



APPROVED

## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 8.1f

**Meeting Date:** Nov. 6, 2014

**Subject:** Approve October 2, 2014 Board of Education Meeting Minutes

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Superintendent's Office

**Recommendation:** Approve Minutes of the Board of Education Meeting for October 2, 2014.

**Background/Rationale:** None

**Financial Considerations:** None

**Documents Attached:**

1. October 2, 2014 Board of Education Meeting Minutes

**Estimated Time of Presentation:** N/A

**Submitted by:** José L. Banda, Superintendent

**Approved by:** N/A



Putting  
Children  
First

# Sacramento City Unified School District BOARD OF EDUCATION MEETING AND WORKSHOP

**Board of Education Members**

- Darrel Woo, President (Trustee Area 6)*
- Christina Pritchett, Vice President (Trustee Area 3)*
- Jay Hansen, Second Vice President (Trustee Area 1)*
- Jeff Cuneo (Trustee Area 2)*
- Gustavo Arroyo (Trustee Area 4)*
- Diana Rodriguez (Trustee Area 5)*
- Vacant (Trustee Area 7)*
- Asami Saito, Student Member*

**Thursday, October 2, 2014**

**4:30 p.m. Closed Session**

**6:30 p.m. Open Session**

**Serna Center**

*Community Conference Rooms  
5735 47<sup>th</sup> Avenue  
Sacramento, CA 95824*

## **MINUTES**

**2014/15-07**

*Allotted Time*

**1.0 OPEN SESSION / CALL TO ORDER / ROLL CALL**

*The meeting was called to order at 4:35 p.m. by President Woo, and roll was taken.*

*Members Present:*

- President Darrel Woo*
- Vice President Christina Pritchett*
- Second Vice President Jay Hansen*
- Gustavo Arroyo*
- Jeff Cuneo*
- Diana Rodriguez*

*Members Absent:*

*Student Member Asami Saito (arrived at 6:00 p.m.)*

*A quorum was reached.*

**2.0 ANNOUNCEMENT AND PUBLIC COMMENT REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION**

*No public comment was requested on Closed Session items, and the Board retired to Closed Session.*

**3.0 CLOSED SESSION**

*While the Brown Act creates broad public access rights to the meetings of the Board of Education, it also recognizes the legitimate need to conduct some of its meetings outside of the public eye. Closed session meetings are specifically defined and limited in scope. They primarily involve personnel issues, pending litigation, labor negotiations, and real property matters.*

3.1 *Government Code 54956.9 - Conference with Legal Counsel - Anticipated Litigation:*

- a) *Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9*
- b) *Initiation of litigation pursuant to subdivision (d)(4) of Government Code section 54956.9*

3.2 *Government Code 54957.6 (a) and (b) Negotiations/Collective Bargaining CSA, SCTA, SEIU, Teamsters, UPE, Unrepresented Management*

3.3 *Government Code 54957 – Public Employee Discipline/Dismissal/Release*

3.4 *Government Code 54957 – Public Employee Appointment*

- a. *Principal, Caleb Greenwood Elementary School*

**4.0 CALL BACK TO ORDER/PLEDGE OF ALLEGIANCE**

*The meeting was called back to order at 7:00 p.m. by President Woo.*

*Members Present:*

*President Darrel Woo*

*Vice President Christina Pritchett*

*Second Vice President Jay Hansen*

*Gustavo Arroyo*

*Jeff Cuneo*

*Diana Rodriguez*

*Student Member Asami Saito*

*Members Absent:*

*None*

*The Pledge of Allegiance was led by Tuan Purser, a student from American Legion High School. A Certificate of Appreciation was presented by President Darrel Woo.*

**5.0 ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

*Superintendent Banda announced that by unanimous decision, the Board approved the appointment of Erin Hansen as Principal of Caleb Greenwood Elementary School. Ms. Hansen was in the audience; she came to the lectern and said a few words.*

**6.0 AGENDA ADOPTION**

*President Woo asked for a motion to adopt the agenda. A motion was made by Vice President Pritchett and seconded by Second Vice President Hansen. The Board voted unanimously to adopt the agenda.*

**7.0 PUBLIC COMMENT**

**15 minutes**

*Members of the public may address the Board on non-agenda items that are within the subject matter jurisdiction of the Board. Please fill out a yellow card available at the entrance. Speakers may be called in the order that requests are received, or grouped by subject area. We ask that comments are limited to two (2) minutes with no more than 15 minutes per single topic so that as many people as possible may be heard. By law, the Board is allowed to take action only on items on the agenda. The Board may, at its discretion, refer a matter to district staff or calendar the issue for future discussion.*

*Tom Rogers, a member of the Sacramento area California Teachers' Association/National Education Association Retired Teacher Group, asked if there was a unilateral change to the collective bargaining agreement in terms of retiree benefits. He stated that if that is true he wants the Board to stop and follow the contract.*

*Frank DeYoung, a grandfather of students at Hollywood Park Elementary School, thanked the Board. He has worked with District staff on several committees and several issues over the last two years, and he feels the Board should be proud of the staff. He wanted to recognize and thank District staff.*

*Shari Beck, a District retiree and member of the California Retired Teachers' Association, has e-mailed all Board members earlier in the week and asked if the Board knows that health benefits are to be negotiated as per the contract? She asked the Board to please ratify the contract and follow it.*

*Ralph Merletti addressed the Board a third time about the upcoming solar eclipse with an emphasis on safety. Board members and some Cabinet members had copies of information that Mr. Merletti provided prior to the start of open session. He also provided a web address, [www.svas.org](http://www.svas.org), as a good site to search for finding information on viewing the eclipse safely on October 23<sup>rd</sup> of this year. He suggested looking at their outreach link.*

