

**SACRAMENTO COUNTY BOARD OF EDUCATION**

**Minutes of the Regular Meeting of April 5, 2011**

Agenda

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes of the Regular Board Meeting of February 15, 2011  
Approval of the Minutes of the Regular Board Meeting of March 1, 2011
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
  - A. General Public
  - B. Employee Organizations
- VII. Superintendent's Report
  - A. Recognition of SCOE Staff
  - B. Recognition of the May 2011 Employees of the Month
  - C. Substitute Employee of the Quarter
- VIII. New Business
  - A. Adoption of Consent Agenda
    1. Report on Personnel Transactions
    2. Award Diploma to Court School Student
    3. Adopt Resolution No. 11-07 – Declaring April 10-16, 2011 as Week of the Young Child
    4. Accept Donation to the Operation Recognition Essay Scholarship Program
  - B. No Approval of Contracts
  - C. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets
    1. \$209,871 Reading First, Regional Technical Assistance Center (R-TAC), Special Education Teacher Professional Development (SETPD) Pilot Project grant from Federal –Title I, Part B funds for the period October 1, 2010 through August 31, 2011
    2. \$250,000 Supporting Transitional Kindergarten in California grant from the David and Lucile Packard Foundation for the period April 15, 2011 through March 31, 2012
  - D. Award Bid for External Financial Auditing Services
  - E. Adopt Resolution No. 11-08 In Support of Senate Constitutional Amendment 5 (SCA 5 - Simitian)
  - F. Adopt Resolution No. 11-09 – Resolution In Support of SB 821
  - G. Adopt Resolution No. 11-10 A and Resolution No. 11-10 B – Resolutions to Pay Absent Board Members
  - H. Approval of Contractor to Assist With Adjustment to Sacramento County Board of Education Trustee Areas Based Upon 2010 Census Data
  - I. Second Reading and Proposed Elimination of Board Policy 5122 – Performance Goals and Indicators

- J. Second Reading and Proposed Elimination of Board Policy 5122.1 – Participation in Assessments
  - K. Second Reading and Proposed Elimination of Board Policy 5400 – Free Appropriate Public Education
  - L. Second First Reading and Proposed Elimination of Board Policy 5405 – Full Educational Opportunity
  - M. Second Reading and Proposed Elimination of Board Policy 5410 – Child Find
  - N. Second Reading and Proposed Elimination of Board Policy 5415 – Individualized Educational Program (IEP)
  - O. Second Reading and Proposed Elimination of Board Policy 5420 – Least Restrictive Environment (LRE)
  - P. Second Reading and Proposed Elimination of Board Policy 5425 – Procedural Safeguards
  - Q. Second Reading and Proposed Elimination of Board Policy 5430 – Annual/Triennial Reassessment
  - R. Second Reading and Proposed Elimination of Board Policy 5435 – Confidentiality
  - S. Second Reading and Proposed Elimination of Board Policy 5440 – Part C– Transition to Preschool
  - T. Second Reading and Proposed Elimination of Board Policy 5445 – Private Schools
  - U. Second Reading and Proposed Elimination of Board Policy 5445.a – Service to Disabled Students Voluntarily Enrolled in Private Schools 56205(a)
  - V. Second Reading and Proposed Elimination of Board Policy 5550 – Student Assessment
  - W. Second Reading and Adoption of Proposed Revisions to Board Policy 2600 – Compliance Assurances
  - X. Board Report – After School Programs
  - IX. Board Reports, Comments, and Ideas
    - A. Board Members
    - B. Board President
    - C. Committees
  - X. Items for Distribution
    - A. April/May Events
    - B. April/May Visits
  - XI. Schedule for Future Board Meetings:
    - A. April 19, 2011 – No Report
    - B. May 3, 2011 – PASS
    - C. May 10, 2011 – Board / Superintendent Study Session
    - D. May 17 – Operation Recognition
  - XII. Adjournment
- 

I. President Fong called the meeting to order at 6:40 p.m. in the Board Room of the David P. Meaney Education Center, Sacramento Office of Education, 10474 Mather Boulevard, Mather, California. Board members present were Greg Geeting, Brian Rivas, Brian Cooley, Harold Fong, Eleanor Brown, John Scribner, and Jackie Levy. Also present were David W. Gordon, Superintendent and Secretary to the Board; Martin

J. Cavanaugh, Deputy Superintendent; Teresa Stinson, General Counsel; Robin Pierson, Joyce Wright, Tammy Sanchez, Tim Taylor, Sue Stickel, and John Fleischman, Assistant Superintendents; Judy Holsinger, SELPA Executive Director; Effie Crush, Chief Administrator-Human Resources; Tim Herrera, Director of Communications; Gary Barker, SCOETA; Bill Mullen, CSEA; other staff and visitors; and Sherri McFall, Recording Secretary.

II. President Fong led the Pledge of Allegiance.

III. On a motion by Mr. Geeting and seconded by Mr. Rivas, the revised minutes of the Regular Board Meeting of February 15, 2011 were approved. Motion carried unopposed.

On a motion by Ms. Levy and seconded by Mr. Scribner, the revised minutes of the Regular Board Meeting of March 1, 2011 were approved. Motion carried unopposed.

IV. Mr. Geeting moved to adopt the agenda. Mr. Rivas seconded the motion, which carried 6 ayes, 1 abstention (Scribner).

Mr. Scribner wished to state for the record that he thought he was very clear at the March 22, 2011 Study Session when he specifically requested an agenda item on the budget for discussion and possible action on the April 5 agenda yet he sees nothing on this agenda and that he is restating his request. President Fong stated that the item is listed under Item X as an informational item but not an action item. Mr. Scribner stated that he specifically requested the item to be for discussion and possible action and therefore, he is restating his request and asked that any other Board members join him in his request.

Mr. Cooley stated he will join Trustee Scribner in his request. He also asked for clarification on the process for requesting items to be placed on future agendas. President Fong replied that the Board President and the Superintendent set the agenda based on trustee requests but not all items are automatically placed on the agenda. He added that he and Superintendent Gordon discussed Trustee Scribner's request and agreed that they would add it to the agenda as a discussion item only.

Superintendent Gordon added that it has been the Board's process that the Budget Committee consider budget issues and frame budget items to come before the Board. He was concerned that we may be risking disrespecting the Board's own committee process especially since your Budget Committee Chair was not present at the discussion on March 22. He stated he had previously expressed this concern to President Fong.

President Fong stated that he requested this situation be remedied by calling a Budget Committee meeting prior to today's meeting so that the Budget Committee could have that discussion prior to coming here and it was declined by the Superintendent. Superintendent Gordon stated that there was not enough time.

Mr. Scribner said he would have appreciated the courtesy of a notice. He stated further that as he understands it, this Board is the one empowered by the voters so he asked that in the future Board members be afforded that benefit by the Chair since the Chair is elected by the other Board members.

