

**MINUTES BOARD OF EDUCATION  
SAN DIEGO UNIFIED SCHOOL DISTRICT  
4100 Normal Street, San Diego, CA 92103  
Regular Meeting, 4:00 P.M., Tuesday, December 13, 2011**

A regular meeting of the Board of Education of the San Diego Unified School District, County of San Diego, California was held at the Eugene Brucker Education Center on December 13, 2011.

**Present:** Members Barnett, Barrera, Beiser, Evans and Jackson

**Absent:** None

President Barrera called the meeting to order at 2:00 p.m., in room 2249, with all members present.

President Barrera reconvened the meeting in open (public) session at 4:00 p.m., with all members present.

**A. Public Participation**

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The following individuals provided non-agenda public testimony to the Board: Tin Luu, and Emily Dolton, regarding the TRACE program; Jim Rankin offering to donate a story to the District; Joshua Howell, Miguel Tillis, Peter Mekonnen, Eugene Yang, Victor Garcia, and Said Shaba regarding Crawford small schools; Dennis Gildehaus regarding flag football at Pacific Beach Middle School; and Linda Johnson and Audrey Andrews regarding proposed mid-year cuts.

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**B. Opening Ceremony**

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3. Student Presentation: University City High School

The University City High School Orchestra provided the student presentation.

**C. Report of Closed Session Actions and Superintendent and Board Information Reports**

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1. Administrative Assignments (OE-5) (Attachment C1)

Superintendent Kowba reported on his recent administrative appointments.

2. Superintendent's Information Report (OE-4; OE-11) (Attachment C2)

3. Board Information Reports

**D. Adopt Agenda**

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1. Adopt Agenda (GC-2)

Motion by member Jackson, seconded by member Beiser to adopt the agenda was approved unanimously.

**E. Superintendent's Consent Agenda (Attachment E.1., through E.36.)**

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Prior to the vote on the Consent Agenda, Joni Collins provided public testimony to the Board regarding item E. 15. Motion by member Barnett, seconded by member Jackson to approve the Consent Agenda was approved unanimously.

1. Second Amendment to Agreement with Fagen Friedman & Fulfroost to Provide Legal Advice and Representation Pertaining to General Education Legal Matters; BUDGETED: YES, LITIGATION/SETTLEMENT EXPENSE/CONTRACT LEGAL SERVICES (GC-2; OE-1)
2. Second Amendment to Agreement with Fagen Friedman & Fulfroost to Provide Legal Advice and Representation Pertaining to Facilities and Construction Legal Matters; BUDGETED: YES, INSTRUCTIONAL FACILITIES/PROPERTY MGMT/CONTRACT LEGAL SERVICES (GC-2; OE-1)
3. Agreement with Mullen & Plummer, A.P.C. to Provide Legal Advice and Representation Pertaining to Workers' Compensation Legal Matters; BUDGETED: YES, RISK MGMT/WORKERS' COMP (GC-2; OE-1)
4. Field Trips; BUDGETED: N/A (OE-2)
5. Independent Contractor Agreements; BUDGETED: YES, VARIOUS SITE IDENTIFIED FUNDS (OE-2)
6. Agreement with La Mesa Spring Valley School District for Title I Instructional Services; BUDGETED: YES; TITLE I, PART A FUNDS (OE-2)
7. Ratification of Agreement and Resolution with the California Department of Education for Facilities Renovation and Repair; BUDGETED: YES, CHILD DEVELOPMENT FACILITIES RENOVATION/REPAIR FUNDS (OE-9)
8. Interdivisional Curriculum Committee (ICC) Recommendations; BUDGETED: N/A (OE-2)
9. Second Amendment to Agreement with County of San Diego Children's Mental Health to Operate a School-Based Early Intervention Program; BUDGETED: N/A (OE-2)
10. Fifth Amendment to Agreement with the County of San Diego Children's Mental Health Services to Operate the Unified Day Rehabilitation Program; BUDGETED: YES, MENTAL HEALTH CENTRAL ADOLESCENT FUND (OE-2)
11. Special Education Payment Authorizations; BUDGETED: YES, SPECIAL EDUCATION AND GENERAL FUNDS (OE-2)
12. Student Expulsions; BUDGETED: N/A (OE-3)
13. Student Readmits; BUDGETED: N/A (OE-3)
14. Ratification of Certificated and Classified Personnel Actions; BUDGETED: YES, VARIOUS FUNDS (OE-5)
15. Authorization for the Continued Use of The Cooperative Purchasing Network Agreement with Office Depot, Inc. to Purchase Office Supplies; BUDGETED: YES, VARIOUS SITE-IDENTIFIED FUNDS (OE-7)
16. Authorize the Release of a Competitive Solicitation for the Purchase of Delivered, Ready-to-Serve Pizza and Approve the Interim Purchase of Delivered, Ready-to-Serve Pizza; BUDGETED: YES, CAFETERIA INVESTMENT ACCOUNT (OE-7)

