a community member who offered a revenue-producing idea in terms of publicizing the availability of the new Havens site to film and advertising communities.

BOARD REPORTS

Board Member Monach attended two different meetings. One was the Diversity and Respect Task Force and the other was the Beach School Site Council meeting. She appreciates the additional work taking place with staff on taking on the conversion of Infinite Campus as well as Data Director. The programs are tied into taking attendance, progress reports, academic reporting, etc. It is touching many staff members.

Board Member Jones attended a Wildwood Site Council meeting, a Tri-School meeting, and several high school meetings. She thinks it is a great idea to have tri-school elementary meetings.

President Tolles attended the Piedmont Educational Foundation meeting last Thursday. At the recent Bond Steering Committee meeting he attended, it was agreed that most of the demolition work at Wildwood has been done.

CONSENT CALENDAR

President Tolles acknowledged the donations of \$500 from Peter Ormond for plaques at the Havens Elementary School, \$1,000 from George Zimmer for the same purpose, and an anonymous donation in the amount of \$6,000 for the District's General Fund.

It was moved by Board Member Jones and seconded by Board member Monach to approve the Consent Calendar as presented. There were no comments from the public.

The motion passed as follows:

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

Consent Calendar items were as follows:

- A. Accept Donations
- B. Adopt Regular Board Meeting Minutes of October 13, 2010
- C. Approve Personnel Action Report
- D. Approve Warrant List for Goods & Services Rendered for: June 2010, July 2010, August 2010, and September 2010
- E. Master Contracts and Individual Service Agreements:
 1. Approve one ISA with Star Academy to provide adapted physical education for one student, effective October 4, 2010, through June 30, 2011, at a total cost not to exceed \$1,408.00. Funding: Special Education
 2. Approve reimbursement to parents of one student for Algebra tutoring, effective August 23, 2010 through October 3, 2010. Funding: Special Education

FUTURE BOARD AGENDA ITEMS

Future Board Agenda items are listed as follows:

- Approve Single Plans for Student Achievement for (Nov)
Piedmont High School, Piedmont Middle School, Beach,
Havens, and Wildwood Elementary Schools and
Millennium High School
- Approve School Site Safety Plans, all sites (Nov)
- Review ("Sunshine") Contract Reopener Proposals (Nov)
for 2011-12 Negotiations Between the District and the
California School Employees Association, Chapter 60
(CSEA)
- Proposal Between District/City on Athletic Facilities – (Nov)
Preservation Fund
- Review First Interim Financial Report and Approve (Dec)

a Positive Certification of the District's Ability to Meet Financial Obligations for Current and Subsequent Two Fiscal Years;
Authorize Appropriate Budget Transfers

- Comprehensive Summary of Bond Program Expenditures (Dec)
- Board Workshop on Interdistrict Transfers (TBD)
- Review of Board Bylaws (Section 9000) (TBD)

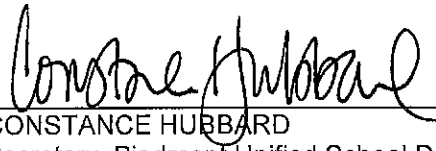
Future Board items to be added are the Citizens Advisory Committee to the Parcel Tax Program - Charter Review and the Witter Field Proposal for Expanded Sunday Use

ADJOURNMENT

There being no further discussion, and with no objections from the Board, President Tolles adjourned the meeting at 9:20 p.m.



ROY TOLLES, Board President
Piedmont Unified School District
Board of Education



CONSTANCE HUBBARD
Secretary, Piedmont Unified School District
Board of Education