



Board of Education
Minutes of Regular Board Meeting
October 13, 2015

Open Session

1. CALL MEETING TO ORDER

Board President Danny Lau called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present were Board members Danny Lau, Dan Bobay, Chris Norwood, and Gunawan Alisantosa .

Board member Robert Nunez was absent.

Also present were Superintendent Cary Matsuoka, Deputy Superintendent Cheryl Jordan, Assistant Superintendents Matthew Duffy and Wendy Zhang and Executive Assistant Charito Cabantac (recording secretary).

3. APPROVAL OF THE AGENDA

Motion: Approve the agenda for the September 22, 2015 Board meeting.

M/S

Bobay/Alisantosa

Vote: 4 -0

4. COMMENTS FROM THE PUBLIC

None

Closed Session

5. ADJOURN MEETING TO CLOSED SESSION

The Board moved to closed session at 6:01 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. Lau led the Flag Salute.

7. REPORT OF ACTION(S) TAKEN IN CLOSED SESSION.

The Board took action by a vote of 4-0 to approve the Superintendent's recommendation for the position of Family and Community Engagement Manager.

8. COMMENTS FROM THE PUBLIC

Community member Tom Valore encouraged Board members and the Superintendent to attend regular meeting of the Milpitas Chamber of Commerce. These meetings provide networking with business and others in the community , which not only helps the Chamber of Commerce realize its goals, but also the school district's.

9. BOARD GROUP AGREEMENTS

Board Policy 9001 Board Group Agreements was on the agenda for easy reference for members of the Board. There was no discussion.

10. SUPERINTENDENT'S REPORT

The Superintendent welcomed the new appointee, Nicole Stewart, and introduced her to the Board.

11. A. PHASE III BOND MODERNIZATION UPDATES

Staff updated the Board on the results of the final phase of the Measure E Bond programs on the following projects:

- 1) Zanker Modernization Project
- 2) Calaveras Hills High School / District Office/ Adult Education Modernization Project
- 3) MOT Improvements project.

Staff reported on the scope of each project, quality of the work and final project budget results.

B. OVERVIEW OF CONSTRUCTION DELIVERY METHODS

Design for the new elementary school is progressing quickly. Superintendent Matsuoka reported that by December of 2015, it will be important to select a construction delivery method so that we know if we need to negotiate the price of building the new school (LLB) or prepare for bidding the project (multiple prime). There are multiple factors to consider when choosing the right construction delivery method for a complex project such as our new elementary school.

It is staff's belief that obtaining a second legal opinion will be beneficial for the board to make a decision on the delivery method. Glenn Gould from Dannis Woliver and Kelley (DWK) provided a presentation to the Board which focused on the comparisons of the three construction delivery methods. Mr. Gould has more than 25 years of litigation experience representing public entities in construction, environmental and real property disputes including lease-lease back agreements.

At the end of Mr. Gould's presentation, he answered Board members' questions.

C. UPDATE ON METROED PROGRAM AND SERVICES

The Board welcomed Alyssa Lynch, MetroEd Superintendent. She and MetroEd's CBO updated the Board on MetroEd's current programs and services and how these are helping Milpitas' students and older learners. They also talked about MetroEd's future

plans for the JPA.

D. 2015-16 STUDENT RECLASSIFICATION CRITERIA

Assistant Superintendent Matt Duffy stated that the Milpitas Unified School District has developed student reclassification policy and procedures based on criteria set forth by California Department of Education (CDE) guidelines. For the 2015 -16 school year, the reclassification criteria, pursuant to California Education Code Section 313, remain unchanged:

1. Assessment of English language proficiency, using an objective assessment instrument, including, but not limited to, the state test of English language development; and
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; and
3. Parent opinion and consultation; and
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

Mr. Duffy provided background and current information on the district's reclassification criteria. At the end of his report, he answered questions from the Board.

E. QUARTERLY REPORT – WILLIAMS SETTLEMENT COMPLIANCE

Superintendent Matsuoka reported that no complaints were received and there were no outstanding complaints under the Williams Settlement Compliance for the quarter July 1-September 30, 2015.

12. ACTION/DISCUSSION

A. SCHOOL FACILITY NEEDS ANALYSIS

The District contracted services with Jack Schreder and Associates on June 9, 2015 to perform a School Facility Needs Analysis.

