

**ALAMEDA COUNTY BOARD OF EDUCATION**

Meeting Location: Alameda County Office of Education  
313 W Winton Avenue, Hayward, CA 94544

**Adopted Minutes of the Board Meeting of May 14, 2013**

**Vol. XXVII No. 11**

<b>Presiding</b>	President Cerrato opened the meeting at 7:07 p.m.
<b>Roll Call</b>	Conducted by Superintendent Jordan: Trustees Present: Yvonne Cerrato, Joaquin Rivera, Marlon McWilson, Aisha Knowles, Fred Sims, Eileen McDonald, Ken Berrick
<b>Flag Salute</b>	Led by Trustee McDonald
<b>Mission Statement</b>	Trustee McDonald read the ACOE mission statement into the record. <b>Provide, promote and support leadership and service to ensure the success of Every Child...in Every School... Every Day!</b>
<b>Item # 1: Interdistrict Transfer Appeal</b>	IDT #01-JC-13/14 approved by the Board 5-Ayes 1-No 1-Abstention
<b>Item #2: Public Hearing on American Indian Model Schools (AIMS) Revocation Appeal</b>	Supt. Jordan clarified the role of County Superintendent and introduced Teresa Kapellas, Executive Director, Administrative Services and Ed Sklar, Attorney, Lozano Smith Attorneys at Law. <ul style="list-style-type: none"> <li>• Teresa Kapellas gave a slideshow presentation of the appellate process. Ed Sklar described the options for the Board in ruling on an appeal.</li> </ul> Public hearing opened. <ul style="list-style-type: none"> <li>• Upon a motion by Trustee McWilson, the hearing was opened.</li> <li>• Trustee Sims seconded.</li> <li>• Unanimously approved 7-0.</li> </ul> AIMS granted 10 min to present to the Board. Ronald Grant, AIMS Board President and Attorney Aiko Yamakawa presented. AIMS claimed that their charter was wrongfully revoked on the following grounds: <ul style="list-style-type: none"> <li>- OUSD was not impartial,</li> <li>- The wrong standard applied (student achievement was not given the most weight: ranked #1 in the nation), and</li> <li>- Most issues of revocation have since been addressed.</li> </ul> OUSD was also allowed 10 min to address the Board. David Montes de Oca, Executive Director Quality Community Schools Development, Oakland Unified School District introduced David Kakishiba, OUSD Board President. OUSD claimed that AIMS charter was revoked based on the following: <ul style="list-style-type: none"> <li>- Financial mismanagement,</li> <li>- AIMS was given plenty of opportunity to remedy, and</li> <li>- Conflict of interest: founder and his wife made \$3.8 million through the misappropriation public funds.</li> </ul> OUSD stated options were made available to parents and students on alternative schooling.