17. Agreement with Fischer Auction Company, Inc. to Provide Auction Services for the Disposal of Surplus Personal Property; BUDGETED: N/A (OE-9)
18. Change Order with M. A. Stevens Construction for Removal of Unforeseen Wet Soil at the Point Loma High School Weight Room Building Project; BUDGETED: YES, PROPOSITION S FUNDS (OE-9)
19. Agreement with Byrom-Davey, Inc. to Furnish and Install Stadium Lighting and Scoreboard at University City High School; BUDGETED: YES, PROPOSITION S FUNDS (OE-9)
20. Second Amendment to Agreement with Pacific Bell Telephone Company, dba AT&T DataComm, to Provide Local Area Network Technology Upgrades; BUDGETED: YES, PROPOSITION S FUNDS (OE-9)
21. Second Amendment to Agreement with Vector Resources, Inc. to Provide Local Area Network Technology Upgrades; BUDGETED: YES, PROPOSITION S FUNDS (OE-9)
22. Rejection of All Bids to Construct a New Classroom Building at Encanto Elementary School; BUDGETED: N/A (OE-9)
23. Rejection of All Bids to Construct a New Classroom Building at the Language Academy; BUDGETED: N/A (OE-9)
24. Agreement with City of San Diego for a Synthetic Turf Field and Recreation Facilities at Jefferson Elementary School; BUDGETED: N/A (OE-9)
25. Agreement with Lawrence Family Jewish Community Centers of San Diego County for Use of Swimming Pool Facilities by University City High School Students; BUDGETED: YES, INTERSCHOLASTIC ATHLETIC FUND (OE-9)
26. Agreement with the Peninsula Family YMCA of San Diego County for Use of Swimming Pool Facilities by Point Loma High School Students; BUDGETED: YES, INTERSCHOLASTIC ATHLETIC FUND (OE-9)
27. Agreement with Poway Unified School District for Use of Rancho Bernardo High School Swimming Facilities by Scripps Ranch High School Students; BUDGETED: YES, INTERSCHOLASTIC ATHLETICS (OE-9)
28. First Amendment to Agreements with Multiple Vendors to Provide Real Estate Appraisal Services; BUDGETED: YES, PROPERTY MANAGEMENT FUNDS (OE-9)
29. Ratification of Facility Permit with City of San Diego Park and Recreation Department for the Rental of Recital Hall and Outdoor Area Facilities for the Annual Enrollment Options Fair; BUDGETED: YES, MAGNET SCHOOLS ASSISTANCE PROGRAM (OE-2)
30. Agreement with Curriculum Advantage, Inc. for Purchase of a Subscription to Classworks Web Access; BUDGETED: YES, SPECIAL EDUCATION CA HIGH SCHOOL EXIT EXAM/CAHSEE FUNDS (OE-8)
31. Agreement with Oracle America, Inc. to Allow District Staff to Participate on Oracle's Customer Advisory Board; BUDGETED: N/A (OE-8)
32. First Amendment to Agreement with Proxient Technologies Inc. to Develop and Implement Customization of the

Results (Site) Based Budgeting Software Application; BUDGETED: YES, STATE SCHOOL FACILITIES PROJECT FUNDS (OE-8)

33. Third Amendment to Agreement with AIG Variable Annuity Life Insurance Company to Bring the District's 457(b) Deferred Compensation Plan into Compliance with Federal Tax Legislation Requirements; BUDGETED: N/A (OE-6)

34. Classification Items; BUDGETED: YES TITLE VII UNRESTRICTED GENERAL FUNDS (OE-5)

35. Agreement with The Jacobs & Cushman San Diego Food Bank Food 4 Kids Backpack Program; BUDGETED: N/A (OE- 2)

36. Agreement with Raising A Reader® National to Provide a Kindergarten Home Book Reading Program at Central Elementary School; BUDGETED: N/A (OE-2)

## **F. Student Instructional Matters**

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1. 2011-12 Single Plans for Student Achievement (SPSAs) and Categorical Budget Summaries for 181 Schools; BUDGETED: N/A (OE-2) (Attachment F1)

Motion by member Evans, seconded by member Beiser to approve SPSA's, was approved unanimously.

2. Resolution Recognizing January 23 through 27, 2012 as "No Name-Calling Week" (Attachment F2)

Motion by member Evans, seconded by member Beiser to adopt resolution recognizing No Name Calling Week, was approved unanimously.

3. Update on the Uniform Discipline Plan; BUDGETED: N/A (OE-3) (Attachment F3) Information Only

Staff provided an update on the staff and committee work on a uniform discipline plan. The plan will be presented to the Board in February 2012 for action.

