



## **BOARD OF EDUCATION MEETING MINUTES - MEETING FORMAT "A"**

August 30, 2017

### **. CLOSED SESSION**

Minutes:

Ms. Lieberman called closed session to order at 4:05 p.m.

#### **.I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY**

#### **.II. CLOSED SESSION**

##### **.II.A. Government Code 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (15 min)**

- 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.B. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION (15 min)**

- DN-1004-17/18 (Special Education) (postponed from 8/9/17)  
Minutes:  
Legal fees: \$4,890.00  
The total cost for this case is not to exceed \$4,890.00. It was moved by Ms. Leon-Vazquez, seconded by Mr. Foster, and voted 5/0 (Mr. Mechur and Mr. de la Torre were absent) to approve the settlement case.  
Ayes: 5 (Lieberman, Tahvildaran-Jesswein, Leon-Vazquez, Foster, Kean)  
Noes: 0  
Absent: 2 (de la Torre, Mechur)
- DN-1005-17/18 (Special Education)  
Minutes:  
This item was postponed to the September 13, 2017, board meeting.

##### **.II.C. Government Code 54957 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (5 min)**

##### **.II.D. Government Code 54957 PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT (10 min)**

- Title: Assistant Principal

##### **.II.E. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS (30 min)**

- Agency Designated Representative: Dr. Ben Drati  
Employee Organizations: SEIU

### **. OPEN SESSION**

#### **.I. CALL TO ORDER**

Minutes:

Ms. Lieberman called open session to order at 6:09 p.m.

#### **.I.A. Roll Call**

Present	Oscar de la Torre – <i>arrived at 4:45 p.m.</i>
Present	Mr. Craig Foster
Present	Jon Kean
Present	Maria Leon-Vazquez
Present	Laurie Lieberman
Absent	Ralph Mechur
Present	Dr. Richard Tahvildaran

#### **.I.B. Pledge of Allegiance**

Minutes:

Mr. Kean led the pledge of allegiance.

#### **.II. APPROVAL OF THE AGENDA**

**Motion Passed:** Passed with a motion by Mr. Foster and a second by Ms. Leon-Vazquez.

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

#### **.III. APPROVAL OF MINUTES**

**Motion Passed:** It is recommended that the Board of Education approve the August 9, 2017, regular meeting minutes. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Foster.

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

#### **.IV. BOARD OF EDUCATION COMMENDATIONS/RECOGNITIONS**

##### **.IV.A. Dr. Terry Deloria - Outgoing Assistant Superintendent, Educational Services**

Minutes:

Time Start: 6:13pm Time End: 6:31pm

Dr. Drati acknowledged Dr. Deloria's contributions to SMMUSD over the past five years, including implementing the new CA standards and assessments, aligning curriculum across the district, installing nearly \$34M in classroom technology, developing and implementing programs funded by the Ed Foundation, transforming our preschool programs, developing and continuously updating the LCAP, aligning our work to Excellence through Equity, and reshaping of school and district culture to focus on student learning. Each board member shared their thanks and best wishes for Dr. Deloria. The board presented her with a glass plaque.

#### **.V. COMMUNICATIONS**

##### **.V.A. Student Board Member Reports (15 min)**

##### **.V.A.1. Santa Monica High School**

Minutes:

Time Start: 6:32pm Time End: 6:32pm

Mr. Schmelzer reported that school has started smoothly. The school had its first football game, but did not win. The Freshman Dance was on Saturday. The first pep rally will be this Friday.

**.V.A.2. Olympic High School**

Minutes:

Ms. Rivas was present, but did not deliver a report.

**.V.B. SMMCTA Update (5 min)**

Minutes:

Time Start: 6:33pm Time End: 6:35pm

Ms. Braff wished good luck and best wishes to Dr. Deloria. She thanked everyone for helping to get the classrooms ready for the start of school, which was not an easy task. The custodial staff worked overtime to get everything ready, and most teachers were able to get into their classrooms before school started. Ms. Raff remarked that the spirit of each school was apparent during the prep time. She reported that the Juan Cabrillo ES staff restroom is not working. She reminded everyone that the district's adults are the role models for the students and community, and as such, no one should make less than \$15 per hour.

**.V.C. SEIU Update (5 min)**

Minutes:

Time Start: 6:35pm Time End: 6:40pm

Ms. Cartee-McNeely apologized that she was unable to attend the annual convocation due to a family emergency. She reported that classified employees are excited to have a large participatory role at the sites and district level in the support of student academic success. She reported that SEIU was committed to improving the communication, processes, and structures for this year, specifically through labor management teams. Ms. Cartee-McNeely shared information on AB 621, which is currently in the Appropriations Committee. CSBA has not yet taken a position on the bill, but Compton and Lynwood school districts have supported it. SEIU will participate, along with other labor unions, in a solidarity march on Labor Day. She thanked Dr. Deloria for playing an instrumental part in reestablishing positive relationships between the district and union. She appreciates Dr. Deloria's willingness to listen and resolve issues and concerns. She thanked her for supporting the special education labor management team.