	<ul style="list-style-type: none"> <li>• AIMS granted 1 min 20 sec for rebuttal.</li> <li>• Questions were raised by members of the Board regarding:             <ul style="list-style-type: none"> <li>– The relationship with the Founder</li> <li>– FICMAT report</li> <li>– SB 1290 interpretation</li> <li>– Facility costs</li> </ul> </li> </ul> <p>Public Comments for OUSD &amp; for AIMS (2 min per speaker allowed).              Carl Chan’s group granted 30 min total to comment. All speakers names and affiliations listed as indicated on speaker card:</p> <ul style="list-style-type: none"> <li>– Trinh Nguyen (AIMS)</li> <li>– Sally Chan (AIMS)</li> <li>– Elinda Liram (AIMS)</li> <li>– Jenny Yu (AIMS)</li> <li>– Cecilia Wong (AIMS)</li> <li>– Eliabert Chavez (AIMS)</li> <li>– Nadja Tentic (AIMS)</li> <li>– Kardy Ordaz</li> <li>– Lena Liu (AIMS)</li> <li>– Sue Zhou (AIMS)</li> <li>– Noel Galleo (AIMS)</li> <li>– Clifton Cooper (NAACP)</li> <li>– Alice Spearman (AIMS)</li> <li>– Noel Gallo</li> <li>– Uche Udemezue (AIMS)</li> <li>– Andy Young (OUSD)</li> <li>– James Harris</li> <li>– Joel Velasquez (OUSD)</li> <li>– Jim Mordecai (OUSD)</li> <li>– Doug Appel (OUSD)</li> <li>– Kelly Jacobs (OUSD)</li> <li>– Jamar Apaydin (OUSD)</li> <li>– Trish Gorham (OUSD)</li> <li>– Jody London (OUSD)</li> </ul> <p>Public hearing closed.</p> <ul style="list-style-type: none"> <li>• VP Rivera motioned to close the hearing. Trustee McDonald seconded.</li> <li>• Unanimously approved 7-0.</li> </ul>
<p><b>BREAK</b></p>	<p><b>9:05 p.m. – 9:20 p.m.</b></p>
<p><b>Item # 3: Public Comments</b></p>	<p>Jim Mordecai spoke for 2 min regarding the cost of charter schools.</p>
<p><b>Item # 4: Consent Agenda – General Matters:</b></p> <p>A. Minutes of the April 9, 2013 Board Meeting</p> <p>B. SB 330</p> <p>C. May – Labor History Month Resolution</p> <p>D. Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month Resolution</p>	<ul style="list-style-type: none"> <li>• V.P. Rivera motioned to approve Consent Agenda</li> <li>• Trustee Sims seconded.</li> <li>• Unanimously approved 7-0.</li> </ul>

<p>E.Court School Site Parent Involvement and School Family Compact</p> <p>F.Court School Single Plan for Student Achievement (SPSA)</p> <p>G. Temporary County Certificates</p>	
<p><b>Item # 5: Personnel Actions</b></p>	<ul style="list-style-type: none"> <li>• Assoc. Superintendents Karen Monroe and Damon Smith commented on the behalf Movetia Salter, Chief Human Resources Officer: <ul style="list-style-type: none"> <li>– Negotiations have been completed.</li> <li>– There have been 2 recessions of teacher layoff notices.</li> </ul> </li> <li>• Trustee McWilson requested Board receive a copy of memo regarding negotiations settlement agreement.</li> </ul>
<p><b>Item #6: Determination of Material Revision for FAME Public Charter Schools</b></p>	<p>Request for Material Revision withdrawn by petitioner.</p>
<p><b>Item # 7: Policy and Legislation Committee Report</b></p>	<p>BP 6171 Title I was presented for First Reading and a waiver of second reading was requested.</p> <ul style="list-style-type: none"> <li>• Moved to approve by VP Rivera.</li> <li>• Seconded by Trustee Berrick.</li> <li>• Unanimously approved 7-0.</li> </ul> <p>Two Board Bylaws presented for First Reading.</p> <ul style="list-style-type: none"> <li>• BB 9124 Attorney</li> <li>• BB 9320 Board Committee</li> </ul> <p>No comments. Both bylaws will come before the Board in June for Second Reading.</p> <p>Three Board Bylaws presented for Second Reading.</p> <ul style="list-style-type: none"> <li>• BB 9010 Public Comments</li> <li>• BB 9322 Agenda/ Meeting Materials</li> <li>• BB 9323.2 Actions by the Board</li> <li>• Motioned to approve by VP Rivera.</li> <li>• Trustee McWilson seconded.</li> <li>• Unanimously approved 7-0.</li> </ul>
<p><b>Item # 8: Determination of East Oakland Leadership Academy High School Renewal Appeal</b></p>	<p>Public hearing opened.</p> <ul style="list-style-type: none"> <li>• Motioned by Trustee Berrick. Seconded by VP Rivera.</li> <li>• Unanimously approved 7-0.</li> </ul> <p>Gail Greely, Director Charter Schools &amp; Teresa Kappellas, Executive Director, Administrative Services presented the staff report on review of EOLAH.</p> <ul style="list-style-type: none"> <li>• Questions by Board were initiated by Trustee McWilson and Trustee Berrick.</li> <li>• Dr. Laura Armstrong addressed questions about personal loan, mortgage with 11% interest, terms, and plans of getting the loan transferred from her name to the school. Dr. Armstrong also commented that they were not aware that they could present additional documentation to address concerns in renewal application.</li> <li>• Teresa Kapellas reiterated that that is the process, we only review the documentation that was sent to OUSD when the original renewal application was submitted.</li> <li>• VP Rivera motioned to extend the Board meeting to 11:30 p.m.</li> </ul>

