



**BOARD OF EDUCATION MEETING
MINUTES - MEETING FORMAT "HYBRID"**

July 19, 2017

. CLOSED SESSION

Minutes:

Dr. Tahvildaran-Jesswein called closed session to order at 4:03 p.m.

.I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

.II. CLOSED SESSION

.II.A. Education Code 35146 and 48918(c) PUPIL HEARING

Associated with Student Expulsion item under Consent in Open Session (B/D 01/03/2001)

**.II.B. GOVERNMENT CODE 54956.8 CONFERENCE WITH REAL PROPERTY
NEGOTIATORS**

Property: 1515 Maple Street, Santa Monica, CA 90405

Agency Negotiator: Dr. Ben Drati

Parties: Santa Monica – Malibu Unified School District (SMMUSD), Christian Church Pacific Southwest Region

Under Negotiation: Price and terms of payment

Minutes:

The board approved the acquisition of the property located at 1515 Maple Street in Santa Monica, California, for the amount of Five Million Dollars (\$5,000,000). The purchase is using developer fees that are specifically designated for capital projects.

Contingencies to close escrow include CEQA compliance and issuance of Title Insurance to the district.

The board directed the superintendent to execute a purchase and sale agreement, subject to minor, non-substantive edits approved by the superintendent and district legal counsel.

The fully executed purchase and sale agreement will be presented to the board for ratification at a subsequent board meeting.

Moved by Mr. Mechur, seconded by Mr. de la Torre

Ayes: 5 (Tahvildaran-Jesswein, Mechur, de la Torre, Foster, Kean)

Noes: 0

Absent: 2 (Lieberman, Leon-Vazquez)

**.II.C. Government Code 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING
LITIGATION**

Name of Case: America Unites for Kids, and Public Employees for Environmental Responsibility vs. SMMUSD Superintendent, SMMUSD Associate Superintendent and Chief Financial Officer, and SMMUSD Board of Education; U.S. District Court Case No. 2:15-CV-2124

.II.D. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representative: Dr. Ben Drati

Employee Organizations: SEIU

**.II.E. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION**

- DN-1001-17/18
- DN-1002-17/18

- DN-1003-17/18

Minutes:

DN-1001-17/18:

Parent reimbursement: \$5,453

The total cost for this case is not to exceed \$5,453. It was moved by Mr. Foster, seconded by Mr. Kean, and voted 5/0 (Ms. Lieberman and Mr. de la Torre were absent) to approve the settlement case.

Ayes: 5 (Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, Kean)

Noes: 0

Absent: 2 (Lieberman, de la Torre)

DN-1002-17/18:

Parent reimbursement: \$3,500

The total cost for this case is not to exceed \$3,500. It was moved by Ms. Leon-Vazquez, seconded by Mr. Mechur, and voted 5/0 (Ms. Lieberman and Mr. de la Torre were absent) to approve the settlement case.

Ayes: 5 (Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, Kean)

Noes: 0

Absent: 2 (Lieberman, de la Torre)

DN-1003-17/18:

Parent reimbursement: \$2,420

The total cost for this case is not to exceed \$2,420. It was moved by Mr. Foster, seconded by Mr. Mechur, and voted 5/0 (Ms. Lieberman and Mr. de la Torre were absent) to approve the settlement case.

Ayes: 5 (Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, Kean)

Noes: 0

Absent: 2 (Lieberman, de la Torre)

.II.F. Government Code 54957 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Minutes:

In closed session, the Board took action to accept the Superintendent's recommendation to immediately dismiss a permanent classified employee, identified by # JP 8583599, pursuant to Education Code Sections 45302, 45304, and Personnel Commission Rule 14.1, effective DATE; and directed the Superintendent or designee to notify the Director of Classified Personnel of the Board's action.