*Angie Sutherland, a parent of a student at Hollywood Park Elementary, asked for the return of Data Dashboard. She feels it was a wonderful system, created in 2013, that was user friendly. She also shared that the Community Advisory Committee for Special Education (CAC) has a workshop. Part one is October 14, 2014, Engaging Students with Special Needs in the Common Core State Standards, and Part two will be November 18, 2014. The time is 6:30 to 8:30 p.m. at the Serna Center. Free child care is provided. Ms. Sutherland invited Mr. Banda to attend any CAC meeting or workshop.*

*Grace Trujillo had concerns about insurance premium costs.*

*Terrence Gladney, President of the Sacramento Council of PTAs, announced that their first general meeting will be held Monday, October 6<sup>th</sup> from 6:00 to 8:00 p.m. at Shriner's Hospital. He invited Superintendent Banda and the Board to attend. The focus is a community resource fair for senior projects and possible future careers for students in general.*

## **8.0 CONSENT AGENDA**

*2 minutes*

*Generally routine items are approved by one motion without discussion. The Superintendent or a Board member may request an item be pulled from the consent agenda and voted upon separately.*

### *8.1 Items Subject or Not Subject to Closed Session:*

*8.1a Approve Grants, Entitlements and Other Income Agreements, Ratification of Other Agreements, Approval of Bid Awards, Approval of Declared Surplus Materials and Equipment, Change Notices and Notices of Completion (Gerardo Castillo)*

*8.1b Approve Personnel Transactions (Cancy McArn)*

*8.1c Approve 2013-14 Year End Financial Reports Unaudited Actuals, Transfers and Budget Revisions (Gerardo Castillo)*

*8.1d Approve Business and Financial Report: Warrants and Checks Issued for the Period of August 2014 (Gerardo Castillo)*

8.1e Approve Alice Birney Waldorf-Inspired K-8 School Field Trip to Ashland, Oregon/October 21 – 24, 2014 (Lisa Allen)

Item 8.1c was pulled from the Consent Agenda and is not part of Consent approval. Interim CBO Gerardo Castillo gave a presentation on this Item. Member Rodriguez thanked Mr. Castillo and asked about the difference of an excess budget and a deficit budget, differences between restricted and unrestricted funds, and where those funds are stored. She also asked Mr. Castillo how he thought a good balance could be met in trying to meet the needs of current students, but not at the expense of future students. Mr. Castillo replied and explained the District's One Stop Staffing budgeting process; the Budget Department meets with Principals in the middle of the school year to plan the following year's budget as well as review the current year's budget. It is hoped that the school sites will spend their budget in the year allocated, however there is some flexibility within some funds that carry forward to plan for costs in a subsequent year. The current process takes in this bigger picture. President Woo asked for a motion to approve. Member Rodriguez moved that the 2013-14 Year End Financial Reports Unaudited Actuals, Transfers and Budget Revisions be approved. Vice President Pritchett seconded the motion. It was approved unanimously.

There was no public comment on this Item.

Public Comment on Consent Agenda

Ralph Merletti commented on the Alice Birney Waldorf-Inspired K-8 School Field Trip, Item 8.1e. He also commented on a partial solar eclipse that coincides with the trip and provided some printed information.

Board Member Comments on Consent Agenda

None

President Woo asked for a motion to approve the Consent Agenda. A motion was made by Member Rodriguez and seconded by Second Vice President Hansen. The Board voted unanimously to approve the Consent Agenda.

**9.0 BOARD WORKSHOP/STRATEGIC PLAN AND OTHER INITIATIVES**

9.1 Approve Board Resolution #2812: Resolution Opposing Shooting Range in the Immediate Proximity of George Washington Carver School of Arts and Science (Board) **Action**

Superintendent Banda explained that a gun club will be located next to George Washington Carver School of Arts and Science in the near future. There have been on-going discussions with the City Council as the location is within the boundaries of Rancho Cordova. This has been a concern for the Board, parents, students, teachers, and community. The Superintendent acknowledged the City Council's willingness to have conversations to see what happened and if there is any solution that can address the issue. Representatives from Rancho Cordova were in attendance to make a statement. The Board has crafted Resolution #2812 to go on the record to say that the Board does not think this is an acceptable placement for this type of a business, but given the circumstances, how can we work together to either mitigate or work on some types of resolutions to address and allay some concerns and fears that are in the community, and to educate as well.

Public Comment

Joe Chinn, Assistant City Manager of Rancho Cordova, read a letter from City Manager Brian Nakamura which addressed Item No. 9.1. All Board members had copies. The letter was written on behalf of the Rancho Cordova City Council, and stated that the City of Rancho Cordova cannot relocate the shooting range under construction at this time. In this instance the City's Planning Department determined that the indoor shooting range is an allowed use for the site. The site is zoned for office, industrial, mixed-use and allows for indoor entertainment such as an indoor shooting range. Because this use is allowed by right no discretionary action is taken by the City Council on the matter and no notice is required to be given to adjacent property owners. As long as the application obtains the required permits and follows the laws, they may locate their business at this location. After learning that the business was under way, City Council directed City staff to research possible amendments to the zoning code related to this type of use which will be discussed in the coming months. The business owners have made it clear to the City that all club members and visitors will be expected to follow California laws related to gun safety. Such laws include a requirement that guns are to be kept unloaded and in a locked container when they are transported from one place to another. They have also been informed that the construction of this business involves extensive noise mitigation and security measures and that the owners will comply with any and all applicable State and Federal regulations related to the use. The letter went on to say that the City will promptly respond to any complaints or concerns related to the business; health and safety of the public is their top priority. Mr. Chinn then said that Board Resolution No. 2812 calling for the relocation is not possible legally and therefore is not an option. He said they do wish the City Council, Board Members, Superintendent, and City Manager continue to meet to find the best solutions for the situation. He then introduced Paul Junker, City Planning Director, and asked if there were any questions for either of them. President Woo replied that before taking Board questions, members of the public would comment first.

