



**SEPTEMBER 26, 2007
REGULAR BOARD MEETING
ADOPTED MINUTES**

**District Office - Boardroom
292 Green Valley Road
Watsonville, CA 95076**

1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 6:00 PM

1.1 Call to Order

President Keegan called the meeting of the Board to order at 6:07 pm at 292 Green Valley Road, Watsonville, CA.

1.2 Public comments on closed session agenda.

None.

2.0 CLOSED SESSION

2.1

Public Employee Appointment: Certificated, Classified

New Hires

- 1 Behavior Technician – Probationary
- 4 Instructional Assistant – General – Probationary
- 1 Site Coordinator

Rehires

None

Administrative

None

Promotion

- 2 Lead Custodians

Permanent Appointments

None

Transfer

- 1 Special Services Program Director

Extra Pay Assignment

- 37 Secondary Teacher

Extra Period

Leaves of Absences

- 1 Instructional Assistant II – Special Education
- 1 Parent Education Specialist
- 1 Elementary Teacher
- 1 TOSA

Resignations/Retirement/Separations From Service

- 1 Campus Safety Coordinator
- 1 Elementary Teacher

Supplemental Service Agreements

- 24 Teachers

Miscellaneous Action

- 6 Instructional Assistant II – Special Education
- 1 Lead Custodian I
- 1 Registration Specialist I

Limited Term – Project

- 2 Instructional Assistant I – Special Education
- 1 Instructional Assistant I – Special Education (Y Rated)
- 1 Library Media Technician
- 1 Office Assistant I
- 1 Staff Accountant

Limited Term – Substitute

- 1 Behavior Technician
- 1 Bus Driver
- 1 Health Services Assistant
- 1 Instructional Assistant – Migrant/Child Care
- 4 Instructional Assistant II – Special Education
- 1 Interpreter Tutor/Sign Language
- 1 Office Assistant II

Provisional

- 2 Instructional Assistant II – Special Education
- 2 Office Assistant II
- 1 School Computer Support Specialist

Exempt

- 4 Babysitter
- 14 Migrant OWE Student
- 1 Special Project – MEES
- 1 Yard Duty Supervisor

Students

None

Rescinds

None

2.2 Public Employee Discipline/Dismissal/Release/Leaves

- 2.3 **Negotiations Update**
 - a. CSEA
 - b. PVFT
 - c. **Unrepresented Units: Management and Confidential**
 - d. SCAST

2.4 **Claims for Damages**

2.5 **Existing Litigation**

2.6 **Pending Litigation**

2.7 **Anticipated Litigation**

2.8 **Superintendent's Evaluation**

2.9 **5 Expulsions**

3.0 **OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC – 7:00 PM**

President Keegan called the meeting of the Board to order at 7:12 pm.

3.1 **Pledge of Allegiance**

Trustee Yahiro led the Board in the Pledge of Allegiance.

3.2 **Welcome by Board President**

Trustees Leslie De Rose, Sandra Nichols, Karen Osmundson, Kim Turley, Libby Wilson, Willie Yahiro, and President Doug Keegan were present.

President Keegan welcomed Mr. Ricardo Medina, new Deputy Superintendent.

Mr. Medina commented he was happy to be here. It is a great opportunity and he's thankful for it and appreciative to the Board of Trustees for the honor of being in this position. He's looking forward to the challenges in this district.

4.0 **ACTION ON CLOSED SESSION**

2.1 **Public Employee Appointment: Certificated, Classified**

Trustee Nichols moved to approve the personnel actions as presented. Trustee De Rose seconded the motion. The motion passed unanimously.

2.9 **5 Expulsions**

Action on Expulsions

07-08-002 Trustee Wilson moved to approve the disciplinary action as recommended by the District Administration. Trustee Nichols seconded the motion. The motion passed 6/1/0 (Osmundson dissented).

07-08-006, 07-08-007, 07-08-010, and 07-08-011: Trustee Osmundson moved to approve the disciplinary action as recommended by the District Administration for the three cases; case #07-08-011 was blue sheet and this is the recommendation being approved by the Board. Trustee Nichols seconded the motion. The motion passed unanimously.

