

North Monterey County Unified School District

Regular Board Meeting-Closed Session 6:00 p.m.

September 15, 2016 7:00 PM

District Office Board Room

8142 Moss Landing Road

Moss Landing, CA

Attendance Taken at 6:00 PM:

Present:

Adrian Ayala

Martha Chavarria

Linda Lines

Ms. Lillian Mulvey

Ms. Elizabeth Samuels

A. CALL TO ORDER

Minutes:

The meeting was called to order at 6:02 p.m.

B. ROLL CALL

C. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Minutes:

Ms. Jennifer Ibarra expressed that she is losing her job, and explained that the process was unethical and a disgrace. She expressed that she was offered the job after the second round. She added that she was removed from her desk and was completely surprised since she did not receive any negative reviews. She is asking for clarification and expressed that other employees are losing faith in the district.

D. RECESS TO CLOSED SESSION

Minutes:

The Board recessed into closed session at 5: 52 p.m.

E. CLOSED SESSION

E.I. Public Employee Discipline/Dismissal/Release

E.II. Conference with Labor Negotiator

F. RECONVENE TO OPEN SESSION

Minutes:

The Board reconvened to open session at 7:09 p.m.

G. FLAG SALUTE

Minutes:

The Pledge of Allegiance to the Flag of the United States of America was led by Ms. Linda Lines.

H. REPORT OF ACTION TAKEN IN CLOSED SESSION

I. ADOPTION OF THE AGENDA

Motion Passed: Passed with a motion by Ms. Lillian Mulvey and a second by Adrian Ayala.

Yes Adrian Ayala

Yes Martha Chavarria

Yes Linda Lines

Yes Ms. Lillian Mulvey

Yes Ms. Elizabeth Samuels

J. RECOGNITION AND PRESENTATION

K. STUDENT BOARD REPORT

Minutes:

North Monterey County High School ASB students reported on

the high school homecoming activities. They also reported that all ASB councils in the area will be coming together in Salinas.

L. BOARD REPORTS

Minutes:

Ms. Elizabeth Samuels reported that she attended Castroville School, high school, Elkhorn Elementary school Back to school nights. She added that parents were excited about the new high school facilities.

Mr. Adrian Ayala reported that he visited Castroville School and Elkhorn Elementary School Back to School nights.

Ms. Martha Chavarria reported that she attended Elkhorn Elementary school Back to School nights and expressed that the Administrators did a good job.

Ms. Linda Lines reported that she attended Central Bay High School, Prunedale Elementary school and Elkhorn Elementary schools Back to School nights. She also attended the Sunrise House meeting in regards to providing counseling services for the high school.

M. SUPERINTENDENT'S REPORT

Minutes:

Superintendent Kari Yeater gave her Superintendent Report (see online for full report).

She added that she was representing the Mission ROP Meeting and attended a training in Sacramento to roll out the Districts Career and Technical Education program.

N. PUBLIC COMMENT ON NON-AGENDA MATTERS

Minutes:

Ms. Kim Legard, Prunedale Elementary School Teacher, stated that she feels it is important for teachers to have microwave and refrigerators in their classrooms. She expressed that it is convenient as she sometimes works early and stays late. She feels teachers are not being heard and that they are being micromanaged.

O. ADOPTION OF THE CONSENT

Motion Passed: Passed with a motion by Martha Chavarria and a second by Adrian Ayala.

Yes Adrian Ayala

Yes Martha Chavarria

Yes Linda Lines

Yes Ms. Lillian Mulvey

Yes Ms. Elizabeth Samuels

O.I. Approve the Extended Fieldtrip Request for North Monterey County High School's Cross Country Team to Mount Sac, Los Angeles, California on October 20-22, 2016.

O.II. Approve Consultant Agreement with John Gilchrist & Associates to perform Biological Consulting & Monitoring Services for NMCHS Athletic Facilities Improvements.

O.III. Approve Consultant Agreement with Wasinger Inspection Services, Inc. to perform Inspector of Record (IOR) Services for NMCHS Athletic Field Improvements.

O.IV. Approve Consultant Agreement with Moore Twining Associates, Inc. to perform Construction Inspection and Materials Testing Services for NMCHS Athletic Field Improvements.

O.V. Ratify Construction Services Agreements for Priority Projects

O.VI. Acceptance of Donations

O.VII. Approve the August 25, 2016, August 30, 2016, September 1, 2016 and September 6, 2016 Warrants Lists

O.VIII. Ratify the Renewal Agreement between North Monterey Unified School District and SchoolCity Inc. for the 2016-17 school year.