Rucha Powers thanked the Board for the pending approval of Resolution No. 2812. She said the website statement as written is direct, clear-minded, and demonstrates the Board's absolute commitment to the safety of District students. She applauded the Board for being brave enough to stand up for what is right over what is legally allowed. She asked the Board to please apply all powers and options in making sure that the Sacramento Gun Club does not open its doors in the next several weeks as they are advertising. She also stated that she understood old maps were used in the Rancho Cordova planning department which apparently showed only the business park in the area and neither of the District school sites.

Nina Saferstein, a senior at George Washington Carver High School, thanked the Board for herself and everyone at her school for the resolution requesting that the gun club move to a different location and for acknowledging the unnecessary risk of hard posed by the proximity of the gun club to her school. She also thanked the Board for making the students' safety and learning a high priority.

Ralph Merletti wished to go on record as supporting the Board's Resolution No. 2812, and he asked why weren't the Board, the area, and the school given earlier and clear notification? He also asked why couldn't the gun club have been located further away from the school, even if it is zoned industrial?

Alex Visaya, Jr. stressed that safety for the students should be above all regarding this matter. He also feels the gun club should move somewhere else to make sure that students are protected.

#### Board Member Comments

Member Rodriguez stated that she has past work experience in a planning department outside of the local area and so understands the processes that take place, however she feels a level of discernment needs to happen as well with staff and the property owner. Even though old maps may have been used, the property owner also needs to be responsible.

Member Arroyo thanked the staff for promptly producing the resolution before the Board. He requested that the Board pass the resolution as is. He feels the Board needs to ask the owner and the City to come up with a plan for relocation. He is not against guns or gun ranges; he is against guns and a gun range next to a school. He understands that there are legal issues, and the Board cannot tell the City how to act

or may not have legal recourse, but feels the Board has an obligation to request that an option be found to this issue. He also feels the resolution speaks clearly and loudly to what the children and families need in the District.

Vice President Pritchett thanked the parents and community members for the overwhelming responses that she got in response to this issue. She also thanked Mr. Chinn and the City Council for the time that they took with the Board, Executive Committee, and Superintendent during the week, and she hopes they can move forward with community meeting as promised. She also looked over the letter submitted and fact sheet and is looking forward to getting the information out to the community. She appreciates that the City is looking to the future, and she is hoping that this can never happen to one of the District schools again. However, this does not protect our students now, and she encourages each Board member to pass the resolution as is.

Second Vice President Hansen asked for clarification about the public comment made earlier that mentioned the City had used maps that were not up to date and did not include the school. Paul Junker answered that the school is on their maps. They had an executive team meeting at George Washington Carver. The zoning maps identify the zoning of the property as office, industrial, mixed-use. There is not a different zoning for schools so it is not that the maps are out of date, the zoning maps do not identify schools. Member Hansen then asked if the department knew there was a school there when they were making the decision to allow the facility to move forward. Mr. Junker replied that they did, but that it is more a matter of is it an allowed use. The property owners adjacent and within the industrial district own that building and sought to have that use. Member Hansen also asked if the City felt it was required to tell adjacent property owners, a school district, of this facility. Mr. Junker answered that we have used the word required because often we talk about what is the required noticing, but it's also a question of what's appropriate. Noticing is appropriate when there is a question at issue of can we proceed. Being an allowed use, that is why no noticing occurred. Member Hansen stated that it may have been appropriate. Mr. Junker stated that he did not disagree at this point that there could have been more discussions, but he is not sure if it would have made any difference at all as the issue involves a property owner that has owned the building for a long time, predating the school by years, sought to use that building for a legal use. He believes the property owner is still very interested in making sure that the facility will operate in a way that poses no physical hazard to the students at George Washington Carver. He thinks they will also look for ways to build a relationship that can reduce anxiety because, although there is no physical danger, there is anxiety. Member Hansen stated that he appreciated hearing the comments of Vice President Pritchett and the Superintendent about the cooperative meeting that was held with the City. He appreciates that and hopes that there are some things that can be done moving forward. He will be supporting the resolution. The best case scenario is to not have the facility there, and he hopes that will be the goal. He also appreciates Mr. Chinn's and Mr. Junker's attendance and candor.

Member Cuneo said that he values Vice President Pritchett's leadership on the issue and congratulated her for it. He is glad that the Board and the City have been upfront on both sides of the issue, and he understands that legally there are not a lot of options for the Board, but he feels that the Board still needs to be clear morally. Therefore he will be supporting the resolution. He is hopeful that some sort of compromise can occur, and he is very supportive of continued dialogue between the District, the school site, and the City to try and find whatever resolution that would help George Washington Carver continue to thrive and make the students, staff, and faculty feel safe.

Student Member Saito stated that she was shocked and close to horrified. Her friends that attend the school let her know that they are scared. She is upset that something with such violence is so close to a school where it is supposed to be safe. If this were her school, she would not feel safe.