- Trustee McWilson seconded.
- Public Comments (2 min per speaker):
  - Jamil Mitchell
  - Jessica Ramirez
  - Kevin E. Best
  - Michelle Lopez
  - Nick Driver (CSMC)
  - C. Dream Nefra Atterberry
  - Alice Jaramillo
  - Melissa Iglesias
  - Emily Godinez
  - Chantenes Warfel
  - Rodney Wartel
  - Julia Jameyson
- Additional questions were asked by Trustee McDonald and Trustee McWilson regarding how Charter School Management Corporation (CSMC) is paid, the length of the contract, and how EOLAH will continue to retain their support long-term.
- Trustee McWilson moved to close the hearing.
- Trustee McDonald seconded.
- After deliberation, Trustee McWilson motioned to approve the East Oakland Leadership Academy High School Charter School Renewal Petition Appeal upon condition that it will finalize a Memorandum of Understanding (MOU) between East Oakland Leadership Academy, County Board of Education and the County Superintendent no later than June 26, 2013 to include the following conditions of operation to be met by the charter school:
  1. Submit a revised charter petition that addresses all deficiencies in the petition document as enumerated in the Staff Evaluation Summary Report;
  2. Provide ACOE with an explanation of the personal loans to the director and subsequent real property transactions, including, but not limited to, documentation of board action, documentation of property transactions, plan for facilities use by the charter school, and plan for payment of interest and principal on mortgages;
  3. Provide ACOE with a governance plan for the organization that includes how the composition of the board will change to correspond with that described in the revised charter and bylaws, and how the capacity of the board will be expanded to ensure a level of performance consistent with best practice;
  4. Provide ACOE with evidence of its acceptance as an LEA into a SELPA for the 2013-2014 school year, along with a special education and 504 implementation plan describing specifically how students with disabilities will be identified and served;
  5. Provide ACOE with its policy for English Learners, including reclassification process, and an instructional plan for English Learners to be implemented beginning in the 2013-2014 school year.
  6. Timelines for compliance with these and other conditions of operation will be specified in the MOU. If the petitioner fails to meet any of the conditions as set forth in the MOU, the Charter Renewal Petition shall be deemed not granted by the County Board on the grounds that implementation of all of the conditional requirements in full are necessary for the successful implementation and sound operation of the school.
- Seconded by Trustee Berrick with other conditions as added by ACOE Staff.

