



Board of Education
Minutes of Regular Board Meeting
January 26, 2016

- Open Session*
1. **CALL MEETING TO ORDER**
Board President Gunawan Alisantosa called the meeting to order at 5:15 p.m.
 2. **ROLL CALL**
Present were Board President Gunawan Alisantosa, Board Vice-President Robert Nunez, Board Clerk Dan Bobay, Board members Danny Lau and Chris Norwood, and Student Board Representative Alan Pham.

Also present were Superintendent Cary Matsuoka, Deputy Superintendent Cheryl Jordan, Assistant Superintendents Matt Duffy and Wendy Zhang and Executive Assistant Charito Cabantac (recording secretary).
 3. **APPROVAL OF THE AGENDA**
Motion: Approve the agenda for the January 26, 2016 Board meeting.

M/S Lau/Norwood Vote: 5-0
 4. **COMMENTS FROM THE PUBLIC**
None.
- Closed Session**
5. **ADJOURN MEETING TO CLOSED SESSION**
The Board moved to closed session at 5:17 p.m. to discuss/take action on the items listed on the closed session agenda.
- Open Session**
6. **FLAG SALUTE**
The Board reconvened in open session at 7:00 p.m. Mr. Alisantosa led the Flag Salute.
 7. **REPORT OF ACTION(S) TAKEN IN CLOSED SESSION.**
No action was taken in closed session.
 8. **COMMENTS FROM THE PUBLIC**
Community members Lupe Rulacalva and Adrienne Delgado talked about their support for Spanish/English dual immersion program at Randall School. Haining Wei and Michelle Yu asked the Board to also consider creating a Mandarin immersion program. Community member Rob Means informed the public that there is a petition being circulated about placement on the June ballot of the Voters' Right to Know Act which, if passed, would require candidates to include legible messages on politicians' ads to indicate who is paying for the ad.

9. BOARD GROUP AGREEMENTS

The Board Group Agreements was on the agenda for easy reference for members of the Board. There was no discussion.

10. SUPERINTENDENT'S REPORT

Recognition:

Superintendent Matsuoka led the Board in recognizing MHS students who were successful in being on State and Santa Clara County Honor Bands, All State Honor Band, and All State Symphony Orchestra.

11. REPORTS

A. LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP) ANNUAL UPDATE 20115-2016

Assistant Superintendent of Educational Services Matthew Duffy updated the Board on the district's progress on goals and actions as defined in the LCAP. Mr. Duffy reviewed the district's biggest investments to support students and teachers and evaluated the impact of those investments on students. He reported that they have received positive feedback and seen early evidence of success. At the January 27th Management meeting, staff will conduct a START, STOP, CONTINUE activity, which will require managers to present evidence that illustrates whether certain services and investments are showing impact. They will also be creating a form/protocol that requires an "evaluation of services" before another contract is signed for the following year of service.

Mr. Duffy discussed the district's Expected Annual Measurable Outcomes and presented the indicators that are required by State law to examine progress todate. Outcomes were presented and Mr. Duffy answered Board members' questions.

B. 2012 MEASURE E BOND PROGRAM SUMMARY

Staff updated the Board on the 2012 Measure E Bond program. The report covered projects that had been completed. Financials and overall Bond performance were reviewed with the Board. Staff answered Board members' questions after the presentation.

C. REPORT ON THE CALIFORNIA CONSORTIUM FOR DEVELOPMENT AND DISSEMINATION OF PERSONALIZED EDUCATION (C2D2)

Superintendent Matsuoka reported that the district has formed a partnership with two organizations – Summit Public Schools and Lindsay Unified School District. Summit is a charter management organization based in Redwood City with ten schools in the San Francisco Bay Area and the State of Washington. Lindsay Unified serves the agricultural community of Lindsay, located in Tulare County in the Central Valley. The three agencies are united by a common mission to create adult learning standards around

personalization of learning.

The Superintendent provided an overview of the district's collaboration and a roadmap of what we hope to achieve with Personalized Learning. The rationale for introducing this program in the district was explained.