5.0 **APPROVAL OF THE AGENDA**

Trustee Turley moved to approve the agenda, moving item 13.1 after item 7.0. Trustee De Rose seconded the motion. The motion passed unanimously.

6.0 APPROVAL OF MINUTES

a. Minutes for August 25, 2007, Special Board Meeting, Deputy Superintendent Interview

Trustee Yahiro moved to approve the minutes for August 25, 2007. Trustee Nichols seconded the motion. The motion passed unanimously.

7.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT

Maggie Rodriguez, Watsonville High School student trustee, offered a report on activities, events and sports that are happening on campus, including the drama production and homecoming.

13.1 Report, discussion and possible action to approve Naming of the Historical Watsonville High School – John Goicovich Gymnasium.

Report by Ylda Noguera, Assistant Superintendent, South Zone.

Trustee Yahiro asked trustee Turley to comment on the work of John Goicovich.

Trustee Turley noted he was a wonderful, dedicated man, who enjoyed teaching about all the right messages that athletics brings, including respect.

Mr. Tim Griffin, a member of the committee who worked on getting this together, commented on the work that has transpired in the process of naming the gym after Mr. Goicovich. He thanked everyone for their support.

Trustee Yahiro moved to name the historical gymnasium after John Goicovich. Trustee Turley seconded the motion. The motion passed unanimously.

Murry Schekman, principal of Watsonville High, commented that the big celebration should take place when the historical gymnasium is rehabilitated.

Board President closed the regular Board meeting and opened Public Hearing.

8.0 PUBLIC HEARING: RESOLUTION #07-08-06, SUFFICIENCY OF INSTRUCTIONAL MATERIALS K-12 AND SCIENCE LABORATORY EQUIPMENT FOR GRADES 9-12.

8.1 Report by Sylvia Mendez, Director of Curriculum and Instruction.

Sylvia Mendez reported that in complying with Education Code 60119 requirements, the District is to hold a public hearing on or before the eighth week of school regarding the sufficiency of instructional materials. She mentioned the process of getting to this point of ensuring that all schools had the standards-aligned textbooks for each student. The process also involves a team from the Santa Cruz County office of Education to ensure that specific Williams sites met the Williams Case requirement. As part of the process, she asked every school to complete a textbook verification form that was signed by each principal. This code also calls for the district to have sufficient science lab equipment for grades 9 – 12. She asked the Board to approve this resolution as the district is in compliance with Ed Code 60119 requirements.

8.2 Public comment

None.

8.3 Board questions and comments

The board participated with comments and questions.

Board president closed the public hearing and resumed regular Board meeting.

Board President closed the Public Hearing and resumed regular Board meeting.

9.0 VISITOR NON-AGENDA ITEMS

Sylvia Previtali, community member, commented about the press conference that took place at 4 pm today, which she attended, having received the invitation by a reporter who was invited. In the

invitation, it stated that members of the press would receive the grand jury response at that time and have an opportunity to meet the team who drafted the response. She feels that Dr. Mays is unethically meddling in the district's duty to follow the Brown Act by not allowing the public access to the response at the same time it was released to the Board. She read a portion of the Brown Act that allows documents that are distributed to board members as part of board packets to be available to the public.

10.0 EMPLOYEE ORGANIZATION COMMENTS – PVFT, CSEA, PVAM, SCAST 5 Min. Each

Francisco Rodriguez, PVFT president, welcomed Mr. Medina on board. He thanked Dorma Baker for the memo regarding the Optional Work Day to all certificated staff. He visited many sites and was very impressed by the dedication of parents, teachers and administration of the schools. However, he was concerned with the lack of access to technology on some of those sites. Some of the working conditions are questionable; hopes positive changes can take place. He noted that as soon as a copy of the Grand Jury response is made available, he would share it with the executive council. He hopes to be able to obtain better compensation for all certificated staff.

Bobby Salazar, CSEA president, reported that the union endorsed Jack Hayes for another term as the representative to the Personnel Commission at their chapter meeting. He noted that the union would soon come forth with a sunshine proposal. He welcomed Mr. Medina to the team.