The roll call vote was as follows:

Ayes: 5 (Tahvildaran-Jesswein, Leon-Vazquez, Foster Mechur, Kean)

Nays: 0

Absences: 2 (Lieberman, de la Torre)

.II.G. Government Code 54957 PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

- Title: Assistant Superintendent, Business and Fiscal Services
- Title: Principal
- Title: Assistant Principal

.II.H. Government Code 54957 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- Title: Superintendent

. OPEN SESSION

.I. CALL TO ORDER

Minutes:

Dr. Tahvildaran-Jesswein called open session to order at 6:07 p.m.

.I.A. Roll Call

Present Oscar de la Torre
Present Mr. Craig Foster
Present Jon Kean
Present Maria Leon-Vazquez
Absent Laurie Lieberman
Present Ralph Mechur
Present Dr. Richard Tahvildaran

.I.B. Pledge of Allegiance

Minutes:

Boy Scouts Troop 2 of Santa Monica led the pledge of allegiance.

.II. APPROVAL OF THE AGENDA

Motion Passed: Passed with a motion by Maria Leon-Vazquez and a second by Ralph Mechur.

Yes Oscar de la Torre
Yes Mr. Craig Foster
Yes Jon Kean
Yes Maria Leon-Vazquez
Absent Laurie Lieberman
Yes Ralph Mechur
Yes Dr. Richard Tahvildaran

.III. APPROVAL OF MINUTES

.III.A. Approve June 27, 2017, Minutes

Motion Passed: It is recommended that the Board of Education approve the June 27, 2017, special meeting minutes. Passed with a motion by Ralph Mechur and a second by Maria Leon-Vazquez.

Yes Oscar de la Torre
Abstain Mr. Craig Foster
Abstain Jon Kean
Yes Maria Leon-Vazquez
Absent Laurie Lieberman
Yes Ralph Mechur
Yes Dr. Richard Tahvildaran

.III.B. Approve June 29, 2017 Minutes

Motion Passed: It is recommended that the Board of Education approve the June 29, 2017, regular board meeting minutes. Passed with a motion by Maria Leon-Vazquez and a second by Jon Kean.

Yes Oscar de la Torre
Abstain Mr. Craig Foster
Yes Jon Kean
Yes Maria Leon-Vazquez
Absent Laurie Lieberman
Yes Ralph Mechur
Yes Dr. Richard Tahvildaran

.IV. BOARD OF EDUCATION COMMENDATIONS/RECOGNITIONS

.IV.A. Boy Scouts of America - Troop 2 Santa Monica (10 mins)

Minutes:

Time Start: 6:13 p.m. Time End: 6:20 p.m.

Board Member Mechur reported that he attended Troop 2's celebration a couple weeks ago and presented them with a certificate on behalf of the board. Santa Monica Mayor Winterer

and Senator Ben Allen, who was an Eagle Scout with Troop 2, also presented commendations at the celebration. He introduced Assistant Scout Masters Mark Warshauer, David Lappen, and Aaron Furlong, as well as four life scouts working on their eagle advancement: Daniel Cohen, Riley Furlong, Jack Hyde-White, and Nick Faries. Mr. Warchauer thanked the board for honoring Troop 2. He summarized the work of Troop 2 over the past decades.

.V. STUDY SESSION

.V.A. Joint Session with the Financial Oversight Committee (FOC) (45 mins) (item updated on 7/18/17)

TimeCertain: 7:00 PM

Minutes:

Time Start: 7:15 p.m. Time End: 8:21 p.m.

The board thanked the FOC for their work and expertise.

