



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

November 2, 2017

. CLOSED SESSION

Minutes:

Ms. Lieberman called closed session to order at 4:40 p.m.

.I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

.II. CLOSED SESSION

**.II.A. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION (40
min)**

- DN-1008-17/18 (special education)

Minutes:

Parent reimbursement: \$300,200

Legal fees: \$24,500

The total cost for this case is not to exceed \$324,700. It was moved by Dr. Tahvildaran-Jesswein, seconded by Mr. Foster, and voted 7/0 to approve the settlement case.

Ayes: 7 (Lieberman, Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, de la Torre, Kean)

Noes: 0

- 1 case

Minutes:

The Board of Education approved a settlement with AWI Builders, Inc., resolving all remaining claims related to the construction of the IT Expansion Suite - Data Center Build Out. Under the terms of the settlement, AWI Builders, Inc. will receive \$170,000.00 in return for a mutual full and final settlement of all claims. It was moved by Mr. Mechur, seconded by Mr. de la Torre, and voted 7/0 to approve the settlement case.

Ayes: 7 (Lieberman, Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, de la Torre, Kean)

Noes: 0

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

Minutes:

In closed session, the Board took action to accept the Superintendent's recommendation to immediately dismiss a permanent classified employee, identified by #AU 003162, pursuant to Education Code Sections 45302, 45304 and Personnel Commission Rule 14.1, effective November 3, 2017; 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: 7 (Lieberman, Tahvildaran-Jesswein, Leon-Vazquez, Foster, Mechur, de la Torre, Kean)

Noes: 0

.II.C. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS (10 min)

- Agency Designated Representative: Dr. Ben Drati
- Employee Organizations: SEIU
- Agency Designated Representative: Dr. Ben Drati
- Employee Organizations: Assistant Superintendent, Business & Fiscal Services

. OPEN SESSION

.I. CALL TO ORDER

Minutes:

Ms. Lieberman called open session to order at 5:40 p.m.

.I.A. Roll Call

Present Oscar de la Torre – *left at 7:15 p.m.*
Present Craig Foster
Present Jon Kean
Present Maria Leon-Vazquez
Present Laurie Lieberman
Present Ralph Mechur
Present Dr. Richard Tahvildaran-Jesswein

.I.B. Pledge of Allegiance

Minutes:

Dr. Tahvildaran-Jesswein led the pledge of allegiance.

.II. APPROVAL OF THE AGENDA

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

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

.III. APPROVAL OF MINUTES

.III.A. Approve October 19, 2017, Minutes

Motion Passed: It is recommended that the Board of Education approve the October 19, 2017, regular meeting minutes. Passed with a motion by Mr. Foster and a second by Mr. Mechur.

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

.IV. BOARD OF EDUCATION - COMMENDATIONS/RECOGNITIONS

.V. STUDY SESSION

.VI. COMMUNICATIONS

.VI.A. Student Board Member Reports (15 min)

.VI.A.1. Santa Monica High School

Minutes:

Time start: 6:09 p.m. Time end: 6:11 p.m.

Mr. Schmelzer reported that last week's Homecoming events went well. The first-ever carnival was fun with food trucks, games, and rides. The rally was also fun, and the Homecoming king and queen were announced. The Homecoming Dance was well-attended.

.VI.A.2. Malibu High School

Minutes:

Time start: 5:44 p.m. Time end: 5:45 p.m.

Mr. Scoffie reported that this week has been Spirit Week at the high school. There was a Halloween costume contest and In'n'Out truck. Mr. Scoffie invited everyone to attend the Homecoming football game, which is tomorrow. He reported that students are happy the portables have been removed from the high school quad.

.VI.A.3. Olympic High School – *absent*

.VI.B. SMMCTA Update (5 min)

Minutes:

Time start: 5:45 p.m. Time end: 5:48 p.m.

Danielle Murawski delivered the report on behalf of Ms. Braff. She requested the timeline related to HCAV system updates. In the meantime, she urged the district to develop protocols to determine when school should be closed or the school day shortened due to extreme heat. Regarding the rodent issue in Malibu due to construction, she argued that the district needed to improve its IPM preventative measures. Ms. Murawski claimed that the interim testing at elementary schools was not successful and that there needs to be a pretest for teachers and students to become familiar with the material and format. Moving forward, she suggested that Dr. Mora and teachers design a new interim test and pretest. She reported that the matrices of bias training continues with various district employee groups. She thanked staff for working on the independent study PE issue, the district for supporting professional development by providing substitutes and scholarships for teachers, and those who spoke about Malibu unification at the special board meeting on Monday. Mr. Foster requested information from staff regarding parking for itinerant teachers and the testing issue that Ms. Murawski mentioned.