To date, Cheryl Jordan, Chin Song, Matt Duffy and the Superintendent have been involved in three visioning/ planning meetings with the other organizations, and are committed to an ongoing partnership to develop and implement this tool and a broader system of personalized learning. Mr. Matsuoka shared that the consortium has received a planning grant from the Gates Foundation and the district will receive \$100,000 of funds in support of this work. The consortium is working on a larger implementation grant that will be a much larger dollar value and will last for approximately three years. Mr. Matsuoka made it clear that the district's partnership with Summit Public Schools is limited to its work around personalization of learning for adults and students, and there is no intention of opening a charter school in Milpitas

12. ACTION/DISCUSSION

A. RECOMMENDATION BY THE ADMINISTRATIVE HEARING PANEL TO EXPEL THE STUDENT LISTED IN CONFIDENTIAL REPORT 2016.01

No decision was reached at this meeting. This item will be on the Board's February 9, 2016 Board agenda.

B. PUBLIC HEARING AND ADOPTION OF RESOLUTION 2016.19 APPROVING THE McCANDLESS DRIVE ELEMENTARY SCHOOL SITE IN ACCORDANCE WITH THE CALIFORNIA EDUCATION CODE AND TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS

Recognizing the need to support high quality education and to minimize and avoid overcrowding at existing elementary schools, MUSD has entered into a Purchase and Sale Agreement with City of Milpitas to acquire land at the property commonly known as 1660 and 1750 McCandless Drive, Milpitas, CA 95035 for purposes of developing a new elementary school within the City's Transit Area. The Purchase and Sale Agreement between the City and MUSD sets October 21, 2016 as the date by which escrow should be closed.

California law requires a thorough evaluation of the feasibility and suitability of the McCandless Drive property for school use. In compliance with Education Code Section 17211, Chris Dugan of MIG /TRA Environmental Sciences, provided a brief presentation that included information currently available on the property. The presentation included an evaluation of the site conducted in accordance with California Department of Education school siting standards codified in Title 5 of the California Code of Regulations (Section 14010) (**Title 5 Review**). The Title 5 Review is separate and in addition to the

California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) process that is also ongoing for the McCandless Drive Elementary School Project (**CEQA/EIR Review**); however, much of the information assembled as part of the CEQA/EIR process is applicable to the Title 5 Review under Education Code 17211. In addition, as part of the CEQA process, the EIR prepared for the project was circulated to agencies and public for review and comment. The public hearing held at this meeting, required by California Education Code 17211, provided another opportunity for the public to comment on the MUSD's proposed acquisition of the property at 1660 and 1750 McCandless Drive for the purposes of a new elementary school.

Motion: Open the public hearing to adopt Resolution 2016.19
M/S Nunez/Bobay Vote: 5-0

No speakers.

Motion: Close the public hearing
M/S Nunez/Bobay Vote: 5-0

Motion: Adopt Resolution 2016.19
M/S Nunez/Norwood Vote: 5-0

**C. ADOPT RESOLUTION 2016.20 CERTIFYING THE ENVIRONMENTAL REPORT;
ADOPT THE STATEMENT OF OVERRIDING CONSIDERATION; AND
ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM
PURSUANT TO THE CA ENVIRONMENTAL QUALITY ACT FOR THE
McCANDLESS DRIVE ELEMENTARY SCHOOL PROJECT**

Chris Dugan, Senior Project Manager with MIG/TRA Environmental Sciences, Inc. presented the McCandless Drive Elementary School Project Final Environmental Impact Report (EIR) to the Board for review and consideration. Mr. Dugan stated the Final EIR was distributed to agencies and made available for public review on January 15, 2015. The Final EIR includes additional information related to the project, changes and revisions to Draft EIR text, responses to comments on the Draft EIR, and the project's Mitigation Monitoring and Reporting Program (MMRP).

The District prepared a Draft and Final EIR for the McCandless Drive Elementary School Project, which involves the development, construction and operation of a new, state-of-the-art, transitional kindergarten through sixth grade elementary school site on approximately 8.4 acres of land on McCandless Drive, north of the intersection of McCandless Drive and Montague Expressway, in the southwestern portion of the City of Milpitas. The EIR considers the environmental effects of MUSD developing, constructing (including site remediation), and operating the proposed elementary school. As discussed in the EIR, the McCandless Drive Elementary School Project would result in up to 19 potentially significant impacts in 10 different resource areas. The inclusion of mitigation measures into the proposed project renders 18 of the 19 impacts less than significant; however, one cumulative traffic-related impact was found to be an

unavoidable, significant impact of the project, even with the application of feasible mitigation measures.