11.0 CONSENT AGENDA

Trustee Nichols moved to approve the consent agenda. Trustee Turley seconded the motion. The motion passed unanimously.

11.1 Purchase Orders – 9/13/07 to 9/19/07

11.2 Warrants – 9/13/07 to 9/19/07

11.3 Approve Resolution #07-08-05, 2006-2007/2007-2008 GANN Limit Calculation.

11.4 Approve Award of Contract for Closed Circuit Television System, Bid #B06-07-08.

11.5 Approve Bid for the Freedom Childcare Center Project – Site Work.

12.0 DEFERRED CONSENT ITEMS

13.0 ITEMS SCHEDULED FOR POSSIBLE ACTION

13.2 Report, discussion and possible action to approve Grand Jury Response.

Report by Dr. Mary Anne Mays, Interim Superintendent

Dr. Mays noted that the release copies were available to the public and that they could be picked up. She introduced Howard Friedman of Fagan, Friedman and Fulfroost.

Mr. Friedman noted he is one of four members of the team who prepared the draft response. He introduced the team: Evelyn Volpa, Sarah Orman, and Tom DeLapp. He commented about the issue brought up by a member of the public of Brown Act compliance; the matter was not ignored and the district ensured that there was compliance with law when it was determined to keep the draft response as a confidential document until the presentation to the Board. He explained how the law allows for this action. The team was tasked with taking a look at the report, which included a wide-range of items, addressing a number of issues in the district. The role of the grand jury carries a lot of responsibility and an obligation for objectivity and thoroughness. The methodology used by the response team was similar to the Grand Jury's: we spoke to staff and looked at documents that were available to us and certainly to the grand jury. Our conclusion is that the report is flawed, not entirely but flawed; multiple statements and facts are contradicted by information that was available to the grand jury.

Mr. Friedman went over the significant findings of the response:

Items 1 – 5 – The purchase of educational material was influenced by the district’s

Superintendent of schools. The response team disagrees. The Grand Jury received a letter from the organization American’s Choice stating that it was a “not for profit” organization and that Dr. Mays had no stock purchase option. In addition, the report stated that the district spent \$1,300,000 in materials; this is incorrect as the total purchases add up to about \$950,000.

Items 6 – 6.3 – PVUSD Board of Trustees’ Fiscal and Management Oversight. The team disagrees with the finding that trustees receive the annual budget and amended budgets without adequate time to review. This finding is more an opinion than a fact as it depends upon any trustee’s interest in the budget and willingness to meet with district outside of a board meeting during the budget preparation period. In addition, trustees are never discouraged from asking questions at the board meeting but it is the responsibility of each trustee to come fully prepared to the meeting, which may mean a willingness to meet with district staff prior to a meeting to review questions or concerns a trustee may have. Most of the Grand Jury findings in this situation seem to be more opinions than facts; the district has no information or belief as to the accuracy of the Grand Jury’s report on the comments of interviewed trustees.

Items 10 – 10.2 – Allegations of Brown Act Violations. The response team feels that the District has at all times complied with the Brown Act. There was a complaint from two community members contending that a violation of the Brown Act occurred at a board meeting on January 17, 2007 with respect to the posting of an agenda item regarding the interim superintendent position. The report fails to note that this complaint was reviewed by the County of Santa Cruz District Attorney’s office, which not only found that a criminal violation of the Brown Act had not occurred but advised the complainants that they could choose to pursue relief in the civil courts, an option that was not exercised. The DA’s letter is dated April 3, 2007, well before the completion of the Grand Jury’s investigation for the report. Mr. Friedman noted that the item was properly referenced on the agenda and was in compliance with provision of the Brown Act and that discussion in closed session and the action in public session were appropriate to the listed agenda items.