**.V.D. PTA Council (5 min)**

Minutes:

Time Start: 6:40pm Time End: 6:45pm

Ms. Smith thanked Dr. Deloria for all of the incredible things she has done for the district. She announced that the PTAs are in the start-of-the-year membership drives. She encouraged everyone to become a member. The first PTA Council meeting will be on September 5, during which Risk Manager Gary Bradbury will talk about safety at the sites and the legal ramifications of signing contracts. The council will also hear from the Facilities Use Department. Mental Health Coordinator Shuli Lotan will share information about the behavioral and mental health supports at the sites. Next Friday, the School Smarts Steering Committee will meet at the PDLC to plan for this year. The Buy Local event will be on September 9, and the district, Ed Foundation, and PTA will have a table there. The special education conference event will also be on September 9 at St. Monica's.

**.V.E. Ed Foundation (15 min) (6:15pm)**

Minutes:

Time Start: 6:45pm Time End: 6:56pm

Ms. Greenberg thanked Dr. Deloria for her invaluable participation in the implementation of centralized fundraising. She introduced Ed Foundation Board President David Vukadinovich. Ms. Greenberg summarized the fundraising data and events for 2016-17 as well as the fundraising campaign and data for 2017-18. The Ed Foundation presented the district with a check for \$2.48M.

**.VI. EXECUTIVE STAFF REPORTS**

**.VI.A. Asst. Supt., Educational Services (5 min)**

Minutes:

Time Start: 8:10pm Time End: 8:13pm

Dr. Deloria congratulated Juan Cabrillo ES for opening up the Seaside preschool this year. She remarked on the successful annual convocation and teaching and learning conferences that occurred on August 17. She thanked Special Ed Director Pam Kazee and Ms. Cartee-McNeely for supporting the idea of including special education classified staff in the professional development sessions.

**.VI.B. Asst. Supt., Human Resources (5 min)**

Minutes:

Time Start: 8:13pm Time End: 8:16pm

Dr. Kelly congratulated everyone on the successful opening of school. He saw calm school environments. He listed the number of new employees that were hired and processed during the summer. New teachers participated in a two-day new teacher academy, and Dr. Webb hosted professional development for 70 substitute teachers.

**.VI.C. Interim Asst. Supt., Business & Fiscal Services/CFO (5 min)**

Minutes:

Mr. Bishop was present, but did not deliver a report.

**.VI.D. Superintendent (5 min)**

Minutes:

Dr. Drati was present, but did not deliver a report.

**.VII. CONSENT CALENDAR**

Minutes:

The board approved Item Nos. A.1-A.7, B.1-B.4, C.1-C.20, and D.1-D.8 listed under the Consent Calendar. Item No. D.9 was pulled from consent and voted on separately.

Passed with a motion by Dr. Tahvildaran-Jesswein and a second by Mr. de la Torre.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Yes Laurie Lieberman

Absent Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:

Time Start: 7:01pm Time End: 7:05pm

**.VII.A. Curriculum and Instruction**

**.VII.A.1. Approval of Independent Contractors 2017-18**

Minutes:

Public Comments:

- Ann Thanawala expressed concern over the independent contractor Innovate Ed. The board directed staff to investigate the claim and provide the board with any relevant information.
- .VII.A.2. Conference and Travel Approval/Ratification**
- .VII.A.3. Overnight Field Trip(s) 2017-18**
- .VII.A.4. Agreement to Provide California State Preschool (CCTR) for Fiscal Year 2017-18**
- .VII.A.5. Agreement to Provide California State Preschool (CSPP) for Fiscal Year 2017-18**
- .VII.A.6. Transfer of Head Start Appropriations - Bar #36-425**
- .VII.A.7. Child Development Services Parent Handbook**
- .VII.B. Business and Fiscal**
  - .VII.B.1. Award of Purchase Orders - 2017-18**
  - .VII.B.2. Adopt Resolution GANN Amendment**
  - .VII.B.3. Award of Contract - Armored Car Services - Bid #18.03 to Fortress Armored Services Company - Year One of a Five-Year Contract**
  - .VII.B.4. Amendment to Contract for Bid #17.17 - Deck Restoration at Muir Elementary School by Western Specialty - Change Orders #1, #2, and #3**
- .VII.C. Facilities Improvement Projects**
  - .VII.C.1. Amendment #06 to Agreement - Program Management Services Massetti Consulting, LLC Measure ES**
  - .VII.C.2. Contract Amendment #05 - Orbach, Huff, Suarez & Henderson, LLP Legal Services - Measure ES**
  - .VII.C.3. Amendment #01 to Agreement - Construction Management Services Windows, Paint, Floors & Doors Project Telacu Construction Management Measure ES**
  - .VII.C.4. Change Order #01 1st California Construction Grant Elementary School Windows Upgrade Project - Measure ES**
  - .VII.C.5. Amendment #02 to Agreement Architectural Services McKinley Elementary School Windows, Paint, Floors and Doors Project & HVAC Project Rachlin Partners - Measure ES**
  - .VII.C.6. Change Order #01 A. J. Fistes Corporation Will Rogers Learning Community Windows Flooring and Paint Project Measure ES**
  - .VII.C.7. Amendment #10 to Agreement Hazardous Materials Abatement Sampling & Monitoring Services - Lincoln Middle School - Athletic Field Improvements Project Alta Environmental Measure ES**
  - .VII.C.8. Amendment #11 to Agreement Hazardous Materials Abatement Sampling & Monitoring - Santa Monica High School Samohi Campus Plan (SCP) Phase 1 & 2 Project Alta Environmental Measure ES**
  - .VII.C.9. Amendment #01 to Agreement Architectural Design Services Santa Monica High School Phase 1 & 2 Project Harley Ellis Devereaux (HED) - Measure ES**
  - .VII.C.10. Amendment #02 to Agreement Design Survey Services Santa Monica High School Samohi Campus Plan (SCP) Phase 1 & 2 Project Psomas Measure ES**
  - .VII.C.11. Amendment #03 to Agreement Design Survey Services Santa Monica High School Samohi Campus Plan (SCP) Phase 1 & 2 Project Psomas Measure ES**
  - .VII.C.12. Amendment #06 to Agreement Geotechnical Field Observation Services Santa Monica High School Sealy Field Project Leighton Consulting, Inc. Measure ES**
  - .VII.C.13. Amendment #07 to Agreement Geotechnical Field Observation Services - Santa Monica High School External Stairway Repair Project Leighton Consulting, Inc. Measure ES**

- .VII.C.14. Change Order #03 Novus Construction - Olympic High School Campus Modernization Project Measure BB
- .VII.C.15. Amendment #08 to Agreement Architectural Services Malibu Middle & High School Windows, Paint, Floors & Doors Project HMC Architects Measure ES
- .VII.C.16. Amendment #04 To Agreement - Supplemental Geotechnical Exploration Services - Malibu Middle & High School - Campus Improvements Project Leighton Consulting, Inc. Measure BB
- .VII.C.17. Change Order #02 Angeles Contractor, Inc. Malibu Middle & High School Campus Improvements Project Measure BB
- .VII.C.18. Change Order #04 Walton Electric Corporation Malibu High and Cabrillo Elementary Schools Led Luminaires & System Control Upgrade Measure ES
- .VII.C.19. Change Order #03 AWI Builders, Inc. District Office Data Center Project Measure BB
- .VII.C.20. Accept Work as Completed Multiple Purchase Orders Various Projects Measure BB & ES
- .VII.D. Personnel
  - .VII.D.1. Certificated Personnel Elections, Separations
  - .VII.D.2. Classified Personnel - Merit
  - .VII.D.3. Classified Personnel - Non-Merit
  - .VII.D.4. Classified Personnel - Special Service Employees
  - .VII.D.5. Increase in Staffing (FTE) - Child Development Services
  - .VII.D.6. Increase in Staffing (FTE) - Special Education
  - .VII.D.7. Establishment of a New Classification - Special Education Specialist
  - .VII.D.8. 2017-2018 Declaration of Need for Fully Qualified Educators
  - .VII.D.9. Administrative Appointments

**Motion Passed:** It is recommended that the Board of Education approve the following administrative appointment: CERTIFICATED APPOINTMENTS: Mr. Nauman Zaidi as Assistant Principal, Malibu High School (effective 8/31/17). Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Foster.

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

Minutes:

Time start: 6:57pm Time end: 7:00pm

Mr. Zaidi thanked the board for this opportunity.

## **.VIII. GENERAL PUBLIC COMMENTS**

## **.IX. DISCUSSION ITEMS**

### **.IX.A. Samohi Campus Plan Phase 1 & 2 Update and Budget Discussion (60 min)**

Minutes:

Time Start: 8:17pm Time End: 10:10pm

#### Public Comments:

- Lidia Muraro, Ann Thanawala, Joan Krenik, and Nikki Kolhoff addressed the board regarding this item.

Staff answered board members' questions regarding costs associated with the various aspects of the project, relocating classrooms during the spring, the use of COPs as a funding source, ASB and staff lounges; and the length of the pool. The

board directed staff to proceed with the modified project scope as presented, with the exception of the additional level of parking below the proposed building. Regarding parking, the board asked questions about: the estimated number of spaces that might be created in the new building space; costs associated with renting parking spaces in nearby locations; costs associated with making parking an add-on feature of the project design; partnering with the neighboring organizations or businesses; the possibility of charging for parking; investigating what other entities are doing about surveying how employees get to work and from work.

