

OAK GROVE SCHOOL DISTRICT
BOARD OF TRUSTEES

APPROVED MAR 9 2017

Minutes
Regular Board Meeting
Yvonne Cook Board Room
February 9, 2017

Mary Noel, President of the Board of Trustees, called the meeting to order at 6:32 p.m.

CALL TO ORDER

Members present: Mary Noel, President
Carolyn Bauer, Vice President
Jacquelyn Adams
Dennis Hawkins – arrived at 6:34 p.m.
John Mackey

Others present: Andrew Garcia, Assistant Superintendent
Maria Wetzel, Assistant Superintendent
Laura Phan, Assistant Superintendent
Interested Community and Staff Members
Rachelle Uribe, Recording Secretary

Set the Agenda

SET THE AGENDA

On motion by Member Bauer and second by Member Adams, the Board of Trustees set the Agenda, with the following vote:

Ayes: Members Mackey, Adams, Bauer and Noel
Noes: None
Absent: Member Hawkins
Abstaining: None

Closed Session

CLOSED SESSION

The Board recessed to Closed Session at 6:33 p.m. to discuss Public Employee Performance Evaluation – Superintendent; Public Employee Discipline/Release/Dismissal; to Confer with District labor negotiators, Assistant Superintendent of Human Resources Andrew Garcia, Assistant Superintendent Laura Phan, and Legal Counsel Adam Fiss regarding California School Employees Association, Chapter 412. The Board did not confer with District labor negotiator Superintendent José L. Manzo regarding unrepresented Employees.

The Board also reviewed one Student Discipline Case, No. 16/17-09.

Open Session

The Board reconvened to Open Session at 7:38 p.m. President Noel welcomed those in attendance; and explained the process to be followed in conducting the Board Meeting, including the presentation of information to the Board and the manner in which those present could address the Board during the meeting, either regarding specific agenda items or during "Public Comment." Also explained, were the implications/restrictions of the Brown Act on comments made at meetings of governmental bodies in California.

OPEN SESSION

Flag Salute

Brande Barrett led the Flag Salute.

FLAG SALUTE

Superintendent's Report

Assistant Superintendent Andrew Garcia reported on matters concerning the District, in the absence of the Superintendent due to a family emergency. Mr. Garcia made the following acknowledgements:

SUPT.'S REPORT

- It is Black History Month and students have been learning about and celebrating African Americans through school projects and performances.
- The Executive Team was impressed at Davis with their dedicated staff and student engagement. Principal Kim Kianidehkian and Assistant Superintendent Ginelyn Doldolea-Kudsi were thanked for their hospitality.
- The Executive Team conducted LCAP and budget presentations at Parkview and Frost where they discussed budget challenges and answered staff questions. Laura Phan was commended for presenting complicated budget data in an easy to comprehend manner.
- The annual Cultural Arts Expo was held on February 3rd at the Edenvale and the artwork and performances were amazing. Staff was thanked as were the talented students who shared their art. Raji Musinipally, Maria Wetzel and ESD staff were also thanked for their tremendous work and event coordination.
- The AdVENTURE Open House was held on February 8th.
- Two Oak Grove School District retirees who recently passed away were recognized. Chuck Floyd, Director of Categorical Programs retired in 1996 after 16 years of service and Duane Nascimento, former Teacher at Frost School retired in 1999 after 37 years of service.

Public Hearing

President Noel opened the Public Hearing on the Negotiated Settlement between Oak Grove School District and California School Employees Association (CSEA), Chapter 412. There was no one from the Public to speak to the item, and the Public Hearing was closed.

PUBLIC HEARING

Closed Session

President Noel reported no Action was taken during Closed Session regarding Public Employee Performance Evaluation – Superintendent; and Public Employee Discipline/Release/Dismissal; or in Conferring with District labor negotiators, Assistant Superintendent Human Resources Andrew Garcia, Assistant Superintendent Laura Phan, and Legal Counsel Adam Fiss regarding California School Employees Association, Chapter 412.