	<ul style="list-style-type: none"> <li>• Roll call vote:             <ul style="list-style-type: none"> <li>– Pres. Cerrato - Yes</li> <li>– VP Rivera - No</li> <li>– Trustee McDonald – No</li> <li>– Trustee Sims – No</li> <li>– Trustee McWilson – Yes</li> <li>– Trustee Berrick – Yes</li> <li>– Trustee Knowles – Yes</li> </ul> </li> <li>• Approved 4-3.</li> </ul>
<p><b>Item # 9: Public Hearing on Categorical Tier III Flexibility</b></p>	<p>Public hearing opened:</p> <ul style="list-style-type: none"> <li>• Motioned by VP Rivera. Seconded by Trustee McDonald.</li> <li>• Unanimously approved 7-0.</li> </ul> <p>Supt. Jordan introduced Leigh Ann Blessing who briefed the Board on Categorical Tier III Flexibility.</p> <p>Board asked questions about reallocating funds to cover costs in facilities on ACOE campuses and credentialing. Supt. Jordan along with Associate Superintendents Damon Smith &amp; Karen Monroe commented. There will be continued discussion of use of funds at future Board meetings.</p> <p>Public hearing closed.</p> <ul style="list-style-type: none"> <li>• Motioned by VP Rivera. Seconded by Trustee McWilson.</li> <li>• VP Rivera motioned to approve the use of funds. Trustee Berrick seconded.</li> <li>• Unanimously approved 7-0.</li> </ul>
<p><b>Item # 10: Budget Committee Report</b></p>	<ul style="list-style-type: none"> <li>• Trustee Sims motioned to approve Resolution No. 1945 authorizing the use and allocation of Proposition 30 Education Protection Account (EPA) funds.</li> <li>• VP Rivera seconded.</li> <li>• Unanimously approved 7-0.</li> </ul>
<p><b>Item #11: Governance/ Workshops Report</b></p>	<p>The Committee recommended Arnold Perkins to be the facilitator for the next Board Workshop.</p> <ul style="list-style-type: none"> <li>• Tentatively scheduled for one of the meeting dates in June, starting at noon. Waiting for confirmation from Arnold.</li> <li>• Board Secretary will work with Trustee Berrick (chair) and Board to finalize details.</li> </ul>
<p><b>Item #12: Items from the Board</b></p>	<ul style="list-style-type: none"> <li>• Trustee McWilson attended the TUPE graduation and the Public Service Announcement (PSA) awards ceremony.</li> <li>• Trustee McDonald requested that charter school update and current encroachment be agendaized for future meetings.</li> <li>• Trustee Sims attended Bobbie Brooks’ African-American Excellence event at Chabot College and Tennyson High Healthstival, and the Unionist of the Year event where Obay Van Buren was honored.</li> <li>• Events attended by V.P. Rivera (<i>submitted in writing</i>):             <ul style="list-style-type: none"> <li>– Attended the In Dulci Jubilo Inc.'s 30th Anniversary of the Art, Poetry and Essay Awards Ceremony. Along with Superintendent Jordan, presented a PESA to Queen Graham in recognition of her service as President of the Organization.</li> <li>– Attended the Chabot Space and Science Center JPA Board of Directors meeting and the Joint Boards retreat.</li> <li>– Participated as a "Celebrity Ice Cream Scooper" at the Albany Public Schools Foundation's Scoops for Schools, to thank the Albany community for their support.</li> <li>– Attended the CCBE Legislative Committee meeting.</li> <li>– Attended the Biotech Partners Board retreat.</li> </ul> </li> <li>• Trustee Berrick stated that he thought a charter school update may be helpful to California County Boards of Education (CCBE) to consider</li> </ul>

	<p>imposing a fee for charter petition.</p>
<p><b>Item #13: President's Report</b></p>	<ul style="list-style-type: none"> <li>• Attended the CCSESA Create California Arts program in Fresno, CA and presented a PESA on behalf of the Board to Malissa Shriver.</li> <li>• Attended the Arts Alliance Committee and Steering Committee meeting.</li> <li>• Appointed VP Rivera to coordinate the reorganization meeting for 2013/14 fiscal year.</li> </ul>
<p><b>Item #14: Items from the Secretary</b></p>	<ul style="list-style-type: none"> <li>• Invited Board to attend a legislative event on Gun Violence Event where Adrian Kirk, Director, Student Programs and Services, will present. A flyer was distributed to Board members.</li> </ul>
<p><b>Adjournment</b></p>	<p>The Board adjourned the meeting at 11:12 p.m.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Yvonne Cerrato, Board President</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Sheila Jordan, Board Secretary</p>