Education Code Section 17620 and Government Code Section 65995 et seq. provides the District justification to collect fees based upon new residential and commercial/industrial construction using criteria to establish the District's justification for a need of such fees.

The current fee is at \$3.36 per square foot of residential construction and \$0.54 per square foot of commercial/industrial construction. This fee is expected to increase in

January 2016 by the State Allocation Board (SAB).

Based on determinations consistent with Section 65995.5, the District is justified in establishing a Level II fee of \$4.28 per assessable square foot of residential construction.

Motion: Accept the school facility needs analysis and authorize staff to move forward with the process

M/S Alisantosa/Bobay Vote: 4-0

B. AMENDMENT #1 TO THE PURCHASE AND SALE AGREEMENT WITH THE CITY OF MILPITAS FOR A PORTION OF THE McCANDLESS PROPERTY

On October 21, 2014 the District entered into a Purchase and Sale Agreement for the purchase of a portion of the McCandless property). Since that time, the District has worked with the City to coordinate on Joint Use areas such as the soccer fields and parking and to reconfigure the parking and student loading / drop-off area near a high pressure PG&E gas pipeline easement. These changes will impact the description of the project and its potential impacts contained in the project's Environmental Impact Report (EIR). The EIR process must be completed before the close of escrow, so the City and District agreed to extend the close of escrow date until 10/21/2016. This will allow time for the joint use areas to be finalized and included in the EIR. It is anticipated that the EIR will be brought to the Board of Education for certification in January of 2016 and this amendment is not expected to impact the construction schedule.

Motion: Approve Amendment #1 to the purchase and sale agreement with the City of Milpitas for a portion of the McCandless property

M/S Norwood/Alisantosa Vote: 4-0

C. MILPITAS TEACHERS ASSOCIATION'S SUNSHINE PROPOSAL

The Milpitas Teachers Association (MTA) has proposed to re-open negotiations per **Article 23.5 Reopener Negotiations** of the 2014-17 MTA collective bargaining agreement (CBA) with the Milpitas Unified School District (the District).

In accordance with Board Policy 4143.1, *Public Notice Policy for Collective Bargaining* and State Bargaining Law, a public hearing on the MTA sunshine proposal to open collective bargaining with MUSD will be held at this meeting.

Motion: Open the public hearing
M/S Alisantosa/Norwood Vote: 4-0

No speakers.

Motion: Close the public hearing

M/S Alisantosa/Bobay

Vote: 4-0

D. RESOLUTION DECLARING RED RIBBON WEEK IN THE MILPITAS UNIFIED SCHOOL DISTRICT

Annually, the nation sets aside a week to celebrate its commitment to a drug-free community. The nation will observe Red Ribbon Week from October 23-31, 2015. It is proposed that the Milpitas Unified School District join in the observance of this week by encouraging everyone in the Milpitas education community to make a commitment to a healthy, drug-free community.

Motion: Adopt Resolution 2016.10 declaring October 23, 2015 to October 31,2015 as Red Ribbon Week in MUSD

M/S Alisantosa/Norwood

Vote: 4-0

E. RESOLUTION EXCUSING A BOARD MEMBER'S ABSENCE FROM A BOARD MEETING

Board member Gunawan Alisantosa was absent from the September 22, 2015 regular Board meeting due to a family obligation.

Education Code Section 35120 (c) states that, *A member may be paid for any meeting when absent if the Board by resolution, duly adopted and included in its minutes, finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed .*

Motion: Adopt Resolution 2016.9 excusing Board member Gunawan Alisantosa's absence from the September 22, 2015 Board meeting

M/S Bobay/Norwood

Vote: 3-0-1

(Mr. Alisantosa abstained from the vote)

13. CONSENT AGENDA

Motion: Adopt the Consent Calendar thereby approving the following items:

M/S: Alisantosa/Bobay

Vote: 4-0

- A. Approve the Personnel Report of October 13, 2015
- B. Approve the Purchase Order Report of October 13, 2015