Board Comments Regarding Budget Subcommittee Conclusions/Recommendations:

- Mr. de la Torre suggested that a future charge to the FOC could include analysis of what other school districts are doing through the lens of equity, for example student-teacher ratios at various sites.
- Mr. Mechur suggested that the FOC budget subcommittee meet with Dr. Drati to hear his suggestions related to reducing inefficiencies in the district office. He suggested that a future charge to the FOC could be to expand its analysis of health benefit costs to include retirement benefits, researching what other entities (like the City of Santa Monica) are doing to address those increasing costs.
- Ms. Leon-Vazquez wondered what could be done to help the board and staff move forward with the FOC's budget and sustainability conclusions/recommendations without interfering with staff's everyday tasks. She would like to see the FOC work with the new CFO to formulate specific budget reductions before the board begins discussing the 2018-19 budget. She agreed with the FOC to use Measure GSH funds to support deferred maintenance projects.
- Dr. Tahvildaran-Jesswein stressed that health benefit cost conversations needed to be collaborative; he mentioned that SMC has joint committees meet to discuss cost reduction strategies and wondered if such approaches had seen success in other parts of the state. He reminded everyone that ultimately, health benefits was a negotiated topic. Regarding GSH funds, he reminded everyone that the board had not officially agreed on the budget balancing strategy proposed by staff that for each GSH dollar spent, a matching dollar would need to be reduced from the budget.

Board Comments Regarding Financial Benefits of Sustainability Subcommittee Conclusions/Recommendations:

- Mr. Foster suggested the formation of a sustainability group to create an overall package of sustainability. Mr. Upton responded that the district has hired a sustainability coordinator and was now in the process of issuing an RFP for the development of a sustainability plan for the district. He added that the plan would involve working with the FOC to help set standards and develop strategies to integrate sustainability districtwide. He hoped the FOC could help the district analyze cost benefits associated with renewable energies.
- Mr. de la Torre emphasized the need for sustainability strategies to be student-centered and consider how such decisions impact the curriculum. He said the district should collaborate with the City of Santa Monica and SMC regarding sustainability.
- Mr. Mechur suggested that the FOC's existing subcommittee and Mr. Upton work together to ensure recommendations brought forward are appropriate. He added that a sustainability committee should include a broad range of people, including site staff and students.

- Dr. Tahvildaran-Jesswein suggested that a centralized hub possibly the superintendent act as the conduit through which the various groups addressing sustainability communicate and collaborate.
- Mr. Kean requested an update regarding the CalPERS CERBT (California Employers' Retirement Benefits Trust).

At the request of the FOC, Dr. Kelly updated everyone on the process for hiring a new Assistant Superintendent for Business and Fiscal Services. Upon hearing from Mr. Larmore that long-time FOC member Paul Silvern had decided not to reapply to serve on the FOC, the board requested a commendation recognizing Mr. Silvern's contributions to the district be agenized for a future meeting. Dr. Drati updated the board that the consultants he hired to examine our district's organizational processes were preparing a report with suggestions to reduce inefficiencies.

The board gave direction to staff to: 1) accept the FOC's report and 2) bring the FOC's 2017-18 suggested charges back for approval, with the understanding that the FOC, working to support the Assistant Superintendent, will incorporate board members' comments from tonight regarding 2017-18 budget recommendations and sustainability efforts.

The board decided to wait on giving direction to the FOC regarding analysis of the Food and Nutritional Services program (environmental sustainability, fiscal sustainability, student participation, menu options, food preparation) until after the department gave its presentation to the board in August to determine if there was, in fact, anything the FOC could analyze under its purview.

.VI. COMMUNICATIONS

.VI.A. Student Board Member Reports

.VI.B. SMMCTA Update

Minutes:

Time Start: 6:21 p.m. Time End: 6:25 p.m.

Ms. Braff thanked Special Ed Director Kazee for meeting to discuss plans for special ed preschool. She requested data showing the number of special ed services, including the number of IAs and psychologists, as a ratio to the number of impacted students by site. She expressed her gratitude to M&O Director Roosevelt Brown for giving her a tour of the windows replacement project at Webster, Roosevelt, and Rogers ES. She thanked everyone working on those projects. She remarked that since Mr. Roosevelt has joined SMMUSD, there has been an increase in responsiveness and communication. Ms. Braff said she was hopeful that the district would find a sustainable solution for air conditioning at the sites, as A/C has a positive impact on the teaching and learning environment. Ms. Braff remarked that the district has lost talented teachers and administrators due to the fact that it is too expensive for them to live in or near the district. She not only suggested that the district consider examining existing district-owned properties, but also ask the City of Santa Monica to tackle housing for employees. She said she looks forward to continuing bias training. Ms. Braff thanked everyone for all their hard work they do for the district.