Mr. Dugan stated that under California Environmental Quality Act (CEQA), project decision makers may balance the economic, legal, social, technological, and/or other benefits of a proposed project against the projects unavoidable environmental risks. In addition, as CEQA Lead Agency for the project, MUSD must adopt a program for reporting or monitoring changes which it has either required in the Project, or made a condition of approval of the project to mitigate or avoid the Project's significant environmental effects. The MMRP for the McCandless Drive Elementary School Project, which is contained in Chapter 5 of the Final EIR, lists the impacts, mitigation measures, and timing of the mitigation measures (i.e., when the measure will be implemented) incorporated into the project. All of the mitigation measures listed in the MMRP will be implemented by MUSD, or by its designees (e.g. contractors, consultants, etc.).

The proposed Resolution 2016.20 sets forth necessary Findings, a Statement of Overriding Considerations, and a MMRP for the project for Board.

Motion: Adopt Resolution 2016.20
M/S Nunez/Lau Vote: 5-0

D. APPROVAL OF THE DUAL LANGUAGE SPANISH IMMERSION PROGRAM AT RANDALL ELEMENTARY SCHOOL

Staff provided the Board with their final summary of the work done to date around the Dual Language Spanish Immersion Program at Randall. It included outcomes of community meetings, community interests and previous presentations to the Board. Dual Immersion expert Rosa Molina talked about the benefits of dual immersion and answered Board members' questions. Ms. Molina talked from experience to address the concern about raising academic performance by students while acquiring a new language, a concern raised by Mr. Norwood. Replying to Mr. Nunez's question about need for additional money, Matt Duffy said they are not anticipating a need for additional money. If approved by the Board, this program would start in one TK and 2-3 K classes in the 2016-17 school year at Randall Elementary School. The Board heard from community members, parents, and teachers about their support of this program.

Motion: Approve the Dual Language Spanish Immersion Program at Randall Elementary School starting in the 2016-17 school year
M/S Nunez/Norwood Action: 5-0

E. AUDIT REPORT OF THE DISTRICT'S FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 2015

The audit report for the District's 2014-15 fiscal year financial statement has been completed by Nigro & Nigro, PC. Kevin Brejnak, a representative from the audit firm, made a brief presentation and answered Board member's questions. There were no audit findings in the 2014-15 fiscal year.

Motion: Accept the Audit Report of the District's Financial Statement for ther Fiscal Year ended June 30, 2015

M/S Nunez/Lau Action: 5-0

F. AUDIT REPORT ON MEASURE "E" GENERAL OBLIGATION BOND FOR THE FISCAL YEAR ENDED JUNE 30, 2015

Proposition 39 requires the District to conduct an annual independent performance audit to ensure that funds have been expended only on the specific projects listed as well as an annual, independent financial audit of the proceeds from the sale of the bonds until all of the proceeds have been expended for facilities projects. Kevin Brejnak, a representative from the audit firm, explained how the audit report was put together and answered Board members' questions. There were no audit findings in the 2014-15 fiscal year.

Motion: Accept the Audit Report of Measure E GO Bond Fund Audit Report for the fiscal year ended June 30, 2015

M/S Nunez/Lau Action: 5-0

G. FIRST AMENDMENT TO SCHOOL MITIGATION AGREEMENT WITH MILPITAS STATION, LLC

In 2005, The District entered into a mitigation agreement with Milpitas Station, LLC. Milpitas Station is a developer that planned to build townhouse and condominium units on a 14-acre parcel at the Piper/Montague area. The agreement locked the developer fee at \$1.93 per square foot with an additional payment of \$115,000 to the District for general educational purpose. Since there was no termination clause in the agreement, the District is legally obligated to honor the agreement. Staff obtained legal opinion and decided that it is in the best interest of the District to work with Milpitas Station to revise the current agreement.