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- C. Approve the contract with Lincoln Studio for designing a new logo for the District
 - D. Adopt Resolution 2016.11 changing the Milpitas Unified Public Agency Retirement System (PARS) Benefits Trust Plan Administrator
 - E. Approve the first amendment to Metropolitan Education District's Joint Powers Agreement
 - F. Approve the amended agreement with Alpha Vista Services Inc.
 - G. County of Santa Clara Treasury Investment Report from 2014-15 Third and Fourth Quarters
 - H. Approve the Memorandum of Understanding with Notre Dame de Namur University for the placement of student teachers
 - I. Approve the Memorandum of Understanding with Notre Dame de Namur University and agreement to provide education specialist and teacher interns
 - J. Approve the University Organization Agreement with San Jose State University
 - K. Approve the supplemental education services (SES) contracts
 - L. Approve the contract/service agreement with FIRST 5 Santa Clara County for a hydration station at Russell Middle School
 - M. Approve the Notice of Completion for general contractor work by Commercial Plumbing & Building, Inc. at Burnett and Curtner Elementary School portables
 - N. Approve the Notice of Completion for electrical work by Aaron Tovar Construction Inc. at Burnett and Curtner Elementary School portables
 - O. Declare the listed office equipment and machines obsolete
 - P. Approve the field trip contract between Exploring New Horizons and Burnett Elementary School
 - Q. Approve the field trip contract between Walden West Outdoor School and Sinnott Elementary School
 - R. Approve the listed parent/booster organizations request to operate from their home school sites
 - S. Accept the proposal from Playgrounds Unlimited for playground and rubber surfacing work at Zanker Elementary School

T. Approve the results of the Spring 2015 Re-classification Committee Study

U. Approve the following field trip requests:

Burnett Elementary School - Eighty-one (81) students to visit the Monterey Bay Aquarium on October 14, 2015, returning on the same day.

Burnett Elementary School - Ninety-nine (99) students to attend Exploring New Horizons Outdoor School in Loma Mar, CA from February 8, 2016 through February 12, 2016.

Rose Elementary School - Sixty-six (66) students to attend Walden West Outdoor School in Cupertino, CA from February 9, 2016 to February 12, 2016.

Sinnott Elementary School - One hundred twenty-six (126) students to visit Mission San Juan Bautista on January 26, 2016, returning on the same day. Board approval of the bus being used is conditional on the bus company having current insurance coverage on the day of the field trip.

Sinnott Elementary School - Ninety-five (95) students to attend Walden West Outdoor School in Saratoga, CA from November 2, 2015 to November 6, 2015.

Sinnott Elementary School - Fifty (50) students to travel to Pescadero State Beach in Half Moon Bay, CA on Nov. 23, 2015, returning on the same day and on November 30, 2015, returning on the same day.

Sinnott Elementary School - Fifty (50) students to travel to Pescadero State Beach in Half Moon Bay, CA on March 29, 2016 returning on the same day and March 31, 2016, returning on the same day.

Zanker Elementary School - Ninety-six (96) students to visit the Monterey Bay Aquarium on November 4, 2015, returning on the same day.

Milpitas High School - Six (6) students to participate in the 2015 Jon Chamber High School Debate Tournament at the University of the Pacific in Stockton, CA. Original request was for the group to leave on October 30, 2015, returning on November 1, 2015. Debate director Charles Schlezburg subsequently requested that the group leave on October 29, and staying in Stockton overnight. Principal Lawton gave permission to this request provided that parents of the students give written permission. Mr. Schetzbaum would drive the students.

Milpitas High School - One hundred fifty (150) students will participate in a Marching Band Competition in American Canyon HS, American Canyon, CA on November 7, 2015, returning on the same day.

Milpitas High School - One hundred fifty (150) students to participate in Golden Valley High School's marching band competition in Merced, CA on November 14, 2015, returning on the same day.

Milpitas High School - Eighty (80) students to visit San Joaquin Delta College in Stockton, CA on March 3, 2016, returning on the same day, for performance assessment and orchestra clinic.

Milpitas High School - One hundred seventy-five (175) students to visit San Joaquin Delta College in Stockton, CA on March 4, 2016, returning on the same day, for performance assessment and orchestra clinic.

14. BOARD COMMUNICATIONS/REQUESTS

Student Board Rep. Alan Pham had to leave early and had no report.

Board member Norwood visited Rancho and Russell Middle schools and had a chance to talk with some students on the campus.

Mr. Bobay shared some leaflets and commented on a number of events at MetroEd.

Mr. Lau attended an event at the County Office of Education where there was some informative discussion about Common Core.

Mr. Alisantosa had no report.

15. DATES OF FUTURE BOARD MEETINGS/ADJOURNMENT

After reading the dates of future meetings, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Attested:



Cary Matsuoka
Superintendent and Board Secretary



Dan Bobay, Board Clerk

Minutes prepared by Charito Cabantac