Items 11 – 16 – Board’s Oversight of Construction Funds. The report stated that when the board approved a \$10 million Certificate of Participation (COP), they did so without the public having had the opportunity to be informed. In fact, the district held several board meetings and took all actions required by the Brown Act to notify the public of this issue. In the finding that the Board was not aware of the disadvantages of the COPs (item 12), the response team disagrees; the Board was extensively briefed at the meetings and presentations and they had many opportunities to question staff. The Grand Jury’s finding that the addition of the Wetlands Educational Resource Center (WERC) at the Pajaro Valley High School (PVHS) took away from buildable space for the high school is partially correct. However, the center was a mitigation measure identified in the environment impact report, as well as a City’s condition to approve the Coastal Development/ Special Use Permit for the high school. It was alleged that PVHS’s architectural plans showed the site to be located in the airport flight path turning zone. In fact, it is not in the flight path turning zone; the current Watsonville City Manager and airport manager were consulted throughout consideration of the project site and both concurred that there were no significant safety concerns relating to the distance from the airport. In terms of whether or not the size of the cafeteria and the kitchen at PVHS is adequate was also brought up on the report. The cafeteria capacity of 608 students is appropriate as high school cafeterias are generally not designed to hold the entire student body at one time. The kitchen facility at PVHS is adequate and it is in fact one of the largest kitchen facilities in the district.

Item 21 – 21.4 – The Zone System. Item 21 of the report found that the current system of three geographical zones and their management by Assistant Superintendents seems to encourage a lack of support and communication between district staff and zone management. The response partially agrees as the make up of the zones is correctly stated; however, there is positive articulation between district and zone administration. The zone system has been a positive way to structure the district, allowing for an appropriate feeding system. The allegation that the lack of communication and

support from the district contributes to low morale and that site staff feels that the district has little concern for the challenges in the classroom (item 21.4) is partially agreed to by the response team. Low morale is a subjective matter and PVUSD has no knowledge of how those being interviewed were chosen by the Grand Jury. It is a fact, however, that data suggests that issues affecting morale may be less than those affecting other district; in the past three years, PVUSD was under the state average of 11% in teacher turnover: PVUSD has an average of 6.5%. Item 21.6 refers to zone meetings being poorly publicized resulting in having little community participation, and that no minutes or agendas are kept or published of these meetings. The district disagrees with this finding. Zone meetings are publicized following the requirements of the Brown Act. Principals, trustees, site council representatives, staff and other zone representatives receive mailed notices. These notices are also sent to all sites; when applicable, notices are also sent in Spanish. Minutes are taken and kept at each zone meeting.

In conclusion, Mr. Friedman stated that the concern in looking at this report is where opinions are built on rumors and misinformation. The Grand Jury report repeatedly cited inaccuracies. We have completed the response for the consideration of the Board. It is the recommendation of the team that put this response together that the Board approves this response and then forward to presiding Judge as well as to the Grand Jury members.

Public comment:

Jane Barr, community member, states she felt compelled to speak about this report, in which well meaning members seemed to have been hoodwinked by a small group of people; she feels that trustee Nichols influenced the jury in their findings. Three quarters of the report is based on newspaper articles, and not well researched issues. Judge Mariganda should be called on for the lack of proper oversight to this report. Erroneous information is continuously reported; the report has done harm to the district. They owe an apology to the district and the community.

Sylvia Previtali, community member, thanked trustee Nichols for being there during the release of the Grand Jury report, which comes at the same time each year. She's grateful about this report as it brings to light things that we need to address. There is a purchase order for \$75,000 for the law firm Fagan, Friedman and Fulfroost; that is a lot of money to pay for these services. She heard many negative comments by the team regarding the report, including unsubstantiated conclusions and a flawed process. There are terrible problems in the district; the Grand Jury spent a year looking at them. There are many valuable documents not mentioned in the response that was prepared. The COPs findings by the response team were incorrect.

Luis Alejo, community member, thanked trustee Nichols and the Grand Jury for shedding some light on this issues. In this report we saw mismanagement of the worst kind. The district continues to show lack of respect for the State law and continue to run in a non-transparent manner. It is appalling that members of the public were not able to read and make comments prior to this moment. This is a reckless disregard to the law. He was informed that Tom De Lapp was not hired by the district and yet he's part of the team. The District Attorney of Santa Cruz County should look at this report. The continued bashing of the Grand Jury should be reprehensible. The entire county is appalled.