Mr. Cooley added that even though our Bylaws are very clear that the agenda is set by the Board President and the Superintendent, it's been the practice of this Board, as a courtesy to individual Board members, that if an item is requested to be placed on the agenda that request is generally honored.

V. There was no official correspondence.

President Fong asked General Counsel Teresa Stinson if he could comment on a letter received by all of the Board members. Ms. Stinson asked to see the letter. Mr. Geeting gave a copy of the letter to Ms. Stinson. Ms. Stinson replied that it would be fine to note the correspondence was received and who it came from but she would not feel comfortable with a Board discussion. President Fong announced that the Board received correspondence from Carol York regarding the Fortune Charter School and thanked Ms. York for her comments.

VI.A. Matt Perry expressed his concern that teachers at Sly Park are going to be replaced. He added that these teachers are specialists schooled in science, art and the education of the outdoor world and would be replaced by folks who are not specialists.

Phillip La Zier, retired Air Force fighter pilot, counselor, psychotherapist, and teacher, stated that when he taught sixth grade at Pasadena Avenue Elementary School he accompanied his students to Sly Park for the week. He was so delighted with the program that he became an annual donor to the friends of Sly Park when it was active. He added that Sly Park is financially independent from SCOE's normal budget and should not be punished when they are not part of the financial problem. The replacement teachers have no experience with the curriculum. If you place four new teachers up there who don't know what they are doing, the kids will not like the program, the teachers will not want to go back and the program will fall apart.

President Fong thanked Mr. La Zier for speaking.

VI.B. There were no requests for presentations from employee organizations.

VII.A. The 2011 Helen Heffernan Award for Excellence in California Instructional Leadership was awarded to Sue Stickel later on in the evening.

VII.B. Kim Franklin Norris, Para-educator, Special Education Department, was recognized and honored as the classified employee of the month for May.

Lydia Maerdian, ED Teacher, Special Education Department, was recognized and honored as the certificated employee of the month for May.

VII.C. Gerry Lamothe, Substitute Teacher and Substitute Behavior Management Technician, was recognized and honored as the Sacramento County Office of Education Substitute Employee of the Quarter.

Superintendent Gordon reported on the following:

- Provided the following update on the National Guard's effort to move into the Boys Ranch: Sacramento County finally released its RFP for repurposing the Boys Ranch and we are meeting with the National Guard next week to work with them and assist with their proposal. Proposals are due on May 12, 2011. We will continue to keep you posted.
- Invited everyone to attend the Open House at Palmiter and Hickey tomorrow, April 6. The event begins at 6:00 p.m. with a light meal prepared by staff and students from our Culinary Arts program. It's a great opportunity for the Board to meet our students and staff and to learn more about the great work going on at those campuses.
- SCOE employees will have students eagerly watching them on Thursday, April 28, 2011 at Job Shadow Day. Students participating in our programs will have an opportunity to observe employees on the job and learn about possible career paths. Our thanks to Debi Lauer, from our WorkAbility Program, for organizing the day.
- Congratulated the seven SCOE teachers who have been nominated to represent us as the 2012 SCOE Teacher of the Year. Yesterday, we hosted a reception to honor those teachers. We will announce the SCOE Teacher of the Year in early June. The two Sacramento County Teachers of the Year will be announced at a recognition banquet in late August or September. Our thanks to Trustees Levy and Geeting for coming by yesterday and helping us hand out the certificates.
- Several of our students demonstrated their skills on March 31 during Student Success Day here at the Meaney Center. Career-Technical Education students in our landscaping program sold plants and seedlings. Students from Palmiter served a special lunch from their hot dog cart, and students from our Career Exploration course at Morgan School sold dog treats and pet toys they have made. The proceeds earned from these sales went right back into the student programs. Our thanks to our teachers and staff for helping students prepare for this opportunity.
- Our Employee Events committee would like to thank everyone who rolled up their sleeves for the Blood Drive on March 23. We had 29 donors, including three first timers. Information on the date and time of our next blood drive will be forthcoming.

- Thanked everyone who purchased cookies as part of our annual St. Patrick's Day Cookie Sale to benefit our Culinary Arts program. The sale raised more than \$700 for the program.

VIII.A. Mr. Scribner moved and Mr. Cooley seconded adoption of the consent agenda. Motion carried unopposed. By such action, the Board:

1. Accepted Report on Personnel Transactions
2. Awarded Diploma to Court School Student
3. Adopted Revised Resolution No. 11-07 – Designating April 10-16, 2011 as Week of the Young Child
4. Accepted Donation to the Operation Recognition Essay Scholarship Program

President Fong read the last section of Resolution No. 11-07 as follows: "...therefore be it resolved that the Sacramento County Board of Education thereby encourages all citizens to work to make good investments in early childhood education in Sacramento County". He added that research has shown one thing that could make a child successful in school is a good preschool. He hopes as we consider our budget that we pay attention to making that investment to ensure every child has access to a good preschool. It's the one thing that really would help us close the achievement gap as a child moves through grade school.

VIII.B. No Approval of Contracts

VIII.C. On a motion by Mr. Geeting, seconded by Ms. Levy and carried unopposed, the Board authorized staff to submit the revised grant applications/service contracts and accept funding if awarded; and approved contracts, positions, and other expenditures associated with the grants as outlined in the proposed budgets as follows:

1. \$209,871 Reading First, Regional Technical Assistance Center (R-TAC), Special Education Teacher Professional Development (SETPD) Pilot Project grant from Federal –Title I, Part B funds for the period October 1, 2010 through August 31, 2011
2. \$250,000 Supporting Transitional Kindergarten in California grant from the David and Lucile Packard Foundation for the period April 15, 2011 through March 31, 2012

VIII.D. Ms. Levy moved and Mr. Cooley seconded approval of the External Financial Auditing Services. Motion carried unanimously.

Mr. Rivas asked Ms. Sanchez if the firm selected was the low bidder. Ms. Sanchez explained that there was an entire process in which the committee looked at cost, overall capabilities, client references, quote preparation, and there was an interview panel. As it turned out this firm was the low bidder.

Mr. Scribner asked if one of them might have been involved with the City of Bell. Ms. Sanchez said no, the firm is from Sacramento.

Mr. Cooley asked if we go out to bid every year or every three years. Ms. Sanchez said you don't have to go out to RFP every three years, but if you stay with the same firm you have to change audit partners.

President Fong said he noticed the composition of the committee was made up of three SCOE employees and one Board member. He's not sure if the CPA is an outside person or not. Ms. Sanchez stated that Terri Ryland is a consultant who is currently working with us on Natomas and is qualified to sit on this committee.