CLOSED SESSION

Closed Session (continued)

During Closed Session the Board conducted a review of one student discipline case and took the following Action in Open Session:

On motion by Member Bauer and second by Member Hawkins, the Board of Trustees expelled Student 16/17-09 through the Fall Semester of 2017-2018. Based upon successful completion and documentation of completion of all rehabilitation requirements, student 16/17-09 will be reinstated to a comprehensive school or subsequent school district, with the following roll call vote:

Ayes: Members Mackey, Hawkins, Adams, Bauer and Noel
Noes: None
Absent: None
Abstaining: None

Public Comment

There was no comment from the public.

Employee Bargaining Unit Comment

OGEA Vice President Lori Shortt commented on low teacher morale, adding teachers feel many issues went unresolved when their contract settled. Teachers are feeling overwhelmed, not listened to, not asked for their opinion, and that Professional Development only focuses on what more teachers should be doing, teaching, and planning and constantly sending a message that overworked teachers are not doing enough. She added, teachers are contacting the union to find out how they can get out of their contract and what resignation means to their future career. She shared that a highly qualified teacher who lives in the District wanted to come work in Oak Grove, but that the Human Resources Department was so hard to deal with she gave up. Lastly, she commented results will be shared at a future Board Meeting of a Science Teacher survey on Science and Next Generation Science Standards. On behalf of OGEA members she thanked the Board for passing a resolution regarding immigration enforcement actions at schools, but stressed the importance of making sure all teachers and families see it. She concluded, District communication is critical and teachers want to know the Board and District Administration are united with teachers and students.

District Community Liaison and CSEA Chapter Vice President, Amelia Hill thanked the District and Board for settling the agreement. She said CSEA feels valued and appreciative of what was accomplished.

Consent Agenda

Assistant Superintendent Garcia presented the Consent Agenda, noting these are routine items requiring Board Action.

President Noel recognized a donation of \$700.00 to Del Roble School from Scholarship America on behalf of Alejandra Carlon, 5th grade teacher, for the use of instructional supplies in her classroom.

Member Bauer thanked Assistant Superintendent Andrew Garcia for presenting the updated Nurses Job Description.

CLOSED SESSION

PUBLIC
COMMENT

EMPLOYEE
BARGAINING
UNIT COMMENT

CONSENT
AGENDA

Consent Agenda (continued)

On motion by Member Adams and second by Member Bauer, the Board of Trustees approved the Consent Agenda, with the following roll call vote:

Ayes: Members Mackey, Hawkins, Adams, Bauer and Noel
Noes: None
Absent: None
Abstaining: None

CONSENT
AGENDA

Negotiated Settlement between Oak Grove School District and California School Employees Association (CSEA), Chapter 412

Assistant Superintendent Garcia stated this is a very positive agreement and is consistent with what was negotiated with the other bargaining groups and shows great value to employees despite fiscal challenges. CSEA, he added, will be ratifying the agreement next week which is only occurring out of typical sequence due to the length of time until the next Board meeting.

NEGOTIATED
SETTLEMENT
OGSD AND CSEA

On motion by Member Bauer and second by Member Adams, the Board of Trustees adopted the proposed changes in the agreement between Oak Grove School District and the California School Employees Association (CSEA), Chapter 412, with the following roll call vote:

Ayes: Members Mackey, Hawkins, Adams, Bauer and Noel
Noes: None
Absent: None
Abstaining: None

Resolution No. 1247-02/17 Supplemental Employee Retirement Plan (SERP)

Assistant Superintendent Andrew Garcia introduced Gail Beal from Keenan Financial Services to present the SERP program.

Ms. Beal explained the objective of the SERP is to recognize and reward the dedicated service of long-term employees through a retirement incentive. It provides the ability for employees to retire earlier than anticipated and provides an incentive in the form of an IRS-qualified Annuity. In addition, the District can recognize savings in the salary differential of a replacement employee, or non-replacement.

Ms. Beal outlined the participation guidelines stating employees must be a Certificated or Management employee currently employed by the District, be 55 years of age or older, have at least 5 years of service with the District by July 1, 2017, must submit the enrollment packet by March 15, 2017, and must retire from the District on or by June 30, 2017.