.VI.C. SEIU Update

Minutes:

Time Start: 6:25 p.m. Time End: 6:27 p.m.

Ms. Cartee-McNeely said that she hopes the union and district will be calendaring more negotiations sessions. She reported that she, Dr. Drati, Ms. Lieberman, and Ms. Braff attended the CALMI conference. She is looking forward to working with her colleagues in implanting stronger communication and participatory connections for classified unit

members in the new school year. SEIU continues its legislative campaigns on the Summer Bridge for School Workers Bill (AB621). On July 12, the bill was passed by the Senate Labor and Industrial Relations Committee. It was amended in Senate today and, if fully passed, it will be effective for the 2018/19 school year.

.VI.D. PTA Council

Minutes:

Ms. Smith was not present.

.VII. EXECUTIVE STAFF REPORTS

.VII.A. Asst. Supt., Educational Services

Minutes:

Time Start: 6:27 p.m. Time End: 6:30 p.m.

Dr. Deloria thanked Dr. Webb for converting the position control forms from paper to digital format to help make the district more efficient. The district is sending out formal invitations to specific groups of employees for the expansion of bias training in the district. This is the last week of high school summer school, and Samohi's summer graduation will be on Friday. There is a lot of activity going on, as everyone is gearing up for the start of school, including the Fiscal Department, which is closing the books, and the Purchasing Department, which is processing requisitions.

.VII.B. Asst. Supt., Human Resources

Minutes:

Time Start: 6:30 p.m. Time End: 6:31 p.m.

Dr. Kelly acknowledged everyone who has been working hard finishing summer school and gearing up for the fall semester. The board will be approving administrative hires on tonight's agenda, and the Human Resources Department is working on filling more positions. Dr. Kelly congratulated Dr. Ellen Edeburn, who is attending her last board meeting, as she is retiring at the end of the month.

.VII.C. Superintendent

Minutes:

Time Start: 6:31 p.m. Time End: 6:33 p.m.

Dr. Drati reported that he, Ms. Lieberman, Ms. Cartee-McNeely, and Ms. Braff attended the CALMI conference. The keynote speaker was Dr. Pedro Noguera. Dr. Drati announced that the AP score confusion at Malibu HS has been resolved, thanks to the hard work of Dr. Nye and her team.

.VIII. CONSENT CALENDAR

Motion Passed: The board approved Item Nos. A.1-A.6, B.1-B.10, C.1-C.11, D.1-D.3, and E.1-E.2 listed under the Consent Calendar. Item No. D.4 was pulled from consent and voted on separately. Passed with a motion by Mr. Craig Foster and a second by Maria Leon-Vazquez.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Absent Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:

Time Start: 6:33 p.m. Time End: 6:35 p.m.

.VIII.A. Curriculum and Instruction

.VIII.A.1. Approval of Independent Contractors

.VIII.A.2. Overnight Field Trip(s) 2017-18

.VIII.A.3. Conference and Travel - 2017/2018

.VIII.A.4. Consolidated Application

.VIII.A.5. College and Career Access Pathways (CCAP): MOU Revisions

.VIII.A.6. Special Education Contracts-2016/17

.VIII.B. Business and Fiscal

.VIII.B.1. Award of Purchase Orders - 2016-17

.VIII.B.2. Award of Purchase Orders - 2017-18

.VIII.B.3. Acceptance of Gifts-2016/2017

.VIII.B.4. Adopt Resolution No. 17-01 Annual Delegation of Administrative Authority to Process Routine and Non-Routine Budget Revisions, Adjustments, and Transfers for FY 2017-18

.VIII.B.5. Appropriation Transfers of School Year-End FY 2016-17

.VIII.B.6. Adopt Resolution No. 17-02 Temporary Interfund Cash Transfer

.VIII.B.7. Transfer of Funds

.VIII.B.8. Contract Agreement with A&R Wholesale Distributors/Gold Star Foods

.VIII.B.9. Annual Food & Supplies

Minutes:

Mr. de la Torre requested a report from the Food and Nutrition Services Department on the components of the district's program, including quality of food served and contracts.