President Fong asked if there is any potential conflict for our own members to select an audit contract that would be auditing their own department. Ms. Sanchez explained that Sharon works in the Purchasing Department; Debbie works with the districts on the external side of our accounting office, not on the internal side; and Sharmila prepares all the documents for the auditors. We always try to get a well-rounded panel and this time that included the Chair of our Budget Committee.

President Fong asked if the services provided will be primarily the annual audit. Ms. Sanchez said yes.

President Fong asked if we can add anything to the contract. He was hoping we would be able to determine how our departments are doing in terms of efficiency. He asked if an audit would help us look at areas where we can improve the effective use of our money. Perhaps we can ask them to look at one department per year. Ms. Sanchez said she doesn't know if this firm does efficiency audits or if their staff members have background in working in a district. She thinks their background is in the auditing area.

President Fong asked if efficiency services could be obtained at a minimal cost or would the cost be the same as an audit. Ms. Sanchez said she has never looked into something like this but imagines the cost would depend on how deep you would want to delve into it and how much time would be required.

President Fong asked if we have an internal process ourselves because after the March 22 budget presentation he had some concerns about us being in a deep hole. We should really look at how we could make the best use of every dollar we have. He asked if we can do better in terms of the use of the money. Ms. Sanchez stated that most of our money comes from grants and contracts. We have to bid on those contracts and show that we provide the best services for the price. Even on services that we don't go out for, like Special Education, if we didn't have a very good product at a very good price they would do it in house or they would find a non-public school or something similar to provide the service.

Superintendent Gordon provided the example of the Sly Park program which was losing money for many years. In the last five or six years we've worked very hard to offer an attractive product and to operate it as sufficiently as possible. We do try to do that with all of our activities and programs.

Ms. Sanchez said that the budgets we struggle with are the Juvenile Court and Community Schools. What probation had done to us is out of our control and the fact that the state is cutting our rates is also out of our control. The things that we are in control of we do very well which is why we are a very successful county office.

VII.A. Sue Stickel, Assistant Superintendent, was presented with the 2011 Helen Heffernan Award for Excellence in California Instructional Leadership by Eric Andrew, Superintendent of Campbell Union School District.

VIII.E. Mr. Rivas moved and Ms. Levy seconded the motion to adopt revised Resolution No. 11-08 – In Support of Senate Constitutional Amendment 5 (SCA 5 – Simitian). Motion carried 4 ayes, 3 noes (Fong, Scribner, Brown).

Mr. Geeting had a concern about the seventh whereas contained in the resolution because he doesn't think it follows logically. He thinks it's an argument for a majority vote and this isn't the majority vote; it is a fifty-five percent vote. Personally, he would like to offer a substitute. Mr. Cooley said he would like to see a substitute. Mr. Geeting said if he were to offer a substitute it would be along the lines that SCA 5 would bring the vote requirement for parcel taxes in alignment with the vote requirement for school bonds, which the voters passed in 2000 through Proposition 39 at fifty-five percent.

Mr. Rivas and Ms. Levy accepted Mr. Geeting's substitute.

Mr. Scribner said it doesn't bring it into alignment because county offices of education (COEs) are not included in the fifty-five percent threshold for the GO bonds. Mr. Geeting said he would be open to any suggestions because it seems contrary. Mr. Scribner said he just wanted to share the information because very few people realize that COEs were excluded from that. Mr. Cooley asked if county offices are included in the SCA language, not just school districts. Mr. Scribner replied yes.

President Fong asked if someone could explain to him the difference between a parcel and a bond. Mr. Scribner replied a parcel is ongoing and a bond is for a specific purpose and limited time in terms of the length of the bond. Mr. Geeting added that a parcel tax lasts in accordance with its own terms. For example, a parcel tax could be for two years, three years, or five years. Usually, a parcel tax is for a limited time, not open-ended. A parcel tax can be open-ended, but it is generally more difficult to get voter approval. SCA 5 also requires that the specific expenditure categories or purposes for the parcel tax revenues be spelled out and SCA 5 imposes a maximum cap on the amount per parcel.

Mr. Cooley asked if the past proposals from this author also had exemptions for parcels owned by seniors and various individuals. Mr. Rivas said he doesn't know the answer to that. Mr. Cooley said it might be based on how each district crafts their proposal. Ms. Brown clarified that this would have a cap on it. Mr. Geeting said that the proposed cap in SCA 5 is \$250 per parcel. Ms. Brown asked if it would be for specified items. Mr. Geeting said that SCA 5 would require that expenditure purposes be specifically identified in each local parcel tax proposal and that audit provisions be included as well. Ms. Brown asked if it would indicate how long. Mr. Geeting said generally.

Superintendent Gordon added that this one does not indicate how long and added that you could set the term if you wanted. Mr. Geeting said that the term of a parcel tax would be set when the parcel tax proposal is created.

President Fong said he hasn't read it. He asked who would oppose this. Mr. Rivas said parcel owners.

President Fong said there's usually a pro and con group of people who speak to the senate committee when the bill comes before them. Mr. Geeting said parcel taxes are usually opposed by taxpayer organizations.

Mr. Geeting commented that as he read SCA 5 he thinks there is a technical flaw which he picked up on by attending the CSBA conference last December. It was a workshop on parcel taxes, and the presenter emphasized the importance of serious consideration to per-square-foot application of a parcel tax, rather than per-parcel application. The presenter recommended going the way of a parcel tax based on square footage because when you look at square footage, a single family home is a small footprint and a Costco store would be a larger footprint. The courts have upheld the square footage tax saying that you can organize a parcel tax by square footage. This measure puts the limit at \$250 on the parcel. It is not nuanced enough to deal with the issue of square footage tax.

Mr. Cooley said the square footage came up partially because the owners of the larger square footage commercial properties generally live outside of the affected areas so it was a political calculation.

Mr. Geeting said that nothing is perfect but the recommendation of that workshop was to always look very seriously at the square footage tax. SCA 5, as currently drafted, would create a disincentive to consideration of the per-square-foot application of a parcel tax, because it would lower the vote threshold to fifty-five percent only if a local measure has a cap of no more than \$250 per parcel. If a local measure goes the way of square footage application (which likely exceeds \$250 for some individual parcels), then the measure would be back to the two-thirds vote.

President Fong asked if they are able to pass the parcel taxes at fifty-five percent. Mr. Geeting said no, bonds are at fifty-five percent.

President Fong asked why they wouldn't just go with bonds as opposed to parcel taxes. Mr. Cooley responded that you can't use bonds for operations. Mr. Rivas said the permissible uses of revenues from a parcel tax are broader with greater flexibility. Ms. Levy said you have total flexibility as long as you tell the voters what the funds will be used for.

Mr. Cooley stated that on a parcel tax vote everybody votes on it whether you are a parcel owner or not. Mr. Rivas agreed.

President Fong said he has some concerns about this. He has not seen the actual legislation and since we do not have a legislative committee maybe items like this

should go to the policy committee. Superintendent Gordon provided that he discussed this item with President Fong and the President thought it might be something the Board might want to consider supporting.