## **G. Board Consent Agenda**

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1. Approval of Minutes: Special Meetings, November 1, 2011, ~~November 8, 2011, November 15, 2011~~, Regular Meetings, October 25, 2011, November 1, 2011, ~~November 8, 2011~~ (Attachment G1)

Motion by member Evans, seconded by member Beiser to approve and adopt special meeting, November 1, 2011 and regular meetings, October 25, 2011 and November 1, 2011 was approved unanimously.

2. Annual Ratification and Reenactment of District Policies and Administrative Procedures; BUDGETED: N/A (GC-1; OE-1) (Attachment G2)

Motion by member Evans, seconded by member Beiser to ratify and reenact District Policies and Procedures, was approved unanimously.

3. Annual Readoption of the Bylaws of the Board of Education; BUDGETED: N/A (GC-2) (Attachment G3)

Motion by member Evans, seconded by member Beiser to readopt the Bylaws of the Board, was approved unanimously.

#### 4. Authorization to Excuse Board Member Absence (Attachment G4)

Motion by member Evans, seconded by member Beiser to authorize and excuse absence of member Beiser from November 29, 2011 special meeting was approved unanimously.

### **H. Operational Matters Reserved for the Board**

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#### 1. Report from the Community Advisory Committee for Special Education (CAC) (Attachment H1)

Moira Albritton, Chair, CAC Special Education, presented the report and recommendations to the Board. Terry Pesta, Dorene Dias Pesta, and Caroline Kelner provided public testimony to the Board regarding the CAC report.

Motion by member Barrera, seconded by member Jackson, to direct staff to work with the CAC to address the CAC's concerns and recommendation, staff to return to the Board in January with additional information, was approved unanimously.

#### 3. Fully Fund Patrick Henry Performing Arts Center by Reallocating \$2.9 Million of Proposition S Funds From Patrick Henry Cluster Schools (Beiser) (Attachment H3)

Katherine Nakamura, Donner Goode, and Matthew Kalal provided public testimony to the Board regarding item H.3. Motion by member Beiser, seconded by member Evans to fully fund Patrick Henry Performing Arts Center by reallocating \$2.9 million of Prop S funds from Patrick Henry Cluster Schools, was approved unanimously.

#### 4. Area 1 Academic Language and Content Area Assessment for the Lincoln and Morse Clusters; BUDGETED: NO, TITLE I FUNDS (OE-2) (Attachment H4)

Alma Hills, Robin McCulloch, Vanessa Woodard, Ellen Nash, Fabiola Bagula, Michele Arteberry, Ms. Ramirez, David Page, and Esther Omogbehin provided public testimony regarding item H.4.

Motion by member Jackson, seconded by member Barnett to Direct staff to: 1) Authorize Area 1 principals to use the ACUITY online student assessment software and benchmark assessment materials as a replacement for current district benchmarks for students in Grades 3-8; 2) Approve continuation of the purchase of Acuity Assessment and LAS Links Assessment to provide Academic Language and Content Area Assessment service for the Lincoln and Morse Clusters (i.e., 27 schools with approximately 20,000 students) and staff to negotiate the appropriate amendments to the agreement to continue use of these assessments; and 3) Approve use of Title 1 funds in an amount up to \$550,670.80 for the purchase. Following discussion of the Boar, member Barnett withdrew his second to the motion. The motion died due to lack of a second. Motion by member Barnett, seconded by member Evans to direct the Superintendent to review second language central funding and programs, districtwide implications, and provide additional information to the Board regarding the proposed area 1 assessment plan, was approved unanimously.

#### 5. Annual Organization of the Board of Education: Election of Board President and Vice President, Pursuant to Education Code Section 35143; BUDGETED: N/A (GC-4) (Attachment H5)

Board members conducted the election for Board President for the term December 14, 2011 through December 11, 2012. For the office of President, members Barnett, Barrera, Beiser, Evans and Jackson voted for member Evans. Board member John Lee Evans was elected to the office of President for the term December 14, 2011 through December 11, 2012. Board members conducted the election for Board Vice President. Board members Barnett, Barrera, Beiser and Evans voted for

member Barnett, and member Jackson voted for member Beiser. Board member Scott Barnett was elected to the office of Vice President for the term December 14, 2011 through December 11, 2012.

## I. District Operations

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1. Annual Financial Statements for Fiscal Year 2010-11; BUDGETED: N/A (OE-6) (Attachment I1)

Christy White, External Auditor presented the 2010-11 annual financial statement to the Board and Dan McAllister, Chair, Board Audit and Finance Committee, presented the Committee's recommendation to the Board regarding the annual statements.

Motion by member Beiser, seconded by member Jackson, to accept and approve the 2010-11 District's annual financial statements, was approved unanimously.