Dan Hernandez, community member, was an interviewee and they did not agree with the information he provided to them. It was clear to him that the Grand Jury had an agenda. The jury should be investigated for the work they did on this report. The fact is that grades are up, and student improvement is taking place.

Board participated with comments and questions.

Trustee Turley moved to approve the report with the recommended changes and forward as necessary. Trustee Yahiro seconded the motion. A roll call vote was taken. The motion passed 5/2 (Osmundson, Nichols dissented).

**13.3 Report, discussion and possible action to approve Resolution #07-08-06, Sufficiency of Instructional Materials K-12 and Science Laboratory Equipment for Grades 9 – 12.
Report given under Item 8.**

Trustee Nichols moved to approve this item. Trustee Wilson seconded the motion. The motion passed unanimously.

**13.4 Report, discussion and possible action to approve Superintendent’s Search Process.
Report by Dr. Mary Anne Mays, Interim Superintendent**

Dr. Mays noted that the Board had already determined that it would use a search firm at a previous board meeting discussion. It is important that the Board discusses the timeline for the search, when requests for proposal should sent and whether to include all firms listed on the back up.

The Board discussed having the RFP’s sent out as quickly as possible to all the firms listed so that it could be possible to have a firm selected to begin the process before the end of 2007. It wasn’t determined whether the Board would interview all the firms or would select certain firms from the responses.

Trustee Nichols moved to send an RFP to all of the companies listed. Trustee Osmundson seconded the motion. The motion passed unanimously.

14.0 REPORT AND DISCUSSION ITEMS

**14.1 Report and discussion on Notification of Expiring Term for CSEA’s Commissioner.
Report by Dr. Albert Roman, Director of Classified Personnel**

Dr. Albert Roman, director of Human Resources, mentioned that a memo addressed to CSEA president Bobby Salazar regarding the expiration of their representative to the Personnel Commission had been sent out. CSEA has voted to reappoint Mr. Hayes to the position. The Board will need to have a public hearing after 30 days and within 45 days of when the employees’ nominee was submitted to the Board, to allow the community the opportunity to express their views on the qualifications of the person nominated by CSEA.

15.0 GOVERNING BOARD AND SUPERINTENDENT COMMENTS/REPORTS

Dr. Mays reported she had an exciting afternoon in the company of UCSC’s new chancellor, George Blumenthal, and Cabrillo College’s president, Brian King. They visited Year 5 schools Starlight and Mintie White and classrooms. Ylda Nogueta and the principals participated in the visit. They had interesting conversations.

Trustee Yahiro reported that a scouting team visited Santa Maria, King City, Monterey, Peninsula College and were happy to see that our facilities when compared with others are very nice. The District should feel proud of our schools and our facilities.

Trustee Turley attended the opening ceremony of AHS field, a great facility. She thanked the school and the Aptos Foundation for their fundraising efforts.

Trustee Osmundson noted that she was impressed reading about trustee Yahiro’s involvement with the naming of the gym at WHS. She enjoyed hearing trustee Turley’s comments about Mr. Goicovich. She reported that she attended all the open houses in her area and visited every single classroom. She enjoys getting to know all new teachers and seeing returning ones.

16.0 UPCOMING BOARD MEETINGS/REMAINING BOARD MEETINGS FOR 2007

All meetings, unless otherwise noted, take place at the District Office Boardroom, 292 Green Valley Road, Watsonville, CA. Closed Session begins at 6:00 pm; Open Session begins at 7:00 pm.

▪ October 10, 2007	▪ November 7, 2007
▪ October 24, 2007	▪ December 5, 2007 (Annual Organization Mtg)

It was requested by the Business Department to move the Annual Organization meeting to December 12, 2007 to allow enough time to complete the 1st Interim report due to the County by the 15th.

Dr. Mays announced that the Board would hold a brief special meeting during lunch on Monday, October 1 to take action on the North Zone Assistant Superintendent. She asked to see if there could be a quorum and five trustees expressed their availability: Wilson, Turley, Keegan, De Rose, and Osmundson.

The board meeting of December 5th was officially changed to December 12th. Notices will be sent out and the updated schedule will be posted.

17.0 ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:10 pm.

Secretary