Mr. Rivas stated that Mr. Fong raised a valid process issue and Mr. Rivas would like us to be more systematic about deciding when we are going to weigh in on legislation and what the scope will be. He would like the Board to support this because schools are in crisis and this will help districts by making it easier to generate revenue for programs.

President Fong said as a taxpayer in these hard economic times he has concerns about making it easier to pass taxes onto him. He thinks people out in the community in better economic times would support this but in these hard economic times all of us are cutting into our budgets and he is hesitant to make it easier to pass parcel taxes. He doesn't think he will support this.

Mr. Rivas said he thinks that's a perfectly valid concern and a lot of people would agree but he disagrees. He thinks fifty-five percent is a reasonable standard. It's still well above a simple majority. If you look around the state you will find that people are more willing to support taxes when the money stays closer to home. He thinks it makes it easier for districts to take advantage of that support from their local community for community schools.

Mr. Geeting said he previously mentioned in his comments that the California County Boards of Education Legislative Committee did a parallel to the CSBA Legislative Committee and adopted a support positions on this measure.

Mr. Scribner said he doubts this will pass with the two-thirds vote in the legislature because it won't be unanimous on the democratic side in the senate. Having worked on these kinds of campaigns, there's often a one-sided debate because those who are in opposition generally don't have the funds and usually are not aware of these elections. What concerns him is that he has seen the calling of special elections in order to have more command and control of the group of voters likely to participate in that question. Then, we further torture the process in the case of a school bond by working with the county to consolidate our precincts. In the absence of reforms we wind up creating a non-election atmosphere because it doesn't behoove the interest behind the schools to encourage a broader community dialog. We go after very specific groups and leave the other groups alone so as not to engage the opposition and give them a forum on which to debate. Maybe he is old schooled but when you ask taxpayers to give up money the government should be held to a higher threshold. He shall not be supporting this.

Mr. Cooley said he shares the skepticism that Trustee Scribner has whether this will get passed by the legislature. His take is a little different from the standpoint that unlike the tax extensions that the government and legislature want to place on the statewide ballot in June, it didn't require an itemization of how the money would be spent. It had a five-year sunset and affected everyone. It also didn't have the auditing requirements that this measure has that school districts would have to adhere to before they place a tax on the ballot. Every community is different in California. We have over 1100 school districts, 58 county offices of education, different communities, constituencies,

philosophies, and political persuasions. He thinks it's a realistic modest approach in very difficult times. Districts will have to do a lot of things right to get these measures passed, whether it be fifty-five percent or fifty percent or two-thirds. He views this as a small step to give them an additional tool because the bottom line is the tax extensions aren't going to be on the ballot in June. There's no real plan going forward and it's very likely that districts are going to have anywhere from a \$500 to \$1,000 per student revenue limit hit. If we can give them an additional tool then he can lend his vote to the cause.

Ms. Levy said that in her experience a lot of taxpayers who are basically anti-tax are willing to tax themselves for schools especially for their local schools, which this measure proposes. She doesn't see the harm in giving local school districts the power to place this parcel tax on the ballot. She will vote for it.

Ms. Brown said she needs some clarification. We are not voting on whether they can put this up, we are voting on whether it's fifty-five percent or two-thirds. Mr. Rivas replied that the issue is whether to support a proposal to lower the voting threshold from two-thirds to fifty-five percent.

President Fong said with these hard economic times it's not a thing that we want to do to the taxpayers. If the tax measures do not pass, we are basically saying then we will go after the parcel owners for the money. He doesn't think that will go over well with him or his constituents.

Mr. Geeting said if SCA 5 were to pass, it would not authorize the local boards to levy the parcel taxes directly. Local boards would have to take any parcel tax proposal to the local voters. It's the local voters who decide. It's just that right now local voter approval requires a two-thirds vote. If SCA 5 were to pass, and it needs statewide voter approval to take effect - the local vote threshold would go down to fifty-five percent. It's not any kind of direct imposition of parcel taxes by local boards.

VIII.F. Mr. Scribner moved and Mr. Cooley seconded the motion to adopt Resolution No. 11-09 – Resolution In Support of SB 821. Motion carried 5 ayes, 2 noes (Fong and Cooley).

Superintendent Gordon stated that SB 821 is a bill that grew out of and was prompted by the Twin Rivers Unified School District (TRUSD) after their dispiriting experiences with merging the Grant district into the new the TRUSD. One of which we got caught up in when we blocked the buyouts. The trial court originally overruled us and said pay the money. We appealed with SIA funding the appeal and we won in the Third District Court of Appeals, which reversed the trial court and said you don't have to pay the buyouts. The cost of getting the law interpreted through the Third District Court of Appeals was considerable even though it didn't fall upon our budget. Among other things, the Grant district proceeded with building a school which was not needed at a cost of \$165 million dollars. During the transition period they accelerated the pay of construction of the school and placed the TRUSD in a very, very difficult financial position. This bill would innumerate more specifically in the code the ability of the county superintendent to monitor and stay actions of the outgoing board that would

negatively affect the finances of the new district. The author and the sponsors have decided to drop the charter provisions from the bill. For example, under the new requirements of this bill, the county superintendent in a situation where a new district had been created, during the interim period, would be able to monitor things like construction contracts and issuance of bonds and stay those decisions, not permanently, but only until such time as the new district took over so they could review and confirmed that those decisions would benefit the new district going forward. The author is Senator Jean Fuller who was a former district superintendent in Bakersfield, is one of the largest elementary districts in the state.

Mr. Cooley asked who is sponsoring the bill. Superintendent Gordon replied the sponsors are the TRUSD and the California County Superintendents Educational Services Association (CCSESA).

Mr. Cooley said he sees the good intentions behind the bill however, he takes the same premise as the last legislation where he wanted to give districts the freedom to have the tools to do what they need to do for themselves. He was on the county committee at the time the TRUSD issue came about and he understands the Grant issue very well, but he was a little uncomfortable in our involvement to a degree. His perspective is, even though the decisions of outgoing boards of districts that have been dissolved aren't the best, they are elected and they have the right to make bad decisions as well as we do and he views this as a little bit of an attack on the sovereignty of elected board members to make decisions.

Mr. Rivas said to Trustee Cooley that he will respectfully disagree. TRUSD is the largest district in his trustee area and the situation was that there was a lame duck board that was being phased out of existence and they were running up bills that somebody else was going to have to pay. Those liabilities were left to a future board and ended up hurting kids. He sees a need for someone to have the authority to step in when severance packages are being offered or when long-term facility agreements are being entered into that are going to have long-term consequences. He would like us to support this.