*Vice President Pritchett thanked Student Member Saito for her comments and said that had been the response from many of the students. She asked Mr. Chinn and Mr. Junker about the meeting held at George Washington Carver that they mentioned. Mr. Junker replied that the Executive Team of the City of Rancho Cordova holds many meetings throughout the city at many businesses and public institutions. The meeting he mentioned was approximately three years ago. They were not there to meet with the school, but to learn about the school. Vice President Pritchett said Council Member Dave Sander had visited the school recently in light of this issue to speak to the principal, and it is her understanding he expressed they were looking at old maps and that the school was not on the map. It was also brought up at the recent meeting between the Board and the City. Mr. Junker replied that his department has many maps, those that identify zoning, general plan designations, and uses. Vice President Pritchett also stated that it was her understanding that the owner's permit showed indoor recreation area, and at the recent meeting the staff said they were going to pull the permit. Mr. Junker said he personally looked at both the business license and the building permit application, and both listed a gun range with the use as gun educational programs, sales, and gun range. Vice President Pritchett then asked if this was approved by the Planning Department and did not go to the City Council. Mr. Junker replied that this is correct and most businesses do not ever get to the City Council. Most businesses go into a district where they are allowed by right and then go through a process of business licenses and building permits which is what occurred in this case. Vice President Pritchett said that in addition to community and informational meetings that are planned, she would like to have some off-site meetings to go over the documents so that she can answer her community when they ask questions. Mr. Junker replied that he has those, and they were part of what helped to build the process timeline that is in the packet provided to the Board. He has encouraged the owners to conduct tours of the facility as he feels this would alleviate some of the anxiety. Vice President Pritchett said that she is not against guns, gun ranges, or business groups. However, she is against having this range right next to the District school. Mr. Chinn stated that they look forward to having future meetings regarding this issue to find the best outcome. Vice President Pritchett stated that she does as well.*

*Member Arroyo stated that the concern is not about gun ownership, and he is not against gun ownership. The issue is having guns in close proximity to a school. He asked if there is recourse other than legal, specifically that the owner and the City reach a relocation agreement. Mr. Junker replied that there is a very large financial stake involved. Member Arroyo stated that the City has put all three stakeholders in the same spot. Either the District will lose money through lost ADA, the City for helping with relocation, or the owner. Mr. Junker responded that it has been estimated that the improvements of the gun range represent six million dollars. Also the building has been owned by Fite for many years and has stood vacant for six years although they had sought tenants and lost tenants because they chose not to locate next to the school. They recently lost the Bureau of Automotive Affairs. As this is an industrial zone, Fite chose to use the building in a way that now has caused great concern and, without diminishing that at all, Mr. Junker cannot imagine that the City could undertake six million dollars in damages plus whatever lost revenues would amount to in order to bring about the relocation of the gun range. He looks forward to a discussion where the risks and concerns can be better understood, and feels that visiting the facility once it is to the point of completeness will show that the operation of the range is not the hazard, but society in general. Member Arroyo feels that the circumstance of high traffic guns right next to a school creates concern with parents and students. He asked if the property owner has other properties within the region. Mr. Junker replied that Fite Development has extensive ownerships, and is not aware of what specific buildings they own. Member Arroyo stated that they did then, in fact, have options and that the people affected are students. As the Board always has students first in mind, Member Arroyo encourages not only the passage of this resolution, but also a resolution that encourages relocation.*

*Member Rodriguez asked if the City will be making some corrective modifications to some of their procedures and, if so, will the Board be notified and included in the dialogue as they are going through*



the process? She also asked which corrected procedures will be implemented. Mr. Junker replied that the City Council has already asked that the regulations be reviewed associated with this type of use and that they will absolutely inform the Board of that. Changes would be going forward; they would not be retroactive to an existing use. He anticipates there will be changes to their zoning code as a result of this issue.

President Woo also thanked Vice President Pritchett for bringing the issue to the attention of the Board. He also appreciates the difficult task that the City of Rancho Cordova have, having served six years on the Sacramento City Planning Commission. However, a gun range immediately adjacent to a high school and some of the most vulnerable citizens of the community requires the Board to take a stance to address the issue. He appreciates the City representatives willingness to come and talk, but is hoping the Board's position, and resolution on which the Board is voting, will create a dialogue that will continue so that it is assured the parents, teachers, and students in particular feel safe attending George Washington Carver.

President Woo then asked for a motion to approve Resolution No. 2812. Vice President Pritchett moved that the resolution be passed. Second Vice President Hansen seconded the motion, and it was approved unanimously.

9.2 Revision of Board Policy 6142.7: Physical Education (Iris Taylor/Heather Deckard) **Information**

Iris Taylor, Assistant Superintendent of Curriculum and Instruction, and Heather Deckard, Physical Education Coordinator, gave a presentation on proposed revisions to Board Policy 6142.7, Physical Education. They shared the history of recent changes to State standards and curricular frameworks in physical education as well as newly updated District policies that warrant the change. They outlined specific details regarding the proposed changes. They also informed of two special cases impacting the awarding of physical education, JROTC and Marching Band. The proposed revision would then be brought to the Board for a second reading, including revisions that may result from direction that the Board provides. Upon approval, they will develop the education and administrative regulations for the policy.

Public Comment

Kirstein Brown, a junior at Rosemont High School, had planned to have Marching Band count as her PE credits. She did this on the advice of her counselor. As a result, she no longer has a place for additional PE in her planned schedule.

Jamie Brown, parent of Kirstein Brown, also understood that four years of Marching Band would satisfy the PE requirement. He requested that the Board exempt his daughter as she is over 16.

Terrence Gladney, a parent of a student at John F. Kennedy High School, remembers when the policy was presented a couple of years ago. He had concerns around the athletic exemption component at that time as state law said it could be exempted. He believes the Board was considering pulling it from the Board policy at that time. He does not understand how our local policy can supersede State policy and feels there should be consistency in the District policies as the policies do not seem to be consistently carried out at the site level.