Following discussion, the board voiced agreement for all of the proposed project modifications, except for parking. Staff will return on September 13 with a continued discussion regarding the issue of additional parking. The board subcommittee on facilities will meet with staff before then. Mr. Bishop will also return with information regarding additional funding using COPs.

## **.X. MAJOR ACTION ITEMS**

### **.X.A. 2016-17 Unaudited Actual Financial Report (45 min) (7:00pm)**

**Motion Passed:** It is recommended the Board of Education approve the 2016-17 Unaudited Actual Financial Report and staff recommendations for fund balances reservations. Passed with a motion by Mr. Foster and a second by Ms. Leon-Vazquez.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Yes Laurie Lieberman

Absent Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:

Time start: 7:05pm Time end: 8:11pm

Ms. Bishop answered board members' questions regarding the fluctuations in revenue and expenditures from year to year. Mr. Kean reminded everyone that GSH expenditures are not reflected. Dr. Tahvildaran-Jesswein reminded everyone that Dr. Drati has a plan to reduce expenditures. Student Board Member Schmelzer recommended that the district address the deficit spending patterns now, rather than later.

### **.X.B. Adopt Resolution No. 17-04 - Malibu Unification Negotiations Committee Supplemental Memorandum Report (40 min)**

**Motion to Amend Passed:** To amend the motion from: "It is recommended that the Board of Education adopt Resolution No. 17-04 - Malibu Unification Negotiations Committee Supplemental Memorandum Report (dated July 11, 2017)." to:

"It is recommended that the Board of Education 1) formally receive the Malibu Unification Negotiations Committee Memorandum Report (dated February 24, 2017) and Supplemental Memorandum Report (dated July 11, 2017); 2) direct the Superintendent to continue to work with School Services of CA to review and prepare an independent analysis of the Malibu Unification Committee's Memorandum Report and Supplemental Memorandum Report and develop its analysis and recommendations, which is currently expected to be transmitted by September 30, 2017; 3) direct the Superintendent to report to the Board of Education no later than five weeks following receipt of a final report from School Services of CA; and 4) reaffirm the board's desire for the establishment of the Santa Monica Unified School District (SMUSD) and the Malibu Unified School District (MUSD) as two excellent school districts serving their respective communities and providing the best educational opportunities for their respective students, as long as it can be



accomplished in a manner that assures the Board of Ed that there will not be a negative impact on the financial condition of the remaining Santa Monica Unified School District; and direct the Superintendent or designee to make a public declaration of the progress thus far in the Malibu Unification Negotiation process. The Board also gave direction to the Superintendent to work with staff to share this action with the wider public in the form of a public statement or press release. Passed with a motion by Dr. Richard Tahvildaran and a second by Jon Kean.

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

Minutes:

Time start: 10:10pm Time end: 10:58pm

During Board deliberation of this item, some Board members expressed concerns about the use of a resolution as the means for receiving the MUNC's Memorandum Report and Supplemental Memorandum Report and for reiterating actions that are already occurring or have already been taken. The discussion that led to the motion ultimately adopted by the Board did not involve disagreement about the substance of the item, but rather reflected differences among Board members about the appropriate process and mechanisms for conducting Board business generally and in this specific matter. Following this deliberation, Dr. Tahvildaran-Jesswein made a motion that converted the "be it resolved" clauses in the original action item into a motion, rather than a resolution.

#### **.XI. BOARD MEMBER ITEMS**

#### **.XII. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION**

#### **.XIII. CONTINUATION OF PUBLIC COMMENTS**

Minutes:

Time Start: 10:58pm Time End: 11:00pm

Public Comments:

- Ann Thanawala commented on COPs as part of the Samohi project, property taxes in Santa Monica, and requested clarity on BP/AR 5116.1.

#### **.XIV. BOARD MEMBER COMMENTS**

Minutes:

Time Start: 11:00pm Time End: 11:02pm

- Mr. de la Torre reported that a father of a JAMS student was recently apprehended by ICE. He will follow-up to see how people can provide financial support.

#### **.XV. FUTURE AGENDA ITEMS**

#### **.XVI. ADJOURNMENT**

Minutes:

It was moved by Ms. Leon-Vazquez, seconded by Mr. Kean, and voted 6/0 (Mr. Mechur was absent) to adjourn the meeting at 11:02 p.m. The next meeting is a special closed session scheduled for Wednesday, September 6, 2017, at 4:00 p.m. at the district



office. The next regular meeting is scheduled for Wednesday, September 13, 2017, at 5:30 p.m. at the district office: 1651 16th St., Santa Monica.

Approved: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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