Ms. Brown said she would echo that concern. She doesn't believe you should ask someone to supervise a difficult situation and then not give them the tools to do it well. The supervision here from a superintendent obviously indicates that there is some kind of change or shift in the structure. She sees this as a very supportive means of preventing more problems rather than trying to straighten them out later. In fact, if one could change the wording, she would change #4 from in a timely manner to a specific timeline. Superintendent Gordon said that could be done.

Mr. Geeting said he didn't see a safety valve for urgent problems. Superintendent Gordon said there will be an amendment on that. Mr. Geeting said he's okay with supporting the bill based on that assurance.

Mr. Cooley said districts that are being phased out of existence such as the Grant district isn't the only time districts make bad decisions. We have a district in this county which we are working with right now that's made a number of bad decisions and they

are not going anywhere. They might go somewhere due to an election but not because they are going out of existence. His issue is where does the limit stop. We have the FCMAT.

Mr. Scribner said two years ago he would not have seen the need for this, but given what we saw last year up north he has concluded that there is a need for SB 821.

Ms. Levy said she agreed with that. The Twin Rivers situation was very unusual in that school districts don't usually merge. She was not on the Board at the time but she can see the dilemma that was faced by the superintendent and it seems that this will fix it. She is in favor of it.

Mr. Geeting asked if Trustee Brown was proposing an amendment. Superintendent Gordon said that her change was not in the language of the bill; it is in the summary description.

President Fong stated he was on the Board when the TRUSD incident took place. He would like the language to be clear on not removing the powers of a local elected body to make the decisions until they are phased out. He has concerns about giving the power to a superintendent who is not elected by the public to supersede the decisions of an elected body. All the other county superintendents, except four or five, are elected and they can be accountable for their actions.

VIII.G. Mr. Scribner moved and Ms. Brown seconded the motion to adopt Resolution No. 11-10 A – Resolution to Pay Absent Board Member. Motion carried 6 ayes, 1 abstention (Cooley).

Mr. Scribner moved and Ms. Brown seconded the motion to adopt Resolution No. 11-10 B – Resolution to Pay Absent Board Member. Motion carried 6 ayes, 1 abstention (Levy).

VIII.H. Chair Scribner of the Redistricting Committee recommended that the Board approve Thomas M. Griffin Law Offices as the Contractor to Assist with Adjustment to Sacramento County Board of Education Trustee Areas Based Upon 2010 Census Data. Motion carried unopposed.

Mr. Scribner stated that the committee met this evening with Mr. Griffin after having preliminarily chosen his contract proposal. Quite a few folks were there to listen to what he had to say and respond to questions. He appears to be very well versed in issues regarding reapportionment and the nuancing with the respect to the various laws and issues regarding voting constituencies. His proposal was very well received and it was in addition to a very strong background both for him and his team with the respect to the demographers. His pricing was very agreeable. Mr. Scribner was very impressed with him, his background, the demographic team, and his price. The committee unanimously made the recommendation to the full Board that we accept his contract.

Mr. Geeting disclosed the fact that he has known Tom Griffin for many years going back to a time when he was Executive Director of the State Board of Education (SBE). Mr.

Griffin was general counsel for the SBE and department. Mr. Geeting is also a member of a small group of retired employees of the department who meet periodically for lunch and Tom Griffin is the group's coordinator. We each pay our own way for lunch. He would regard his association with Mr. Griffin as remote and therefore will vote on this matter.

Mr. Rivas noted there's quite a variance among the bids and asked if all the bids included providing the same service. Mr. Scribner replied he conducted a little bit of background work on his own through some of his own sources. In this case it is a smaller shop without a great overhead. They all had good standing throughout the community with the various consultants that he checked with and others who had used their services. It may have something to do with it being early in the process. Soon you will likely have many coalitions that will be pursuing these types of contracts.

Mr. Cooley said Mr. Griffin's proposal was significantly lower than the other firms and as Mr. Scribner pointed out we felt he was equally equipped to do what they were going to do for a lot less money. We felt what Mr. Griffin has a very good back office support in EdTech, and the technology and capability to produce the maps. Mr. Cooley pointed out that Mr. Griffin is on our SCOE Board approved list of legal vendors for County Committee and charter legal work. He's been vetted by the Board in the past.

VIII.I. President Fong announced that Items VIII.I. – VIII.W. are second readings, which come from the Policy Committee.

Policy Member Geeting recommended the Board adopt the proposed policy changes for Items VIII.I. – VIII.W. Motion carried unopposed.

VIII.X. Additional Information on the March 22 Board Budget Study Session

President Fong stated that at the close of the March 22 Board Study Session there were trustees who had more comments but because of time constraints we did not have a chance for further discussion. This is an opportunity, which came about by Trustee Scribner's request for an action item on the budget. The item is agendaized as an information item for discussion and if requested we can place it on the next agenda as an action item. He cautioned that employee contracts will not be a topic for discussion and that any suggestions about the contracts and working conditions of the employees are at the sole discretion of the superintendent. He warned that he would rule anyone out of order if brought up.

Ms. Brown said she would like more information about the second opportunity for layoffs. Superintendent Gordon stated there are certain narrow circumstances around the condition of the state budget which would allow for an additional layoff period in August. It is not certain if those conditions will occur so to be on the safe side we must be prudent and work with the current process which is the March 15 layoff notices being confirmed on May 15, 2011. The process doesn't remove our opportunity to hire folks back even after May 15, but we wouldn't be obligated to them for the following year if there is not a layoff period commissioned in August.

Mr. Cooley stated he thought we had a good budget study session. He thought it walked us through the issues that we have particularly as they pertain to court and community schools, mandates, and our balancing act with personnel in trying to make sure those programs run strong. He also recognizes that the court and community schools portion of our budget is small and that grants and pass-throughs are a big chunk of our budget. He stated that at some point this Board will be asked to approve a budget for next school year with a lot of unknown factors, such as what will probation do with the court schools, what will the districts do in terms of sending or not sending their students to our community schools, and what the state budget situation will look like. There are also the ongoing classified employee contract negotiations. He stated he does not have a full understanding of the two employee contracts. He also has some cloudiness on the administration budget and how those numbers are going to be crafted. He had hoped to see Trustee Scribner's request for an action item honored and placed on today's agenda. In moving forward toward the end of the fiscal year, he feels that the Board's hands are tied with the contracts that are in place. There is ongoing evaluation and monitoring of the administration budget, which are small numbers, but they are the only numbers that we can really manipulate. There are still some questions in terms of what we can do to make sure we make the best budgetary decisions as an organization – not just the Board but the Board and Superintendent.

Ms. Levy stated she was sorry she missed the budget study session. She stated her assumption is that a lot of the issues will come before the Budget Committee prior to being presented to the entire Board. She assumes the Budget Committee will go through everything in greater detail and reminded all Trustees that they don't have to be a member of the committee to attend the meeting. President Fong stated that we can all attend the Budget Committee but we cannot speak and participate because it would create a Brown Act violation. He asked if the Budget Committee would consider reviewing the budget with the entire Board in order to provide everyone with an opportunity for input. He wants to make sure that as a Board we are doing everything possible to keep people employed and to think outside the box. When he received Trustee Scribner's request for an action item he discussed it with the Superintendent and it was agreed to place the item as a discussion item as a first step.