Maria Haro-Sullivan, a parent of a freshman at West Campus and President of the District Advisory Council (DAC), stated that it would have been nice to have this issue come to the council for parent input. She will take to the DAC as there are high school parents on the committee. Her son is in the new engineering program and Marching Band, and therefore there is no room in his schedule for PE. She would like clarification on the requirements and feels it needs to be communicated to all parents and the school sites.

Board Member Comments

Vice President Pritchett asked Dr. Taylor if she could explain the exemptions. She replied that regarding the two year exemption, the State does allow a two year exemption after the freshman year. So students who are in 9<sup>th</sup> grade must take PE. If they pass the physical fitness test with five out of six, they are able to be exempted from two years of physical education. They must then take the second year within the

remaining three years. Therefore, two years of physical education is a State and graduation requirement. The athletic exemption is an exemption for students who are in interscholastic athletic competition. It needs to be a District sponsored athletic program and needs to be taught by a credentialed teacher. The teacher does not need to be a PE credentialed teacher, but must be a credentialed teacher. As long as the student is in an athletic, competitive program, it allows them to be exempt from physical education. For example, a student that plays football in the Fall and continues in an athletic program throughout the school year can be exempt from physical education. If they do not continue with sports throughout the year, they then need to be placed in a regular physical education program. Vice President Pritchett asked if this is something new. Dr. Taylor answered that it is not new; she thinks what is not commonly understood are some of the nuances in what the law requires. Vice President Pritchett then asked if a freshman could be exempt. Dr. Taylor responded that the State requires that all freshmen take PE. Vice President Pritchett asked if, under State law, is it possible for Board members to extend the exemption for all grades if they are in some type of athletic sport, Marching Band, or JROTC? Dr. Taylor stated that it is a special case under JROTC or Marching Band for local education agencies to decide on whether or not Marching Band and JROTC count for physical education credit. Both of these are not currently in Board policy and so part of the reason the item is on the agenda is so that direction can be received regarding Marching Band and JROTC. It is important to understand, however, with each of those, if physical education credit is awarded, the course content has to meet certain requirements. Specifically, it needs to be aligned to the physical education standards. There are eight components of physical education and it is not that all those eight components need to be in Marching Band, for example, but over the courses that a student takes in physical education all eight of those need to be covered. The physical fitness testing is required as well as 400 minutes of physical education. The challenge then is how to meet all of the physical education requirements and the Marching Band requirements in one course. Vice President Pritchett then asked what it would take for a teacher to get credentialed in, for example, Marching Band. Dr. Taylor answered that the teacher would need to prove that they had the subject matter competency in music, if it were the PE teacher that was trying to get certified in Marching Band, or vice-versa, the Marching Band teacher would need to show competency in PE. Then the course of study for Marching Band would need to be changed to reflect the physical education content and the Marching Band content. Vice President Pritchett wanted to know if it is possible for a PE teacher to come in to assist the Marching Band teacher to teach a class or make sure that the PE requirement is being covered. Dr. Taylor said this type of co-teaching would be possible but that it would require additional staffing because another teacher would need to be hired. Ms. Deckard added that something else to think about is that it is required that students have 400 minutes of PE every ten school days. If one breaks that down, and most high school classes are about 50 minutes, we are looking at 250 minutes per week. The requirement by week is 200 minutes. This only leaves one 50 minute class per week for Marching Band. Dr. Taylor said some districts are having Marching Band during a zero period; there are opportunities for a waiver if there is block scheduling too.

Member Rodriguez asked if the students are already doing 200 minutes every ten days or if this is something new that is being added to the policy. Dr. Taylor responded that the 200 minutes has been a State requirement for some time, and the goal of the department is to outline those minutes more explicitly in the policy. Member Rodriguez asked why, as it is very physical, Marching Band cannot count toward the 200 minutes? Dr. Taylor said she understood the amount of physical activity that is involved in Marching Band, but for the physical education standards, it is a combination. There is the physical activity component, but there are also the standards. Marching Band or JROTC does have the minute requirement, but there is the instruction around the physical education standards that also has to be addressed. There are various strands and components within the physical education standards that any course offering PE credit needs to address. Member Rodriguez asked if the classroom piece could be offered on-line. Dr. Taylor said there are opportunities for students to do independent study, but there are also requirements within independent study.

Member Cuneo asked if playing football in the Fall counts for PE for the entire school year. Dr. Taylor replied no, a student needs to be involved in a sport throughout the school year. Member Cuneo remarked that many sports at the high school level now consist of training beyond the season and asked if we will consider that. Dr. Taylor answered that the education code says students need to be involved in athletic competition throughout the school year in order to receive the athletic exemption. They can receive it during the period that they are involved in the sport, but if they are not actively involved in athletic competition then they need to be placed back into a physical education program. Member Cuneo stated that he would urge that the two special cases be treated as exemptions to the PE requirement.

Second Vice President Hansen commented that in looking at the language, he sees the physical activity portion is 50 percent of the time and assumes that band or JROTC would meet that requirement. Dr. Taylor confirmed that this is correct. Member Hansen is very much in support of Marching Band and JROTC being included in the District's physical education program.

Vice President Pritchett asked how many book hours are needed for physical education. Dr. Taylor replied it is 400 minutes every ten days; this is a combination of physical activity and physical education standards content. Member Pritchett asked if, of the 400 minutes, 50 percent needs to be book time. Dr. Taylor confirmed that this is correct. Member Pritchett agrees with Member Hansen and hopes that going forward we can find a solution as she is afraid students will not continue with programs such as Marching Band because they cannot fit it into their schedules.