Keenan prepared a list of participant assumptions which included life only benefit based on 65% of salary, 86 eligible Certificated / 11 eligible Management, natural attrition – 7, SERP participation of 20 people, an average annual retiree health care - \$7,182 per retiree, average replacements commence at Column III, Step 3 moving down 4 more steps over 5 years for Certificated staff, and \$119,724 for Management replacement salaries.

SUPPLEMENTAL
EMPLOYEE
RETIREMENT
PLAN (SERP)

Resolution No. 1247-02/17 Supplemental Employee Retirement Plan (continued)

Ms. Beal presented demographics, a sample benefit showing 65% of salary, estimated savings over 5 years, and a timeline to implement the plan.

The Board asked questions about the plan and expressed concern over the rushed timing for this action item, as well as not having vendor proposals to compare. The Board discussed tabling the item to the next Board meeting.

Concerns expressed by the Board included not receiving an Information Item sooner so the Board had time to consider viable options, the possibility of losing the District's most seasoned teachers during a teacher shortage, and administrations' favor toward Keenan and choosing them based on past relationship rather than considering other options to assure best value and possibly paying a lower commission fee.

After further discussion, the Board agreed to table the item to the next Board meeting and would like to have administration return at that time with a minimum of 3 bids including Keenan. The Board would also like to have an unbiased party verify and analyze the bids.

The Board was not opposed to the idea of a SERP and recommended the potential option be shared with staff to gauge staff interest and return with a closer estimate of participants.

On motion by Member Hawkins and second by Member Mackey, the Board of Trustees deferred the Resolution for a Supplemental Employee Retirement Plan for Certificated or Administrative Staff to March 9, 2017, with the expectation a minimum of 3 competitive bids (including Keenan) will be evaluated by an unbiased party, with the following roll call vote:

Ayes:	Members Mackey, Hawkins, Adams, Bauer and Noel
Noes:	None
Absent:	None
Abstaining:	None

HVAC Sole Source Finding - Measure P Projects at Davis and Sakamoto Schools

Assistant Superintendent Laura Phan recommended and explained the benefits of a sole source finding to require Carrier, Trane, or Daikin HVAC units be installed at Davis and Sakamoto. She remarked the decision will help maintain consistency and efficient operation and maintenance by matching products in use at completed project sites.

Member Hawkins thanked Laura Phan and Neil Rauschhuber for a well-timed recommendation for consistency.

On motion by Member Hawkins and second by Member Adams, the Board of Trustees approved a sole source finding for use of only Carrier, Trane, or Daikin HVAC units, with the following roll call vote:

Ayes:	Members Mackey, Hawkins, Adams, Bauer and Noel
Noes:	None
Absent:	None
Abstaining:	Member

SUPPLEMENTAL
EMPLOYEE
RETIREMENT
PLAN (SERP)

HVAC SOLE
SOURCE FINDING
- PROJECTS AT
DAVIS /
SAKAMOTO

Induction Program Update

Assistant Superintendent Maria Wetzel introduced Educational Services Director Susan Kind to present the item.

INDUCTION
PROGRAM
UPDATE

Ms. Kind explained the Induction Program is a two-year, job embedded system of mentoring with individualized goal setting and supports, combined with professional learning focused on the development of professional skills. The purpose of the Induction program is to provide a robust mentoring support system for teachers to grow and develop professional skills and knowledge gained in a Preliminary Preparation Program and have opportunities to show growth in mastering the California Standards of the Teaching Profession (CSTPs).

The Induction program ensures teachers receive individualized support to achieve success in their teaching career resulting in a greater percentage of quality teacher retention. Support is provided by teacher leaders and professional development is provided by Oak Grove coaches.

The professional development plan includes differentiated instruction, guided reading, PBIS, best practices in math, special populations (SST, IEP, 504), ELA/ELD framework and standards, NGSS, and classroom management.

Ms. Kind stated there are two CTC approved and accredited programs, the General Education and Special Education as well as Single Subject, Multiple Subject, and Education Specialists. Benefits of the program are it is free of charge for teachers, is an incentive for recruiting, and helps build relationships within the District. The alternative of Oak Grove providing this service to our teachers is to enroll in one of waitlisted programs within Santa Clara County which costs approximately \$8,000 - \$10,000 to fulfill credential requirements for a clear credential.