Mr. Scribner asked General Counsel Stinson for the steps the Board would need to take to enact a committee of the entire Board for the purpose of the budget. It would be like a Board meeting but the practical effect is that we would have the ability within the powers of the Board to take actions when the body meets as a committee in the whole. Mr. Cooley added that it comes to the entire Board from the Budget Committee anyway. One thing that might be helpful, given the circumstances we are in, is to present the many budgets to us in a line item format.

Superintendent Gordon said what we tried to do with the study session is to show that relatively speaking only a small portion of our budget is grim and in total our budget is not in very bad shape. The solutions that we come up with for that segment have to be very imaginative. As far as the categorical programs and contracts, we can't take money from here and redirect to keep the court and community schools afloat. Doing so could possibly deplete our reserves and put us in financial distress. The hope was that we could work with the Budget Committee to focus very sharply on the areas of the

budget that we were trying to rescue and get some alternatives or options as you've been suggesting rather than having a generic walk through the rest of the budget where there's not an opportunity to redirect money into the area in which we have the problem.

Ms. Levy said she is a little bit concerned about the Board micromanaging our professional staff. Certainly we vote to approve the budget and we can make suggestions but she thinks we have an outstanding staff here and in a lot of cases she defers to their expertise. When she joined the Board she received the thick copy of the budget and everything we need to know is in there. She doesn't think there's anything hidden. She doesn't see the purpose of a committee of the whole for this process.

Mr. Rivas said he sees an advantage for those not on the Budget Committee to voice their opinions.

Mr. Cooley asked if it is possible to get the budget in a line item format. Ms. Sanchez said yes and procedurally how she envisions this is we go to Budget Committee and we address those budgets that we really need to work on by focusing more on line items and scenarios because we don't know what we are going to get from the state. That would provide the revenue and the line item of expenses and you would be able to see where your options are.

Mr. Scribner said we've talked about the difficulties of the finances generally, but he is very worried this time. There are a lot of things we do not control and we're at the bottom of the food chain when it comes to the education dollars versus the traditional K-12 dollars. We're at the bottom of the food chain when it comes to the county and their programs and how they impact us. We're about to see a potential government shutdown at the federal level in which they are trying to negotiate a cut back of \$4 billion which is a huge amount in the federal budget with a possible trickle-down effect. At this point there is no specific plan to go to the ballot in California. We've missed the June window and anything in July or August is extremely risky with respect to turnout, which means that window is now November which takes us well into the fiscal year. We're headed to a train wreck and he truly believes that. He thinks because where we are in the food chain in relation to the other interest groups in the state you're going to see attempts to pull money back from other school districts. You're going to see an attempt to pull grant money wherever they can and you're going to see that from the federal level also. He is truly fearful for our fiscal situation. The paradigm has shifted. The dollar we save today represents two dollars later on in terms of the two fiscal years we're looking at. We don't want to end up like the state by delaying and delaying and then wind up making deeper cuts later on because we've been folded into a shorter time period in which to react and take control.

Ms. Brown said she would strongly agree with Mr. Scribner's concern but she doesn't believe the Board needs to do a line item review to manage the budget. It would seem that we are here to develop the concepts behind what we expect the staff to do. From her experience, she believes the position of the superintendent is very different from Board members in that superintendents understand all the nuances that go along with the different programs. She worries that if we put ourselves into a position where we go into that budget and think we know as much as we need to know about the total budget

then we may be fooling ourselves. That is the superintendent's job – that's what he spends his days doing – talking to the people, understanding what they are doing, giving them direction and she doesn't think we should be duplicating that responsibility although the other part of that responsibility is to keep us fully informed. Perhaps we could schedule more of those items on agendas for discussion.

Mr. Cooley wished to clarify his point of wanting a detailed line by line review of the budget. After the employee contracts are ratified, he would like to know what the overall budget allocation for each one of them is and how many staff in each individual program. One of his issues is that the Board has only a couple of responsibilities, with the budget being a big one and we need to understand what the personnel picture will look like next year to make sure we can live up to our program obligations. He didn't quite get that out at the study session. He didn't think the study session was intended for that but that's the level of detail he wants to get to. Secondly, he wants to look at travel and conference expenses that fall into these budgets because those are details we don't always see. He would like to get a better understanding of those items and that could be done through the budget committee. Many local agencies hold a series of budget meetings leading up to the end of the fiscal year to give a better understanding of the programs. They don't just go by for months and submit the budget for approval a week or two before the end of the fiscal year. We need to get a better feel and texture for the understanding that the professional staff has in making an intelligent decision at the end. He believes that is what Trustee Scribner was getting at in terms of having it on the agenda this evening and hopefully more before the end of the fiscal year.

Ms. Brown said she would include the contracts as well.

President Fong said it's the small part of the budget that he has a lot of concern about. The court and community schools are the reason why he is on this Board. He thinks we have a great program that we have developed over the years and because of the financial crisis he sees it going dormant. We need to have options for the Board to be able to make decisions on how can we go about thinking outside the box and continuing to make our community schools a viable venture and where we can serve the kids. It's not about moving the money from some other SCOE programs to these programs. It's finding resources outside of that like talking to other county offices to see what they are doing to keep their juvenile court and community schools viable in this kind of financial situation. He doesn't know if we have really explored or have someone dedicated to find grant money that's out there either from the federal government in juvenile rehabilitation or juvenile detention types of programs in private and nonprofit organizations. He doesn't know if we have talked to the community about all of the juveniles being released into the community and where nobody knows what's happening to them. Some of these juveniles get into serious trouble and are tried as adults. We've missed the opportunity to make a positive intervention in their lives because we didn't have a program to offer them. He asked if there are other kinds of models where we can partner with such as the Juveniles at Risk group. Maybe we could look at an independent study program that would keep people employed, and if there really are a large number of dropouts out there, pick them up and get them involved even if it's an independent study program. He thinks we have a good enough program to get them involved to go to school and attend the amount of hours required to

have the classroom time to get the full ADA. He thinks options like that would save some jobs. Perhaps we can talk to the courts – not juvenile courts because they don't have enough staff to keep them there – through some other program, to divert the students to community schools. Why can't we amend the law that changes the requirement that we operate juvenile court schools? He thinks the Board would like to be able to choose from options provided by staff to look at ways to save the jobs of our staff. He and Trustee Brown talked with Marty at the end of the last meeting about these options and wanted to share them with everyone to see if we can come up others. He wants to keep these programs running next year regardless of what happens.