.VI.C. SEIU Update (5 min) – *absent*

.VI.D. PTA Council (5 min) – *absent*

.VII. EXECUTIVE STAFF REPORTS

.VII.A. Asst. Supt., Educational Services (5 min)

Minutes:

Time start: 5:49 p.m. Time end: 5:50 p.m.

Dr. Mora reported that the second LCAP meeting just occurred, during which two Samohi students participated and shared their perspective. The group examined how input on the plan from the community is being incorporated. The matrices of bias training continues for staff.

.VII.B. Asst. Supt., Human Resources (5 min)

Minutes:

Time start: 5:50 p.m. Time end: 5:59 p.m.

Dr. Kelly thanked administrators in working to implement the minimum day last week due to the extreme heat. When determining if there should be a shortened day due to extreme heat, the district needs to consider instructional minutes and the number of days of school. Dr. Kelly thanked the administrators, staff, and students at Samohi for handling last week's bomb threat calmly. He reported that Ms. Brown is overseeing professional development for our counselors, while Dr. Webb is overseeing mandated reporter training. Regarding heat, Dr. Tahvildaran-Jesswein asked about developing criteria for determine when classrooms are too hot to house students. Mr. Foster and Ms. Lieberman wondered what criteria other districts use. Dr. Tahvildaran-Jesswein expressed how impressed he was with how calmly the bomb threat at Samohi was handled.

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

Minutes:

Time start: 5:50 p.m. Time end: 5:50 p.m.

Mr. Bishop reported that the Fiscal Department is gearing up for the First Interim Report. The Purchasing, Food and Nutritional Services, and Fiscal Department are all in the process of interviewing and receiving new directors.

.VII.D. Superintendent (5 min) – *absent*

.VIII. CONSENT CALENDAR

Passed with a motion by Mr. Foster and a second by Dr. Tahvildaran-Jesswein.

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

Minutes:

The board approved Item Nos. A.1-A.6, B.1-B.2, C.1-C.16, D.1-D.4, and E.1-E.2 listed under the Consent Calendar. A correction to Item No. C.11 was read into the record.

Time start: 5:59 p.m. Time end: 6:00 p.m.

.VIII.A. Curriculum and Instruction

.VIII.A.1. Approval of Independent Contractors

.VIII.A.2. Conference and Travel Approval/Ratification

.VIII.A.3. Overnight Field Trip(s) 2017-18

.VIII.A.4. Standards of Conduct - Performance Standards Head Start

.VIII.A.5. Supplemental Instructional Materials

.VIII.A.6. Special Education Contracts (17/18)

.VIII.B. Business and Fiscal

.VIII.B.1. Award of Purchase Orders - 2017-18

.VIII.B.2. Acceptance of Gifts 2017/2018

.VIII.C. Facilities Improvement Projects

.VIII.C.1. Approval of Independent Contractors - FIP

**.VIII.C.2. Change Order #01 to Contract District Office Data Center Project
Construction Contract - SimplexGrinnell, LLC. Measure BB**

- .VIII.C.3. Amendment #14 to Agreement Malibu Middle & High School Building D - Window, Paint, Floors & Doors Project - Hazardous Materials Consulting Services - Alta Environmental Measure ES
- .VIII.C.4. Amendment #15 to Agreement Malibu Middle & High School Buildings F, I & G Window, Paint, Floors & Doors Project Additional Hazardous Materials Consulting Services - Alta Environmental Measure ES
- .VIII.C.5. Amendment #07 to Agreement - Santa Monica High School Campus Plan Project Architectural Services - Chan Young Architects Measure ES
- .VIII.C.6. Amendment #08 to Agreement - Architectural Services - Santa Monica High School Sealy Field Improvement Project Chan Young Architects Measure ES
- .VIII.C.7. Amendment #09 to Agreement - Santa Monica High School Samohi Campus Plan Architectural Services - Chan Young Architects Measure ES
- .VIII.C.8. Approval of Project Assignment #01 Various Sites Districtwide HVAC Project Architectural Master Services Agreement - Chan Young Architects Measure ES
- .VIII.C.9. Amendment #05 to Agreement Santa Monica High School Interim Repairs & Upgrades Project Inspector of Record Services Sandy Pringle Associates Measure ES
- .VIII.C.10. Amendment #10 to Agreement - Santa Monica High School Campus Plan Archeological Assessment - Geotechnical Field Observation Services Leighton Consulting, Inc. Measure ES
- .VIII.C.11. Amendment #11 to Agreement - Santa Monica High School Phase I & II Project Geotechnical Field Observation Services - Leighton Consulting, Inc. Measure ES
- .VIII.C.12. Amendment #07 to Agreement Olympic High School - HVAC Project - Architectural Services - dsk Architects Measure ES
- .VIII.C.13. Change Order #03 Will Rogers Elementary School Window, Paint, Floors & Doors Project Construction Contract Bid #17.08.ES A. J. Fistes Corporation - Measure ES
- .VIII.C.14. Amendment #17 to Agreement Franklin, McKinley, and Point Dume Elementary Schools Window, Paint, Floors & Doors Project and John Adams Middle School Performing Arts Complex Survey and Sampling for ACM, LBP and PCBs in Building Materials Alta Environmental Measure ES
- .VIII.C.15. Amendment #16 to Agreement Malibu Middle & High School Campus Improvement Project Survey and Sampling for PCB's in Building Materials Alta Environmental Measure BB
- .VIII.C.16. Accept Work as Completed Multiple Purchase Orders Various Projects Measure BB & ES
- .VIII.D. Personnel
 - .VIII.D.1. Certificated Personnel - Appointments, Separations and Assignments
 - .VIII.D.2. Classified Personnel - Merit
 - .VIII.D.3. Classified Personnel - Non-Merit
 - .VIII.D.4. Increase in Staffing (FTE) - Special Education
- .VIII.E. General
 - .VIII.E.1. Approve DAC Charges for 2017-18
 - .VIII.E.2. Revise BP 6174 Education for English Learners