Member Rodriguez asked if the challenge on this issue is due to State law language or Federal. Dr. Taylor answered that it is State law language, a State requirement. Member Rodriguez suggested another possible solution would be we lobby and ask for some type of change, making it easier for our students in these two categories.

President Woo brought up Kirstein Brown's earlier comment that she chose programs when entering high school based on promises were made to her. He is wondering if there is an opportunity to grandfather those students who were made promises as we move forward. Dr. Taylor said that is something that the department would need to go to CDE about. It is not that it is a new requirement State wide; it's something that is being revealed as an issue within the District, i.e., that we have programs that we have been awarding physical education credit to when the State has said that all of the criteria that needs to be in place for them to be awarded are not in place. It is something that we can approach CDE about to see if there is any flexibility. President Woo said he would like to see if that's possible. Olivine Roberts responded to this request by pointing out the District will engage in a Federal monitoring review over the next few weeks, and it is important that we are found in compliance. The requirements that Dr. Taylor outlined are State law, and we can engage with the CDE regarding the request to grant those students allowance, but at this time it would be out of compliance.

9.3 *AB 1200 Disclosure of Costs of the Tentative Agreement with SCTA and Ratification of the Tentative Agreement with SCTA (Cancy McArn)* **Action**

*Cancy McArn and the members of negotiation team, Gerardo Castillo, Cindy Nguyen, Monica Garland, and Lisa Allen presented an overview and highlights of the two year tentative agreement with SCTA. Ms. McArn thanked the SCTA negotiations team for their leadership, work, time, energy and effort, and stated that the District team recommends approval of this Item.*

Public Comment

*Grace Trujillo spoke on concerns about retirement and health care. She feels her concerns ultimately affect the classroom and students in terms of neglected maintenance and reduced programs due to cuts.*

*Angie Sutherland, a parent at Hollywood Park Elementary School, had a comment on number 18 of the tentative agreement regarding Special Education students in the student inclusion program. She is glad that a work group is being formed and thinks it would be a good idea if parents were part of the group. She feels the Special Education setting is very supportive, but her experience with the general education setting was not as supportive.*

*Board Member Comments*

*Second Vice President Hansen stated that he applauds both sides of the negotiations and pointed out that there are many positive developments.*

*Superintendent Banda also thanked both sides of the negotiation teams, the District and SCTA, for their countless hours and work over the weeks and months. He is very appreciative of all the work and looking forward to continuing to build the relationship with SCTA.*

*President Woo then asked for a motion. Second Vice President Hansen moved that AB 1200 Disclosure of Costs of the Tentative Agreement with SCTA and Ratification of the Tentative Agreement with SCTA be approved, and Vice President Pritchett seconded; the motion was approved unanimously.*

**9.4 Approve Resolution No. 2813: Discontinuance of Policy Governance Model (Board) **Action****

*This is a Board item that was requested by Member Arroyo. Member Arroyo made a motion that the Item be approved. The motion was seconded by Second Vice President Hansen. President Woo asked for public comment before the vote was taken.*

*Public Comment*

*Nikki Milevsky, stated that she saw this resolution as a positive change with access to more information. She also applauds the resolution on the shooting range near George Washington Carver. The SCTA Board also took a position against the shooting range. She also applauds the Board for negotiating a good contract, and asked that the contract be honored.*

*Board Member Comments*

*Member Rodriguez asked that with the vote there be a responsibility to establish a policy committee and work toward a workable environment for governance as a whole. She would like to establish this committee immediately after the vote either a committee of the whole Board or of a few that will report back.*

*President Woo then called for the vote. The motion passed unanimously. The Board then transitioned from hearing mode to workshop mode. There was a five minute recess to switch location.*

**9.5 Real Property Surplus Workshop on Process (Cathy Allen) **Conference****

*Cathy Allen presented on this Item; it was discussed at a prior Board meeting, but brought back to take a more detailed look at the process itself. Ms. Allen began with an overview of the current process and what Districts do when surplus property has been identified. The focus of the discussion is to hopefully identify the process by which the Board is notified of any interest in property. This information involves some confidentiality, so it must be determined how to provide opportunities for staff and the Board or its committee to negotiate, specifically around price. Also to be evaluated are the District's needs currently and in the future. This would include if there is community or private interest, and are there any possible joint ventures.*

*Member Cuneo asked around what issues confidentiality need to be taken into account and what would be the reasons for that. Jerry Behrens, general counsel, answered that when one focuses on a property regarding price and terms one can discuss that in a closed session environment. Although the District has not done so in the past, an agreement can be approved*

*if it is an exception in closed session and report it out. The Brown Act allows this although the District has not done it due to transparency. The confidentiality issue is generally price and terms of an agreement. And one specifies who the negotiators are and identify the property. This allows one in closed session to discuss it. Member Cuneo then asked Ms. Allen what the policy considerations are, or arguments are, around keeping these things confidential. She answered that, in terms of the exchange that was being contemplated, we do not want to artificially drive up the price of the property.*