Ms. Wetzel congratulated and recognized Susan Kind for her hard work and many trips to Sacramento for program updates and reviews, and added she has received wonderful feedback on Susan Kind's work.

President Noel commended both Maria Wetzel and Susan Kind remarking she is often asked about Oak Grove's Induction Program and constantly hears great things about it.

Local Control Accountability Plan (LCAP) Annual Update

Assistant Superintendent Maria Wetzel explained the LCAP is a three-year plan for the upcoming school year and two years following. She stated the program and goals contained in the LCAP align with the budget and multi-year budget projections. She presented an overview of each of the five LCAP Goals, as follows:

LCAP ANNUAL
UPDATE

LCAP Goal 1 - All students will be proficient in all subject areas. – Examples were provided of the District's implementation of Common Core Standards.

LCAP Goal 2 - We will accelerate the student proficiency for English Learners (EL), low socio-economic, Foster Youth, students of color, and students with disabilities (SWD). – A review of instructional scaffolding, specific classroom strategies, resources, and programs used by the District to provide students who need additional assistance in the Common Core Standards.

Local Control Accountability Plan (LCAP) Annual Update (continued)

LCAP Goal 3 - Students will use technology to master 21st Century Skills of collaboration, communication, critical thinking, and creativity. - Effective technology integration around specific subject matter and actively engage in projects using technology as a seamless part of the teaching and learning process.

LCAP Goal 4 - School and classroom environments support learning, creativity, safety and engagement. Children learn best when they are in a safe school environment, where students feel physically, emotionally, and socially comfortable and trust their needs are taken care of and are protected by caring adults. A review was provided of the District's Positive Behavioral Interventions and Supports (PBIS) to support social competence and academic achievement.

LCAP Goal 5 - We will actively engage parents and community members in supporting the implementation of CCSS instruction. The District believes engaging families is critically important for improving students' social and academic success and being committed to all families being informed, involved, and engaged. A review was provided of family activities, parent communication vehicles, Heising-Simons Family Engagement Grant phase III and grant expansion, and stakeholder input.

Ms. Wetzel commented the LCAP is currently being shared with stakeholders and is available online for parents and the community to provide feedback. It is available in English, Spanish, and Vietnamese and can be translated in approximately forty different languages.

Ms. Wetzel finished her presentation by recognizing Oak Grove teachers for their hard work and always having their hearts with the students.

Resolution Adopting Rating System for Prequalification of Contractors

Assistant Superintendent Laura Phan introduced Arne Sandberg Attorney at Lozano Smith to present the item.

Mr. Sandberg explained contractor prequalification is required by law for many district projects prior to their submitting bids or proposals. Further, the District may perform prequalification pursuant to current statute, if the Board approves a resolution which adopts a rating system for the contractors applying for prequalification. If the resolution is adopted, the District will have an annual prequalification process and contractors can apply for prequalification as specific projects arise.

It was explained that prequalification is required for Lease-Leaseback and state funded projects, but not required for Design-Build. Ms. Phan added, the Oak Grove Board adopted the California Uniform Public Construction Cost Accounting Act (CUPCCAA) in 1996 and the District still conforms to those procedures.

The Board reviewed the Resolution sample along with the exhibit application. The Board asked questions and suggested the application further filter contractors that have been disqualified, banned, or had serious issues (prevailing wage, etc.) within a certain timeframe.

LCAP ANNUAL
UPDATE

PREQUALIFICATION
OF CONTRACTORS

Review of Construction Delivery Methods Available for District Projects

Assistant Superintendent Laura Phan deferred the item to Arne Sandberg to discuss various construction delivery methods. Mr. Sandberg outlined the following delivery methods:

CONSTRUCTION
DELIVERY
METHODS

Design-Bid-Build (DBB)

- Single Prime / Multi-Prime
 - Single Prime - District enters one contract with a general contractor (GC). GM enters subcontracts with trade contractors. More common method and lower risk for owners. Whole project is submitted to DSA at once.
 - Multi-Prime - District enters numerous contracts with trade contractors. Pieces of the project can be submitted to DSA at different times so project can begin while parts of the design and contracts are still being finalized. Owner assumes the GM role, incurs overhead costs, risk of extra work/delays, claims related to coordination of trade contractors as well, and administration (bids, payments, retention, inspections, change orders, etc.).
- Process: Architect designs the project. District advertises for competitive bids if project is over \$45,000.
- Benefits of DBB: Contract locks bidder into a lump sum price and a completion deadline. Most of risk is on the contractor. Simplest delivery method, and easiest contract documents to prepare.
- Drawbacks: Contractor selection based on price only – minimally on qualifications. Potential for bid protests and change orders.