2. Fiscal Year 2011-12 First Interim Financial Report in Compliance with Education Code Section 42130 and Declaration of Positive Certification; BUDGETED: (OE-6) (Attachment I2)

Moira Albritton, Deanne Rohde, and Christy Scadden provided public testimony to the Board regarding the First Interim Financial Report.

Motion by member Evans, seconded by member Beiser to approve the 2011-12 First Interim Financial Report with a positive certification as recommended by staff, was approved with member Barnett voting no.

3. Resolution In the Matter of Intent to Declare Positive Certification at First Interim and Balance the District Budgets for Fiscal Years 2011-12, 2012-13 and 2013-14; BUDGETED: (OE-6) (Attachment I3)

Ann Marie Haney, Brina Mae Schuchman, and Dean Hickman provided public testimony to the Board regarding item I.3.

Motion by member Beiser, seconded by member Evans to adopt the resolution to declare positive certification at first interim and balance District budgets for fiscal years 2011-12, 2012-13, and 2013-14. Amendment to the motion by member Jackson, seconded by member Barnett to modify the list of solutions to remove vice principals, counselors and other central, non-classroom certificated staff from the list. Following discussion of the Board the proposed amendment was withdrawn. Amendment to the motion by member Jackson seconded by member Evans, to adopt resolution to declare positive certification at first interim and balance District budgets for fiscal years 2011-12, 2012-13, and 2013-14 with modification the list of solutions to remove vice principals and non-classroom, site-based certificated teachers, was approved with member Barnett voting no (see revised list of solutions).

4. Resolutions in the Matter of the Reduction or the Elimination of Classified Services; BUDGETED: (OE-5) (Attachment I4)

Motion by member Evans, seconded by member Barrera to adopt the resolution to eliminate classified services was approved with member Jackson voting no.

5. Selection of Proposal and Authorization for Staff to Negotiate a Joint Occupancy Agreement with Peninsula Family YMCA for Recreational Facilities and Community Center at Pacific Beach Middle School; BUDGETED: N/A (OE-9) (Attachment I5)

Motion by member Evans, seconded by member Beiser to authorize staff to negotiate joint occupancy agreement with Peninsula Family YMCA at Pacific Beach Middle School, was approved unanimously.

6. Human Resources Monthly Update; BUDGETED: N/A (OE-5) -- None

7. School Realignment/Closure Committee Recommendations (Attachment 17)

Diego Gutierrez, Jason Folkman, and William Ponder provided public testimony to the Board regarding school realignments and closure recommendations.

Motion by member Evans, seconded by member Barrera to approve the Superintendent's recommendations with change to recommendation 2 regarding Crawford to provide one principal and 2 vice principals, and direct that there be further committee discussion regarding a comprehensive, pathways, themes, or hybrid model plan for the school, was approved with member Barnett voting no.

8. Resolution in Recognition of the Barnard Mandarin Immersion Program (Attachment 18)

Motion by member Barnett, seconded by member Beiser to adopt the resolution recognizing the Barnard Mandarin Immersion Program, was approved unanimously.

9. Resolution Regarding Project Stabilization Agreement (PSA) for Proposition S School Construction Repairs and Renovation and Ratification of Agreement to Extend the PSA for Duration of the Prop S Program; BUDGETED: YES, PROP S FUNDS (OE-9) (Attachment 19)

The following individuals provided public testimony to the Board regarding item 1.9., PSA extension: Evan Mclaughlin, Corrin Wilson, Rosemary Enriquez, Karim Boury, Kayla Race, Tom Lemmon, Collyer Cronk, Enrique Martinez, Jordan Davis, Anhalina Tachiquin, Victor Esparza, Mike Magallanes, and Val Macado.

Motion by member Beiser, seconded by member Jackson, to adopt the PSA resolution to extend the PSA for duration of the Prop S Program, was approved unanimously.

10. Gartner Review and Five-Year Enterprise Software Plan for Oracle PeopleSoft, Oracle Business Intelligence, Zangle, and Non-Instruction Computer Refresh; BUDGETED: YES, STATE SCHOOL FACILITIES FUND (OE-8) (Attachment 110)

Motion by member Barnett, seconded by member Evans to approve item 1.10., five-year Enterprise software plan, Oracle Business Intelligence, Zangle, and non-instruction computer refresh, was approved with members Beiser and Jackson voting no.

**J. Public Participation - None**

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**K. Recess**

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**L. Informal Debriefing: Meeting and Process**

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**M. Adjourn**

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**President Barrera adjourned the meeting at 9:10 p.m.**

**Cheryl Ward, Board Action Officer**

**These Minutes Adopted by the Board at a regular meeting**

**of the Board held on \_\_\_\_\_**

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