*Second Vice President Hansen asked if the Board wished to formally accept a proposal, would the Board first need to vote to make the property surplussed. Ms. Allen answered that because the 7-11 Committee had met to make the 16<sup>th</sup> and N property surplus, and had made a recommendation to the Board, she believes it would be best to bring the item to the Board stating that it is the staff's recommendation to declare the property surplus. An exchange would be a shorter process, but both processes are guided by Education Code. Once the property is declared surplus, proposals cannot then be accepted until the recommendation is first brought to the Board. Member Hansen said we don't have to say what will be done with the property when it is surplussed; we can declare the surplus and then allow proposals to come in. He asked if there would be a down side if we declared property surplus but then did not like any of the proposals that materialized. Jerry Behrens replied no, ultimately the Board makes the decision to pursue any proposal. Typically what a District does is receive a 7-11 report, the property is surplussed, the surplus is accepted by the Board, and then go to all noticing and good faith negotiations. If the Board is unable to come to agreement, the Board can, by a two-thirds vote, adopt a resolution specifying what the Board is inviting as bids through the entire market. At that point the Board can take the highest bidder and invite oral bids at least five percent above best bid in the same meeting. And the Board can still refuse that bid or pull back at any time or send out to the market at any time. The Board has flexibility throughout the entire process. Member Hansen then asked if there is an existing 7-11 Committee report on the 16<sup>th</sup> and N property. Ms. Allen said she recommends bringing a recommendation to the Board to surplus.*

*Superintendent Banda asked what the time line would be with any one of the processes. Ms. Allen said it would be many months, maybe a year unless the District knew up front what it wanted to do with a specific property from the start. She suggests relying on asset management to determine highest and best use.*

*President Woo asked Ms. Allen how much she thought an asset manager would cost the District and if she preferred that the Board give her direction to hire an asset manager to come back with a report to show all possibilities for three particular properties in question? She answered yes an independent third party would evaluate all possible uses. Regarding cost, she recommended preparing the scope to evaluate the three properties and felt the cost would be approximately \$20,000.*

*Superintendent Banda supports the recommendation of getting an asset manager.*

*Member Rodriguez said in light of the fact that there were missteps taken regarding property, especially in the last year or so, she does not feel comfortable with the Board abdicating responsibility by having staff select an asset manager. Firstly, she feels the Board needs to be intimately involved in that. Secondly, she would like to know more specifically what the cost would be.*

*Member Arroyo feels that the District still needs an internal policy on how the Board sees the projects come through. The current workshop is being held due to lack of transparency seen prior on how properties were being disposed. Regardless of what happens with 16<sup>th</sup> and N or any other property, there needs to be greater clarity of when staff needs to alert the Board and bring it to open discussion. A whole dialogue went on for an entire year before the Board knew what was happening at 16<sup>th</sup> and N. Questions did not come up until the very last minute, and now six months later the Board is finally getting a presentation of what options are available. Member Arroyo would like this transparency to continue and wants to have greater direction,*

perhaps at the assistance of staff, as to when items come to the Board and at what intervals. He would like to see a policy that provides a process as to how items come to the Board for approval. This does not have to be determined at this workshop. Regarding the three properties under discussion, Member Arroyo feels it is premature to say the Board wants to surplus and sell them as downtown is growing. A property can be worth more than its current market value if we know that we will use it in the future. He is not sure if what the 7-11 Committee did years ago still applies today, so he would like to see properties evaluated on a case by case basis. If the Board is ready to move forward on 16<sup>th</sup> and N, that is okay, but he does not want to see three properties evaluated together. He would like to see demographic information on specific areas within the city; this has been talked about in the past but the information has still not been given to the Board. He feels more internal study needs to be done.

Second Vice President Hansen said he agrees with developing a long term policy on process of excess properties. He also thinks Washington Elementary School is a school that should be available and used for future growth that is being seen downtown. However there is absolute impact today on the abandoned properties, specifically 16<sup>th</sup> and N and Old Marshall. He feels we need to move forward with these properties while putting long term processes into place. If we have an approximate figure for the cost of an asset manager and the Board could be on the interview committee he would be in support of that.

Member Arroyo does not oppose any of Member Hansen's comments. He does, however, want good planning that does not take too long but gives a good picture of District needs.

Member Rodriguez does not disagree with either Second Vice President Hansen or Member Arroyo. She has been asking for demographic information. She is not trying to hold anything up, but it is not possible to move forward without basic information. So she agrees we absolutely need a professional advisor, but it is difficult to get the point where the Board can direct the advisor when complete information has not yet been provided. Her recommendation is to go back to prior Board meeting when this issue was discussed, listen to what Board member were saying, and provide the necessary information. She appreciates the information provided for the workshop, but there are still a lot of questions gone unanswered.

Member Cuneo agrees on trying to find an asset manager to bring some guidance in looking at the three properties that are being discussed. He also agrees strongly with Member Arroyo's comments in regard to policy or lack thereof. He asks staff to try and craft some policy that takes into account when proposals should be brought to the Board. Regarding the confidentiality of information, he feels that the examples of confidentiality given earlier actually indicated less was in order, so he urges transparency in this process.

Second Vice President Hansen recommended that the Board be given direction to bring back proposals; what happens with excess properties and how proposals are considered. What the process is should be part of rules, by-laws, and policy. Also, bring us a proposal for hiring an asset manager and have a couple Board members that are interested help write the request for qualifications. The Board would work with staff to do that, and then come up with a time line of when we are going to do this. If this could be brought back to the Board in the next two to four weeks, then there will be some certainties in place that can be explained to the community. Board members that have specific questions can write those down and send to all Board members. This could be part of the process in moving forward.

President Woo asked if in searching for an asset manager with professional experience, would the search include soliciting public comment? Ms. Allen said she does not know the answer, but feels it may depend on a legal standpoint depending on what happens with any particular piece of property.