P. DISCUSSION

P.I. Student Attendance Report for the 2015-16 School Year

Minutes:

Dr. Lois Peterson reported on the following reasons why students do not attend: Illness, social issues (harassment, bullies), school is not valued (students or families). She reported that the District average on attendance is 95%. She went over every school sites attendance rate.

She reported that attendance has increased in all facets with our students. She stated that all students maintain a 95% attendance average. She reported how each school has increased and has improved on attendance.

P.II. Report on Graduation Rate for 2015-2016

Minutes:

Superintendent Kari Yeater reported on the class seniors and the data and stated that she will bring the A-G report at a later date. She explained that Special Education students are a different circumstance.

Superintendent Kari reported on the students that dropped out and the high school is exceeding state average. We are a unique district and we have highly mobile program (alternative high schools) that effect our numbers.

Superintendent also explained that some of the student data was entered incorrectly. For example, if a student moved to Mexico, it doesn't mean they dropped out of school.

P.III. Approve the 2015-16 Unaudited Actuals Report

Motion Passed: Approve the 2015-16 Unaudited Actuals Report that includes the financial statements presented in the SACS financial reporting format. Passed with a motion by Ms. Elizabeth Samuels and a second by Martha Chavarria.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Ms. Liann Reyes reported on the 2015-16 annual cycle, and gave an overview on the first and second interim report. She explained that it is a snapshot of the budget. She added that the adopted 2016/17 budget is important to know and that it is driven by budget assumptions and the unaudited actuals. She explained the process of the 2015-16 cycle and the SACS report.

She gave an overview of the unaudited actuals and an overview of the unrestricted and restricted fund. She explained the fund balance and how they come up with balance.

She also reported that Ms. Kay King, Director of Transportation, applied for a grant and received the Monterey Bay Air Solution in the amount of \$165,000 for one full size bus.

In addition, she explained the purchase order process and gave examples that each department plans their expenses on the money that was allocated for each department.

She also explained the different components of Ending Fund balance in the unaudited actuals. She also went over the definitions of the spendable categories. She went over the fund balances and stated that they all have positive ending fund balances. She notes, it gives a glance at building our fund for the District.

P.IV. Approve the 2015-16 Gann Limit Resolution No. 2016-1705

Motion Passed: Approve the Gann Spending Limit Resolution No. 2016-1705 and attached calculations to demonstrate compliance with Education Code Sections 1629 and 42132. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Ms. Liann Reyes reported on the GANN Limit and asked the Board to adopt Resolution NO. 2016-1705. She reported that it was public information.

She added that there was no fiscal impact.

P.V. Approve Education Protection Account (EPA) 2015-16 Final Expenditures Exhibit

Motion Passed: Approve the Educational Protection Account (EPA) Final Expenditures for 2015-2016 as required for public disclosure. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Ms. Liann Reyes reported that at the beginning of the 2012-13 fiscal year, the District's adopted budget was required to include a mid-year trigger cut should Proposition 30 fail to pass with the voters. When Proposition 30 did pass, it guaranteed flat funding to the prior years' revenue limit. For our District to remain in compliance with Article XIII, Section 36, of the California Constitution, the Board of Trustees is being asked to review and approve the Final Cost Exhibit for the 2015-16 year.

P.VI. Approve Updated Lease Leaseback Agreement with Robert A. Bothman Inc. for the North Monterey County High School Athletic Facilities Upgrades

Motion Passed: Approve Updated Lease Leaseback Agreement with Robert A. Bothman Inc. for the North Monterey County High School Athletic Facilities Upgrades Passed with a motion by Ms. Lillian Mulvey and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Rick Diaz reported on the ratification which is fully executed Lease Leaseback agreement with Robert A. Bothman Inc. for the construction cost of the North Monterey County High School Athletic Facilities Upgrades project in the amount of \$5,846,231.00

P.VII. Approve Construction Agreement for the North Monterey County Middle School ADA Improvements and Transitional Classrooms.

Motion Passed: Approve Construction Agreement for the North Monterey County Middle School ADA Improvements and Transitional Classrooms. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Motion Passed: Approve Construction Agreement for the North Monterey County Middle School ADA Improvements and Transitional Classrooms. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Absent Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Rick Diaz explained that due to the increasing enrollment at the middle school and additional classrooms will be placed. He gave an overview of the project and that it should take 60 days once it starts.