Mr. Drati reminded that board that a study session regarding this topic is scheduled for the August 30 board meeting.

.VIII.B.10. Amend Certification of Signatures - Director of Early Learning

.VIII.C. Facilities Improvement Projects

.VIII.C.1. Approval Of Independent Contractors (FIP)

.VIII.C.2. Accept Work as Completed United Electric Supply Company Malibu Middle & High School and Cabrillo Elementary School Bid #15.08 Lighting Fixture Replacement And System Controls Project Measure ES

.VIII.C.3. Amendment to Agreement - Supplemental Geotechnical Exploration Services - Malibu Middle & High School - Campus Improvements Project - Leighton Consulting, Inc. - Measure BB

.VIII.C.4. Amendment to Agreement - Architectural Services Malibu Middle And High School Campus Improvements Project HMC Architects Measure BB

.VIII.C.5. Amendment To Agreement - Hazardous Materials Abatement Sampling And Monitoring Santa Monica High School Samohi Campus Plan (SCP) Phase 1 & 2 Project Alta Environmental Measure ES

.VIII.C.6. Amendment To Agreement Geotechnical Study Report John Adams Middle School Performing Arts Complex Project Converse Consultants Measure ES

.VIII.C.7. Amendment To Agreement Architectural Services John Adams Middle School Performing Arts Complex Project NAC Architecture Measure ES

.VIII.C.8. Amendment to Agreement Architectural Design Services Franklin Elementary School Windows, Paint, Floors And Doors Project and Point Dume Elementary School - HVAC Project dsk Architects - Measure ES

.VIII.C.9. Amendment to Agreement - Geotechnical and Material Testing Services Roosevelt Elementary School and Webster Elementary School Windows, Flooring And Paint Projects Converse Consultants Measure ES

.VIII.C.10. Amendment to Agreement Architectural Construction Administration Services District Office Data Center Project DLR Group, Inc Measure BB

.VIII.C.11. Change Order Novus Construction - Olympic High School Campus Modernization Project Measure BB

.VIII.D. Personnel

.VIII.D.1. Certificated Personnel - Elections, Separations

.VIII.D.2. Classified Personnel - Merit

.VIII.D.3. Classified Personnel - Non-Merit

.VIII.D.4. Administrative Appointments

Motion Passed: It is recommended that the Board of Education approve the following administrative appointments: CERTIFICATED APPOINTMENTS: Mr. Patrick Miller as Principal, Webster Elementary School (effective 7/1/17) Ms. Martha Chacon as Assistant Principal, John Adams Middle School (effective 7/1/17) Passed with a motion by Maria Leon-Vazquez and a second by Oscar de la Torre.

Yes	Oscar de la Torre
Yes	Mr. Craig Foster
Yes	Jon Kean
Yes	Maria Leon-Vazquez
Absent	Laurie Lieberman
Yes	Ralph Mechur
Yes	Dr. Richard Tahvildaran

Minutes:

Time Start: 6:35 p.m. Time End: 6:41 p.m.

Ms. Chacon said she was looking forward to working with the JAMS team.

Mr. Miller thanked the board for the opportunity to serve the Malibu community in this new role.

.VIII.E. General

.VIII.E.1. Expulsion of Student (B/D 01/03/2001)

Minutes:

The Board altered the recommendation to expel student (B/D 01/03/2001), but suspend enforcement and allow the student to attend Olympic High School. The term of the expulsion is two semesters through June 8, 2018.