Superintendent Banda wrapped up the discussion by saying that it is clear we want to make this an open, transparent process for Board members and the public. The delay was due to transition to a new Superintendent and the opening of a new school year, but we do want to

*keep this process moving forward, and the Board does want some direction on this. So we can develop a request for qualifications and have two or three Board members be involved. We can also draft a Board policy; the Superintendent said he can work with Jerry Behrens on that.*

Public Comment

*Terrence Gladney stated that when there were questions on what the community wanted for Mark Hopkins Elementary School, there were surveys distributed by walking the neighborhoods. He feels it is important to get community input and learn the effect of decisions.*

Board Member Comments

*Diana Rodriguez commented that on Mr. Gladney's comment, saying that the focus was not only on District students and parents but on the entire community.*

*Vice President Pritchett asked that all of the empty District properties be sent to the entire Board. Ms. Allen replied that it was sent in August. Some members did not receive this, so Ms. Allen will send to all.*

*President Woo said the workshop would move to Item 9.6, but noted that the time at 10:17 and asked Ms. Allen how long she thought the next item would take. She said her part is relatively small, so it depends on Board discussion. President Woo asked for a motion to extend the meeting. Vice President Pritchett made a motion to continue to the meeting until 10:30. It was decided, however, to take staff presentation of the Item and any public comment, but table discussion to the next meeting.*

9.6 *Determine Criteria Used for Scoring Community Proposals for the Repurpose and Reuse of Closed School Sites (Cathy Allen)* **Conference**

*Cathy Allen began the presentation by giving a brief background on what has been done up to this point. In June information was presented to the Board outlining proposed criteria in the fee structure, the department was asked to come back with some additional information on costs and describe the City permit process. This was done along with tours for anyone interested in July. Also on July 17<sup>th</sup> the department came back with more information for the Board, followed by a public forum at Fruit Ridge on August 27<sup>th</sup>. All documentation developed was discussed at that meeting. Ms. Allen then covered the proposal for closed sites and how the Board would like to score them. Once the scoring is allocated, it will be shared with all interested individuals and organizations. Right now proposals are due on October 16<sup>th</sup>. A summary of all proposals received will be brought to the Board on November 6<sup>th</sup>.*

Public Comment

*None*

Board Member Comments

*Vice President Pritchett asked if the October 16<sup>th</sup> date needed to be pushed back. Member Arroyo said there were proposals that were submitted for a September 10<sup>th</sup> deadline. Ms. Allen said that date was pushed out until October 16<sup>th</sup> and all parties were notified. Member Arroyo asked why they are applying a second time with a rubric or application that the Board has not approved. Ms. Allen replied that the proposal has been the same since August; the new part is how it will be scored. What was requested by the Board was how the criteria matrix would look. The scoring proponents were put into the proposal itself. Member Arroyo said that one of the key questions to address was rate fees. Ms. Allen covered specific fees that had been discussed at an earlier time, and there can be further discussion on fees. Member Arroyo had asked questions at that earlier time. His impression at that earlier meeting was that it was still not clear what the fee rate would be. Member Rodriguez asked who gave direction to give direction to accept proposals as she does not recall the direction coming from the Board. Ms. Allen stated that the 7-11 Committee made the recommendation to not surplus the sites and to try to lease them.*

Member Rodriguez said that there are still questions and the fee schedule is not solidified. She sees a jump from discussions and now proposals are being accepted, but nothing was approved by the Board. She feels it is premature and is sorry to the people that submitted proposals, but she does not feel comfortable with it. Superintendent Banda said he does not have the history to know how much input the Board had, but at some point staff wants to move the project along. He is not sure if we followed a model from somewhere else or if it is common to do this kind of proposal, but at some point this is another one of those processes that we need to move forward. Otherwise we have properties that are going to be open for whoever wants to come in and use them. So for the District, we want to have control over where these facilities go. So if the Board will give some questions and direction, we can circle back and make some decisions as a group to move forward. Member Rodriguez said we cannot make a decision as a group if staff is acting solely by themselves without having Board approval and coming back to the Board with, again, unanswered questions. Settling on a fee schedule is very important for fiduciary reasons and also for the fairness of everyone. Second Vice President Hansen said the Board voted to close the schools two years ago, and the schools have been empty for a year and a half, so the current rent is zero, and there is finance impact every day due to lost opportunity cost. He is for giving staff a little flexibility so that progress and forward movement can be made.

President Woo said there needs to be a motion to either continue or adjourn. There was a motion from Second Vice President Hansen to adjourn which was seconded by Vice President Pritchett.

#### **10.0 FUTURE BOARD MEETING DATES / LOCATIONS**

- ✓ October 16, 2014 4:30 p.m. Closed Session; 6:30 p.m. Open Session; Serna Center, 5735 47<sup>th</sup> Avenue, Community Room; Regular Workshop Meeting
- ✓ November 6, 2014 4:30 p.m. Closed Session; 6:30 p.m. Open Session; Serna Center, 5735 47<sup>th</sup> Avenue, Community Room; Regular Workshop Meeting

#### **11.0 ADJOURNMENT**

President Woo asked for a motion to adjourn the meeting; a motion was made by Second Vice President Hansen and seconded by Vice President Pritchett. The motion was passed unanimously, and the meeting was adjourned at 10:35 p.m.



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José L. Banda, Superintendent and Board Secretary

*NOTE: The Sacramento City Unified School District encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the Board of Education Office at (916) 643-9314 at least 48 hours before the scheduled Board of Education meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54953.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. §12132)] Any public records distributed to the Board of Education less than 72 hours in advance of the meeting and relating to an open session item are available for public inspection at 5735 47<sup>th</sup> Avenue at the Front Desk Counter and on the District's website at [www.scusd.edu](http://www.scusd.edu)*