Superintendent Gordon said the two people who want to keep these programs going as much as the Board are sitting out there – Mr. Cavanaugh and Mr. Taylor. The cold, hard fact is we don't take in enough revenue to meet the costs of operating that program. The things we need to know in order to be able to plan coherently for the programs are (A) is that amount going to go down even further which it probably will, and (B) are the districts going to send us customers? We can't manufacture customers because they're under the direction of the district to be placed within the district or referred out to us. We do have contingency plans and we can bring them to you but it's more like what Tammy said to you earlier, that we have to build-in certain scenarios and assume certain things happen. We are happy to bring that before you but he wants to make sure the Board understands we will continue to do everything we can to keep those programs open for exactly the reason you just spoke about – they're needed services and the people in the districts are confirming that. Mr. Taylor is in contact with them on a regular basis. So please don't doubt our will and our commitment to do exactly that.

President Fong said nobody's doubting it – it's just he hasn't heard what we are going to do. He wants to hear what the options are. He's hearing certain things may happen and we have to wait and he doesn't want to wait. He wants to be proactive in doing something that we have control over like going after all these dropouts that are out there. He's not sure that they are out there but he gets the impression that the Juveniles At Risk program has 120 kids doing home study or independent study and another 60 kids that are waiting for space. There must be kids out there that you can go after. These kids do not belong to the districts; no one is educating them. We could take a proactive stance and go after them instead of waiting for something to happen to us.

Ms. Brown said maybe we need some kind of arena where we could put our heads together, bounce ideas around and try to develop new ways to do things.

Mr. Scribner said that the discussion about the court schools reminded him that Governor Brown today signed the public safety realignment trailer bill for the budget. What he has not been able to get an answer on is whether the \$1,000 appropriation was lined out. If left in there, it would allow the realignment to proceed without the tax measures in terms of the shift to the counties and they can start that realignment now without the dollars moving the local government. If that's the case, that further exacerbates our situation relative to the hall.

President Fong said it's not going to go to the education budget. Mr. Scribner said the language is not specific and the funding isn't there.

Mr. Cooley asked when our next Budget Committee meeting will be held. Ms. Sanchez said usually it's scheduled at the end of May or early June. We probably could be more flexible on that if it needs to be earlier. Superintendent Gordon said we could have a Budget Committee meeting as soon as necessary if you want to have the budget committee craft options. Mr. Cooley said he would like to meet on a regular basis but would like to meet when the classified employees' contract is finalized. Ms. Sanchez said that currently, negotiations are not in place and suggested we go forward with building the scenarios.

Mr. Cooley asked when she expects the contract to be completed. Superintendent Gordon said there's not going to be any bargaining until we have a better picture of the state's financial picture. We don't need to do bargaining to do the scenarios that we are talking about here. Ms. Sanchez said we could still plan for the worst and then bargain later when we know what the state is going to give us.

Mr. Cooley said it sounds like he opened a can of worms. Ms. Sanchez said she is struggling with the budget situation because it is very confusing. When she goes and talks to all the district boards, the first thing she says is that she is so frustrated because never before has she ever had a state budget where the Governor comes out in January that said if these propositions pass you won't be cut and that was it. We're in this waiting stage not knowing what to do. She thinks the best case scenario is if we can give you options on what the budget will look like if certain things occur. That way if we are cut 5 percent, you will have an idea of what five percent might look like. So if it comes in at seven percent we can figure out what to do next. It's going to be a guessing and estimating game.

Mr. Cooley said maybe we can have an ongoing set of budget hearings and look at different programs (court schools, community schools, grants, etc.) with scenarios in three broad categories. Something like that might help everyone understand where the Board would like to go and there will be no surprises to anyone at the end of the day. He wants to get something out of this conversation tonight. Ms. Sanchez said that was good direction.

Mr. Scribner said we are coming back again to where we are delaying reviewing discretionary spending; those areas where we don't have to spend \$4,000 to get an award. We need to review personnel contracts and determine whether we need them, whether they are absolutely vital to some other contract we have or whether this is how we are conducting business these days. He thinks it's important we begin to take action on these things because that one dollar may be the one we are going to need later on. It may not seem like a lot but he bets it will add up to at least one classified employee position and to that one soul it's very important.

Mr. Rivas said he's not sure what we are trying to decide; are we trying to determine direction for staff as far as next steps on the budget? President Fong said he thinks staff has heard some of the concerns of the trustees. Trustee Cooley's idea of having

earlier budget hearings and in more detail is something we would like to do if possible. If we want options to consider in terms of where we can find the revenue to keep people working then that's another discussion.

Ms. Sanchez asked if she could suggest that she meet with the Budget Committee who would provide direction and then the action item would come later after staff is able to put everything together and we could do one piece at a time.

Mr. Cooley said yes but we need to come up with a schedule for the Budget Committee to meet. This does represent a shift in the way we've done things in the past with the budget but not to the extent where we're going to try to micromanage and look at each expenditure. For example, he wants to ask questions about purchasing equipment and how we go through that process. We should meet sooner than when we typically meet in May.

Ms. Brown said she thinks what we are asking is to get into an understanding of what staff is doing now to prepare and to project ahead so we know where it's going and then when we have questions or have a thought on how this would fit in we would have the means to do that. It would be an ongoing process as opposed to preparing something special for a Board presentation with a handout.

President Fong said he thinks that's the sense of what the trustees are talking about and he concurs. He wants to be more informed so he knows where we are going and know the thought process and the situations considered in terms of what may happen with the state budget and how it will affect us. He wants to ask staff how we can keep our programs going in these hard economic times or do we just fold up the tent and wait for better economic times and then unfold the tent and start all over.

Superintendent Gordon said he thinks staff has a feel for what the Board wants moving forward.

VIII.Y. President Fong postponed the report on After School Programs to a future meeting.

IX.A. Mr. Geeting reported he attended the state Poetry Out Loud competition where he cheered on Brittany Wiltz, our Sacramento County participant. He said despite the cuts, deferrals, and the difficult economic times the state Poetry Out Loud competition becomes more popular. There were 27 counties participating last year, but this year there were 34. Brittany was not the eventual winner but gave a very credible performance and did a marvelous job. Target Corporation was very generous; they gave the winner a \$100 gift certificate, \$75 to the first runner up, \$50 to the second runner up, \$25 to all the others, and paid for their overnight stay at the Sheraton Hotel. Last Thursday, he attended the Student Success Day here at the Meaney Center. The students were very enthusiastic embodying the sense of entrepreneurship the event was intended to convey. Yesterday, Trustee Levy and he had the privilege of joining Superintendent Gordon and the executive staff in meeting the seven teachers who have been nominated to be SCOE's 2012 Teacher of the Year. He hopes that all seven will follow through with the application procedure. The decision for the panel will be very

difficult and challenging as there is an abundance of excellent teaching talent. Speaking of Teachers of the Year, the spring 2012 edition of the Sac State magazine features Kadhira Rajagopal, one of our 2011 County Teachers of the Year and one of the state teachers of the year, as well as John Castro, who was one of the 2011 Sacramento City Unified School District Teachers of the Year. He expressed congratulations to Marty Cavanaugh on his decision to retire. Marty has been a major, positive influence in education throughout our region and across our state for many years and we all wish him well in whatever endeavors he undertakes from this point. He congratulated Sue Stickel who has been named to succeed Marty. Sue will be terrific and brings a wealth of experience, knowledge, sound judgment and wisdom as her receipt this evening of the Helen Heffernan Award testifies.