The student is expected to make satisfactory progress in fulfilling the requirements of the Rehabilitation Plan. The expulsion order is to be put into effect if the student fails to make satisfactory progress during the period of expulsion. If the expulsion is put into effect, the student shall be placed in an educational program operated by the Los Angeles County Office of Education.

.VIII.E.2. Revise BP 3311 - Bids and Adopt BP 3311.1 - Uniform Public Construction Cost Accounting Procedures

.IX. GENERAL PUBLIC COMMENTS

Minutes:

There were no general public comments.

.X. DISCUSSION ITEMS

.X.A. 2017 Summer Construction Update (25 mins)

Minutes:

Time Start: 6:45 p.m. Time End: 7:15 p.m.

Staff answered board members' questions regarding the process for reoccupying the buildings following installing new windows and BMP cleaning, Phase 4 at Webster ES, deferred maintenance projects, the ADA compliance work being done at Roosevelt ES, and the new track and field at Lincoln MS.

Staff will bring forward an action item to authorize the use of lease-leaseback for Malibu Middle/High School new construction. The board agreed with staff's suggestion to de-scope Phase 4 of Webster ES and postpone until next year.

.XI. MAJOR ACTION ITEMS

.XI.A. Adopt Resolution No. 17-03 Determining the Acquisition of the Real Property Located at 1515 Maple Street in the City of Santa Monica, California, is Exempt from the California Environmental Quality Act (CEQA), Approving the Project, and Directing the Filing of a Notice of Exemption (15 mins)

Motion Passed: It is recommended that the Board of Education ("Board") adopt Resolution No. 17-03, determining the acquisition of real property ("Proposed Project") located at 1515 Maple Street in the City of Santa Monica, California 90405 ("Property"), is exempt from the requirements of the California Environmental Quality Act ("CEQA"), approving the Proposed Project, and directing the filing of a Notice of Exemption with the County Clerk. Passed with a motion by Mr. Craig Foster and a second by Oscar de la Torre.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Absent Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:
Time Start: 6:42 p.m. Time End: 6:45 p.m.

.XII. INFORMATIONAL ITEMS

Minutes:
Time Start: 8:21 p.m. Time End: 8:21 p.m.

.XII.A. Quarterly Report on Williams Uniform Complaints

.XII.B. Quarterly Report on Hate-Motivated Behavior

.XII.C. Quarterly Report on Disability Harassment Reporting

.XII.D. Revision of AR 3311 Bids and Adoption of AR 3311.1 Uniform Public Construction Cost Accounting Procedures; AR 3311.2 Lease-Leaseback Contracts; AR 3311.3 Design Build Contracts; and AR 3311.4 Procurement of Technological Equipment

.XIII. BOARD MEMBER ITEMS

.XIV. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION

.XV. CONTINUATION OF PUBLIC COMMENTS

.XVI. BOARD MEMBER COMMENTS

Minutes:
Time Start: 8:21 p.m. Time End: 8:24 p.m.

- Mr. Foster remarked on the recent interruption at a meeting of the Committee for Racial Justice by white supremacists. He wondered what the board could do to show its support for the committee and its work. He suggested a resolution.
- Mr. de la Torre invited everyone to the 2nd Annual Unity Car Show on July 29, hosted by the Pico Youth & Family Center.
- Dr. Tahvildaran-Jesswein reported that his Public Policy Institute students met with Dr. Drati today regarding the district's Independent Study PE (ISPE) policy and will be coming up with conclusions in a formal report.

.XVII. FUTURE AGENDA ITEMS

.XVIII. ADJOURNMENT

Minutes:
It was moved by Mr. Mechur, seconded by Ms. Leon-Vazquez, and voted 6/0 (Ms. Lieberman was absent) to return to closed session at 8:24 p.m. Closed session adjourned at 10:04 p.m.

Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on City TV2, Cable Channel 20 – Check TV listing.

Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.