.IX. GENERAL PUBLIC COMMENTS

Minutes:

Time start: 6:00 p.m. Time end: 6:09 p.m.

Public Comments:

- Sam Hall Kaplan and Stacy Rouse addressed the board regarding Malibu unification
- Ingrid Peterson addressed the board regarding PCBs at the Malibu High School campus.

.X. DISCUSSION ITEMS

.X.A. Consider Revising BP and replacing AR 5141.52 - Suicide Prevention (10 min)

Minutes:

Time start: 6:11 p.m. Time end: 6:24 p.m.

Mr. Foster requested that following board approval on November 16, staff share the policy and regulation with the Health & Safety DAC, so that they can review the language and determine how they can help the district implement the requirements. He added that if the DAC determines that changes could improve upon the policy, those changes could be brought forward for consideration in the future. Dr. Tahvildaran-Jesswein, one of the board liaisons to the H&S DAC, shared that the committee continues to discuss depression, anxiety, and suicide prevention. Dr. Kelly explained how the district's community partners help in identifying students who have experienced trauma and aid the district in providing mental health support for those students. The board requested more information on how mindfulness exercises are being implemented at the school sites and how they can be better incorporated into the instructional day. Mr. Mechur requested a future update on the mental health program services available in our district. Dr. Kelly reported that the word, "develop," was missing from the second sentence of the first paragraph.

This item will return for action and information at the next meeting.

.X.B. Review BP & AR 5117 - Interdistrict Attendance (60 min)

Minutes:

Time start: 6:24 p.m. Time end: 8:08 p.m.

Staff answered board members' questions regarding minimum state aid and basic aid; various scenarios that might result in a permit being denied; the appeal process through the county/state; the Ellis Act; and what information can be collected on a permit application. The board discussed the value of the various priority groups and the order in which they should appear. Mr. Foster remarked that the district would need to have a deeper conversation about the immersion program and SMASH, and Ms. Leon-Vazquez commented on bilingual preschool. Mr. Kean requested data on students on permits who receive special ed services.

Following the discussion, the board directed staff to revise the policy to more clearly state why the district accepts interdistrict permits. Additionally, the paragraph addressing students whose families move out the district will to be updated to better reflect district practice. Next fall, when the policy returns for review, the board will consider eliminating the "other" priority group in Santa Monica for 2018-19.

This item will return for action and information at a future meeting.

.XI. MAJOR ACTION ITEMS

.XI.A. Adopt Resolution No. 17-12 - National Native American and Alaska Native Heritage Month (5 min)

Motion Passed: It is recommended that the Board of Education adopt Resolution No. 17-12 – National Native American and Alaska Native Heritage Month. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Foster.

Absent Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 8:08 p.m. Time end: 8:09 p.m.

.XII. INFORMATIONAL ITEMS

.XII.A. Replacement of AR and Deletion of E 6174 Education for English Learners

.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: 8:10 p.m. Time end: 8:10 p.m.

- Ms. Leon-Vazquez announced that there would be an event at Woodlawn Cemetery this Saturday to celebrate and remember the loved ones who have passed.

.XVII. FUTURE AGENDA ITEMS

.XVIII. ADJOURNMENT

Minutes:

It was moved by Ms. Leon-Vazquez, seconded by Mr. Foster, and voted 6/0 (Mr. de la Torre was absent) to adjourn the meeting at 8:14 p.m. in memory of Ronald Guercio, an SMMUSD retired security guard, and Jennifer Pust, a Samohi English teacher. The next meeting is a special meeting scheduled for Tuesday, November 14, 2017, at 4:00 p.m. at the district office (1651 16th St., Santa Monica, CA). The next regular meeting is scheduled for Thursday, November 16, 2017, at 5:30 p.m. at the district office.

Approved: _____

President

Superintendent

***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.***