After numerous communications with Milpitas Station, agreement was reached to move forward. Following is a summary of those discussions:

- For parcel # 47 and 48: the developer fee is now at \$2.63/sq. ft., an increase of \$0.70/sq.ft
- For parcel # 42 and 43: the developer fee is at \$1.93/sq. ft. for the first 300 residential units and then current rate applies for all additional units

- Agreement terminates on August 31, 2020

The amendment to the School Mitigation Agreement with Milpitas Station LLC would mean \$349,980 additional income to the Developer Fee Fund for an estimated total of \$1,871,071.

Motion: Approve the first amendment to the School Mitigation Agreement with Milpitas Station LLC

M/S Nunez/Lau Action: 5-0

H. PROPOSAL FOR AN INTERIM GIRLS' ATHLETICS LOCKER ROOM

The MHS PE facility was built in 1969 and included a locker room for male athletics teams. Female athletes have used the lockers in the physical education (P.E.) locker room for girls to change in to their team uniforms and store their personal belongings, which was not an issue until September 30, 2015.

During the summer of 2015 the P.E. boys' and girls' locker rooms were modernized, and the athletics locker room for the boys was included in this project. The boys' athletics team lockers were replaced with lockers that can accommodate football gear and other large sporting equipment. Additionally, the room was painted, the carpet was donated by Patcraft Flooring, and an anonymous donor provided the TV monitor that was installed. These changes to the male athletics locker room prompted members of the MHS staff to contact the Deputy Superintendent about filing a *Uniform Complaint* in order to establish an athletics locker room for female athletes.

Deputy Superintendent, Cheryl Jordan, and Director of Facilities and Modernization, Joe Flatley, met with MHS staff members on October 12, 2015 to see the locker rooms and to listen to their complaint. Mr. Flatley and Ms. Jordan worked with staff members to arrive at consensus on possible solutions to present to the Board for an interim girls' athletics locker room. Staff presented two proposals (A) and (B) for the Board' and explained why staff members felt that Concept B, while smaller in area, is the best solution for resolving storage space, conference, and office space needs while creating space for the interim girls' athletics locker room.

Discussion followed. Board members wanted to see a more equitable solution to solve the locker issues between both parties. There is a perception of unfairness in the option that was being recommended. Mr. Nunez asked staff to bring back to the Board a proposal that is best for the district, not just for a number of people.

This item will return for Board consideration and action at the next meeting.

13. CONSENT AGENDA

Motion: **Adopt the Consent Calendar, with the exception of Consent Item 11** (*Notice of Completion by Blach of Cal Hills/D.O. Modernization Project*); **Item 12** (*Notice of Completion by Blach of the modernization work at MOT*); **Item 13** (*Notice of Completion by Blach of the modernization work at Zanker*); **Item 14**; (*Notice of Completion by Bangar Contractors Corp. re modernization work at MHS*); **Item 15** (*Notice of Completion by Atlas Pellizarri of the modernization work at MHS*); **and Item 16** (*Notice of completion by D.L. Falk Construction at MHS*), **thereby approving the following items:**

M/S: **Nunez/Bobay** **Vote: 5-0**

1. Adopt the minutes of the regular meeting of January 12, 2015
2. Approve the January 26, 2016 Personnel Report
3. Approve the Purchase Order Report
4. Approve the 2014-2015 Annual Report for Milpitas High School's California Partnership Academies
5. Approve the fee increase to TRA Environmental Sciences, Inc.'s contract in connection with the McCandless Property's Environmental Impact Report
6. Approve the agreement with the firm of Crowe Horwath to perform the District's 2015-16 Measure E Bond Audit
7. Approve the agreement with Center for Developing Minds
8. Approve the agreement with Thrive Therapy and Social Center
9. Approve the amendment to the contract with Transition Partnership Program
10. Approve the agreement with California Therapy Connection
11. Approve the Agreement with Accountable Healthcare Staffing, Inc.
12. Declare the items on the attached report as obsolete

13. **ITEM PULLED FOR DISCUSSION.** Notice of Completion by Blach Construction of the Cal Hills/District Office/Adult Education modernization project

14. **ITEM PULLED FOR DISCUSSION.** Notice of Completion by Blach Construction of the modernization work at the Maintenance, Operations and Transportation yard