Mr. Rivas reported that CSBA has hired Vernon Billy as the new Executive Director. He considers Vernon a professional colleague and may be the youngest executive director they've ever had. Mr. Rivas is looking forward to working with him. He thinks Vernon has almost twenty years of experience representing the public schools. He has worked with Vernon most recently in his capacity representing the city and the county of San Francisco schools. Vernon's contract will be posted on CSBA's website soon and thinks folks will find Vernon's salary to be very modest. He thanked Dr. Winlock and Sue Stickel for meeting with him last week. Dr. Winlock is one of our staff members who is chairing the State Board of Education Advisory Committee on African Americans. We went over his recommendations as they relate to cases when there are fewer than 100 African Americans in a school and they are not counted for the purposes of the accountability system. We also had an interesting conversation about managing layoffs in low-performing schools because it's something he has to deal with at work in his capacity as a legislative advocate. Finally, he would like to see the Executive Committee have a discussion on whether SCOE should have legislative representation. He did a back of the envelope assessment and thinks the top ten counties, by enrollment, have representation in the legislature. There's a leader in his field, Michael Hulsizer, who is a full-time staff person for Kern County and his job is governmental relations. He has a feeling that Kern County has fared better than the rest of us.

Mr. Cooley reported he had the opportunity, along with Superintendent Gordon, Margaret Fortune and other educators in Sacramento, to sit on the education panel for the California Black Chamber of Commerce Annual Conference last week. It was a great opportunity to meet with a lot of out of state educators. He offered his gratitude to Marty Cavanaugh for his years and decades of service to not only SCOE and Elk Grove but to education over all in California. He hopes that Marty enjoys his retirement and surfing – he warned him to stay away from the sharks. He offered his appreciation and heartfelt welcome to Ms. Stickel for her ascension to the Deputy Superintendent role and noted that the award she received today validates the superintendent's decision to promote her. He congratulated Vernon Billy, a personal friend he has known for ten years, on his new appointment. Vernon is not only the youngest executive director for CSBA but the first to have children of school age. He thinks that gives Vernon some perspective on California schools in this era and it will help Vernon in his role as executive director.

Ms. Brown – no report.

Mr. Scribner reported that his daughter who is at San Diego State ran for elective office in a field of eleven candidates for four seats. On her first try she was the second highest vote getter – the number one incumbent beat her by 22 votes for the high honors and she is now an elected member of student government at San Diego State. She did a good job on her campaign and is now on board as one of the representatives of the school of sciences, fine arts and journalism. Regarding legislative representation, Mr. Scribner tries to watch for some of these issues that come up as they impact us but given the job he holds he has to be careful about the conflict of interest provisions. When there is a bill that affects us he has to go to his boss and disclose that he is on the Board of Trustees at the Sacramento County Board of Education. Decorum between the groups is breaking down – you see that not just in local government versus county government versus state government – but we are now seeing it in the elements of labor between the state social labor groups and the private sector, building trades groups, and local labor versus the state employees. There are not a lot of coalitions out there at present. Representation becomes very important right now because we don't have a lot of friends in terms of county offices since everyone is focusing on their own islands.

Ms. Levy – no report.

IX.B. President Fong reported he hates to see Marty go and offered congratulations on his retirement. He offered congratulations to Sue. He was quoted in the Sacramento Bee two or three times regarding the Fortune Charter and he wants to make it known that he did not talk to the Bee. They chose to include statements from the public hearings. He's been reading a series in the USA newspaper about possible cheating that has taken place in the API tests. He's wondering if that is something Tim Herrera will be able to locate and share with the trustees. Tomorrow, there is an Open House at our Palmiter/Hickey campuses. If you haven't attended before he strongly encouraged everyone to do so. A lot of parents attend and will tell you about the attitude and academic changes they've seen in their kids as a result of the program we offer.

IX.C. There were no committee reports.

X.A. There was no distribution of the April/May Events item.

X.B. There was no distribution of the April/May Site Visits item.

XI. Schedule for Future Board Meetings:

A. April 19, 2011 - No Report

B. May 3, 2011 - PASS

C. May 10, 2011 - Board/Superintendent Study Session

D. May 17, 2011 - Operation Recognition

Mr. Cooley requested that we schedule a discussion and action item for the extension of the Fortune School of Education MOU on the April 19, 2011 agenda.

Mr. Geeting said we have to do one thing or the other – either approve the MOU or extend the date.

President Fong asked SCOE staff and Fortune staff to get together to finalize the MOU so that we do not have to extend the date. He recalled that Ms. Fortune came before us and asked for no special treatment and thinks no special treatment should be given here. He strongly encouraged counsel to get the final MOU to the Board by April 19, 2011 or schedule it at another regular meeting of the Board. He is not inclined to entertain a request to use a special board meeting to make special considerations for something that should come to us at a regular Board meeting. Special Board meetings have little turnouts just like special elections.

Superintendent Gordon said that staff and the petitioners are not far enough along in working through the MOU to be in a position to bring it before the Board on April 19. He also believes they will not be ready for the May 3, 2011 meeting.

President Fong asked General Counsel if they can continue to discuss this item without it being agendaized. Teresa Stinson, General Counsel, said we should note that the request has been made to put it on the agenda and so we will bring an agenda item on April 19 and that's the point in which you could discuss whether it's appropriate or not to grant an extension. Let's just say that the request has been made and there will be an agenda item on April 19.

President Fong said he and the Superintendent will have a discussion about whether it gets placed on the agenda or not.

Mr. Cooley said he's hearing two different responses. Ms. Stinson said it's between the President and the Superintendent to make that determination.

Mr. Cooley said he understands that if there is a disagreement between the Board President and the Superintendent on what will be placed on the agenda, that item will then go before the Executive Committee for resolution. President Fong said he will have staff look at that. Superintendent Gordon stated that the procedure in the bylaws is that the Executive Committee would referee a disagreement.

XII. Mr. Scribner moved to adjourn the meeting in memory of Makalyn Ellis, a student from Galt High, who passed away the weekend of April 2. Mr. Cooley seconded the motion, which carried. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Sue Stickel  
Acting Secretary to the Board

Date approved: May 3, 2011