Design-Build (DB)

- Design and construction in one contract and for projects over \$1 million.
- Process: District develops partial (general or detailed) design and issues RFQ. Qualifying entities issue an RFP. Contract awarded based on competitive bidding, or best value based on price and expertise. Entity completes design, obtains DSA approval, and constructs the project.
- Benefits compared to DBB: One contract for design and construction. Less expense and time by owner, and elimination of the “liability gap.” Can include qualifications in the selection process. May be better for non-aesthetic projects.
- Drawbacks compared to DBB: Less control by owner on remainder of design or solutions to problems. Potential for higher price due to lack of competition. Design errors less likely to come to owner’s attention. Skilled and trained workforce requirements apply. More complex contracts.

Review of Construction Delivery Methods Available for District Projects (continued)
Lease Leaseback (LLB) – Property leased to contractor who subleases back to District.

CONSTRUCTION
DELIVERY
METHODS

- Lease term and payments must last longer than construction (*Davis v. Fresno Unified School District*). District makes sublease payments to contractor during and after construction to compensate contractor for costs. Process (per AB 2316 on 1/1/17): Architect designs project. District issues RFP. Prequalified contractors submit proposals. District scores proposals based on best value. Contract awarded to highest best value proposal.
- Benefits compared to DBB: Select contractor based on qualifications in addition to price. Value engineering and constructability review by the contractor (under DBB, District has to hire a third party for these services).
- Drawbacks compared to DBB: Risk of a *Davis* challenge. New contractor selection procedures (AB 2316) that require more time and are less flexible. Potentially higher contract price. Prequalification required for all LLB contracts. More complex contracts.

Construction Management (CM) Services - Utilized for any delivery method or project. More likely to be needed on multi-prime projects. Represents the District's interests.

Mr. Sandberg explained the general timeline for DSA approval to the start of construction depends on the delivery method and the project. Typically, DBB takes at least 4 weeks, DB takes at least 5 weeks, and LLB takes at least 6 weeks.

The following recommendations were presented for the District's 2017 Projects:

- DBB:
 - Roof/HVAC replacements at Sakamoto and Davis
 - Preschool and TK-K facilities at Baldwin
 - Major repairs: student restrooms, counseling building, and storm drain system at Davis
 - Exterior painting and siding repairs: Del Roble, Oak Ridge, and Taylor
 - Exterior painting and fencing: Edenvale, Herman, and Parkview
- LLB:
 - Streetscape at Anderson, Miner, Sakamoto, and Taylor

The Board discussed the pros and cons of the different delivery methods and asked questions for further understanding.

2017 California School Boards Association (CSBA) Delegate Assembly Election
President Noel informed the Board this item will be brought back for Board Action on March 9, 2017. This item she continued, is to provide information on the candidates from Santa Clara County, Region 20 who have been nominated to serve as representatives to the CSBA Delegate Assembly.

CSBA DELEGATE
ASSEMBLY
ELECTION

Communications

The Board received an updated Board Activities Calendar listing a variety of events and activities for Board members' attendance and participation.

COMMUNICATION

Board Discussion

Member Bauer reported a visit to Frost Elementary with the Superintendent. She thanked Principal Manny Villalpando for hosting a tour of classrooms. She added, students were excited about projects and thoroughly engaged.

BOARD
DISCUSSION

Adjournment

On motion by Member Adams and second by Member Bauer, the meeting was adjourned at 10:28 p.m., by unanimous vote.

ADJOURNMENT


José L. Manzo Superintendent


Carolyn Bauer, Vice President/Clerk