**P.VIII. Approve Revised Administrative Regulation (AR)
4119.11/4219.11/4319.11 - Sexual Harassment**

Motion Passed: It is recommended that the Board approve revised administrative regulation 4119.11/4219.11/4319.11 - Sexual Harassment. Passed with a motion by Martha Chavarria and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Craig Chavez explained the Board policies and stated that the regulation is updated to clarify that the AR is mandated pursuant to state law and to reflect new law which added prevention of abusive conduct to the contents of sexual harassment training required for supervisory employees. The regulation also reflects state law providing that the conduct need not be motivated by sexual desire in order to constitute sexual harassment. References to Title 2 regulations have been updated to reflect renumbering.

P.IX. Approve Revised Board Policy (BP) and Added Administrative Regulation (AR) 4030 - Nondiscrimination in Employment and Deleted Administrative Regulation (AR) 4031 - Complaints Concerning Discrimination in Employment.

Motion Passed: It is recommended that the Board approve revised board policy and added administrative regulation 4030 - Nondiscrimination in Employment and deleted administrative regulation 4031 - Complaints Concerning Discrimination in Employment. Passed with a motion by Adrian Ayala and a second by Ms. Elizabeth Samuels.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Craig Chavez explained that the policy was updated to reflect the mandate to adopt policy necessary to implement the state's nondiscrimination laws. The policy is also updated to reflect new law which prohibits districts from retaliating or otherwise discriminating against a person for requesting accommodation of his/her disability or religious beliefs, regardless of whether the accommodation request was granted.

The new regulation includes the designation of the district's coordinator for nondiscrimination in employment, addresses measures to prevent employment discrimination and harassment, and incorporates complaint procedures and material on other remedies formerly in AR 4031 - Complaints Concerning Discrimination in Employment.

P.X. Approve Revised Board Policy (BP) and Administrative Regulation (AR) 1312.3 - Uniform Complaint Procedure

Motion Passed: It is recommended that the Board approve the revised

board policy and administrative regulation 1312.3 - Uniform Complaint Procedure. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Craig Chavez The policy and regulation are updated to reflect California Department of Education (CDE) compliance requirements. The policy and regulation are also updated to reflect new laws which authorize the use of the Uniform Complaint Policy (UCP) to resolve complaints of noncompliance with requirements related to accommodations for lactating students, educational rights of foster youth and homeless students, assignments of students to course without educational content for more than one week per semester or to courses they have previously completed, and physical education instructional minutes in elementary schools.

The regulation also clarifies the timeline for filing complaints regarding student fees and reflects the Office of Civil Rights Guidance recommending districts use web sites and/or social media to post nondiscrimination notices, policies, and procedures and contact information for the compliance officer. The regulation also reflects provisions of laws which allow appeals of the district's decision related to specific types of complaints to the CDE and provide that, if any complaint regarding physical education instructional minutes is found to have merit, the district must provide a remedy to all affected students and parents/guardians.

P.XI. Approve Budget Analyst Job Description and Associated Position

Motion Passed: It is recommended that the Board approve the Budget Analyst job description and associated position. Passed with a motion by Ms. Elizabeth Samuels and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Craig Chavez reported on the description of the budget analyst position under the direction of the Assistant Superintendent Business Services, to perform work in the preparation and control of the District's expenditure budget of Federal, State, and Local programs, and to do job related. Superintendent Kari Yeater explained that the duties would help support the LCAP.

The fiscal impact is estimated to cost \$82,000.

P.XII. Approve Paraprofessional/Psychiatric Technician Job Description and Associated Position

Motion Passed: It is recommended that the Board approve the Paraprofessional/Psychiatric Technician job description and associated position. Passed with a motion by Martha Chavarria and a second by Adrian Ayala.

Yes Adrian Ayala
Yes Martha Chavarria
Yes Linda Lines
Yes Ms. Lillian Mulvey
Yes Ms. Elizabeth Samuels

Minutes:

Mr. Craig Chavez reported this position has been identified as a needed additional support, based upon the growth of special education programs in the district. A qualified candidate must possess and maintain certification through the State of California. Mr. Chavez added that many students have identified needs.

Q. BOARD REQUEST(S) FOR INFORMATION AND/OR POSSIBLE AGENDA ITEMS

Minutes:

Ms. Martha Chavarria asked for a self-report survey on where students went to college. Superintendent Kari Yeater stated that she would look into it and that she will bring the A-g completion rate data from the high school.

R. ADJOURNMENT

Minutes:

The Board adjourned at 9:05 p.m.

Chairperson

Superintendent