15. **ITEM PULLED FOR DISCUSSION.** Notice of Completion by Blach Construction of the modernization work at Zanker Elementary School

16. **ITEM PULLED** Notice of Completion by Bangar Contractors Corporation of the modernization work at Milpitas High School

17. **ITEM PULLED FOR DISCUSSION.** Notice of Completion by Atlas Pellizzari Electric, Inc. of the modernization work at Milpitas High School

18. **ITEM PULLED.** Notice of Completion by DL Falk Construction, Inc. (General Contractor Bid Pack #1 and #2) for the modernization work at Milpitas High School

19. Accept the \$3,000 donation from the Dugoni Family Trust Agreement to benefit speech services in the Student Services Department

20. Approve the field trip requests from

Milpitas High School - 50 students to visit the Exploratorium in San Francisco. The students will leave on March 10, 2016, returning on the same day.

Milpitas High School - 20 students of the DECA program to travel to San Diego, CA on March 3, 2016, returning on March 6, 2016. Insurance for this bus is being verified by the Business Office, therefore, approval of this field trip is conditional upon a valid bus insurance.

14. NOTICE OF COMPLETION BY BLACH CONSTRUCTION OF THE CAL HILLS/DISTRICT OFFICE/ADULT ED MODERNIZATION PROJECT

Board member Bobay confirmed that this item is good to go.

Motion : Approve the Notice of Completion by Blach Construction of the Cal Hills/District Office/Adult Ed. modernization project

M/S Bobay/Lau

Action 5-0

15. NOTICE OF COMPLETION BY BLACH CONSTRUCTION OF THE M.O.T. YARD MODERNIZATION PROJECT

Board member Bobay confirmed that this item is good to go.

Motion : **Approve the Notice of Completion by Blach Construction of the M.O.T. yard modernization project**

M/S Bobay/Norwood Action 5-0

16. NOTICE OF COMPLETION BY BLACH CONSTRUCTION OF THE ZANKER ELEMENTARY SCHOOL MODERNIZATION PROJECT

Board member Bobay confirmed that this item is good to go.

Motion : **Approve the Notice of Completion by Blach Construction of the Zanker Elementary School modernization project**

M/S Bobay/Nunez Action 5-0

17. NOTICE OF COMPLETION BY ATLAS PELLIZZARI ELECTRIC, INC. OF THE MILPITAS HIGH SCHOOL MODERNIZATION PROJECT

Board member Bobay confirmed that this is good to go.

Motion : **Approve the Notice of Completion by Atlas Pellizzari Electric, Inc. of the Milpitas High School modernization project**

M/S Bobay/Nunez Action 5-0

Mr. Bobay requested Joe Flatley that in the future, to let him know in advance of walk throughs like the above so that he can participate in the process. Board members thanked Mr. Bobay for taking the initiative in this process.

18. BOARD COMMUNICATIONS/REQUESTS

Student Board Representative left at 10:00 p.m. and had no report.

Board member Norwood reported meeting with Rancho Middle School leadership about a mentoring program at that school. This coming weekend he will host a 32-hour "hackaton" in Redwood City for high school and young adults.

Board member Lau reported attending an event at Zanker School called Books Before Bedtime. The event was well attended. On January 17 he attended band performances where Milpitas placed 8th out of 107 schools. Yesterday, he attended the joint meeting

between the City of Milpitas and the school district.

Board member Dan Bobay said he will e-mail his colleagues two MetroEd flyers for their information. She shared with them that he was elected as MetroEd president for the 3rd time.

Board member Nunez reported attending the City/MUSD meeting on January 25 and he appreciated the interactive tone of the meeting. They discussed the naming of the new school on McCandless Drive. He asked staff to share with him the BP describing the process of naming a school facility.

Board member Alisantosa had no report.

18. DATES OF FUTURE BOARD MEETINGS/ADJOURNMENT

After reading the dates of future meetings, the meeting adjourned at 11:55 p.m.

Respectfully submitted,



Cary Matsuoka
Superintendent and Board Secretary

Attested:



Dan Bobay, Board Clerk

Minutes prepared by Charito Cabantac
