



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

November 16, 2017

**. CLOSED SESSION**

Minutes:

Ms. Lieberman called closed session to order at 6:30 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 (20 min)**

- Name of Case: America Unites for Kids vs. Lyon (C.D. Ca. Sept., 2016), now on appeal to the U.S. Court of Appeals for the Ninth Circuit, America Unites for Kids v. Rousseau, No. 16-56390

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

**.II.C. Government Code 54957 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(15 min)**

- Title: Superintendent

**.II.D. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS (20  
min)**

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

**. OPEN SESSION**

**.I. CALL TO ORDER**

Minutes:

Ms. Lieberman called open session to order at 7:50 p.m.

**.I.A. Roll Call**

- Present Oscar de la Torre
- Present Craig Foster
- Present Jon Kean
- Present Maria Leon-Vazquez – *left at 11:01 p.m.*
- Present Laurie Lieberman
- Present Ralph Mechur
- Present Dr. Richard Tahvildaran-Jesswein

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

Minutes:

Mr. Kean led the pledge of allegiance.

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

**Motion Passed:** Passed with a motion Dr. Tahvildaran-Jesswein and a second by Mr. Foster. The board unanimously agreed to add a Superintendent's Report to immediately follow the Consent Calendar. The board also agreed to move Item No. V.B to come before Item No. V.A.

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 30, 2017, Meeting Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the October 30, 2017, special meeting minutes. Passed with a motion by Mr. Kean 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

### **.III.B. Approve November 2, 2017, Meeting Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the November 2, 2017, regular meeting minutes. 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  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

## **.IV. CONSENT CALENDAR**

Passed with a motion by Dr. Tahvildaran-Jesswein 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  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

The board approved Item Nos. A.1-A.6, B.1-B.4, C.1-C.5 and C.7-C.8, D.1-D.5, and E.1 listed under the Consent Calendar. Item No. C.6 was pulled by staff.

Time start: 7:53 p.m. Time end: 7:54 p.m.

### **.IV.A. Curriculum and Instruction**

#### **.IV.A.1. Approval of Independent Contractors**

#### **.IV.A.2. Conference and Travel Approval/Ratification 2017/2018**

- .IV.A.3. Approval of the Single Plan for Student Achievement (SPSA)
- .IV.A.4. Award of Contracts for Semi-Private Music Lessons
- .IV.A.5. Fiscal Year 2018-19 Continued Funding Application
- .IV.A.6. Special Education Contracts (17/18)
- .IV.B. Business and Fiscal
  - .IV.B.1. Award of Purchase Orders - 2017-18
  - .IV.B.2. Acceptance of Gifts 2017/2018
  - .IV.B.3. Amend Certification of Signatures Assistant Superintendent, Business and Fiscal Services
  - .IV.B.4. 2017-18 Budget Revisions
- .IV.C. Facilities Improvement Projects
  - .IV.C.1. Amendment #1 to Agreement John Adams Middle School Field Replacement Project Geotechnical Percolation Evaluation Services - Leighton Consulting, Inc. Measure ES
  - .IV.C.2. Amendment #05 to Agreement John Adams Middle School Performing Arts Complex Project - Geotechnical Study Report - Converse Consultants Measure ES
  - .IV.C.3. Amendment #02 to Agreement Olympic High School - Campus Modernization Project For Abatement and Removal Monitoring Services Ninyo & Moore Measure BB
  - .IV.C.4. Amendment #08 to Agreement Olympic High School - Windows, Paint, Floors and Doors Project and HVAC Project - Architectural Services - dsk Architects Measure ES
  - .IV.C.5. Amendment #06 to Agreement Samohi Interim Repairs Project - Inspector of Record Services - DSA Inspections - Sandy Pringle Associates Measure ES
  - .IV.C.6. Amendment #9 to Agreement Malibu Middle High School HVAC Central Plant - Architectural Services - HMC Architects Measure ES

Minutes:  
This item was pulled by staff.

  - .IV.C.7. Accept Work as Completed Multiple Purchase Orders Various Projects Measure BB & ES
  - .IV.C.8. Change Order #05 Olympic High School - Campus Modernization Project - Construction Contract Bid #16.20.BB - Novus Construction - Measure BB
- .IV.D. Personnel
  - .IV.D.1. Certificated Personnel - Elections, Separations
  - .IV.D.2. Classified Personnel - Merit
  - .IV.D.3. Classified Personnel - Non-Merit
  - .IV.D.4. Increase in Staffing (FTE) - Special Education
  - .IV.D.5. Ratify Employment Agreement between the Santa Monica-Malibu Unified School District (SMMUSD) and Assistant Superintendent for Business & Fiscal Services
- .IV.E. General
  - .IV.E.1. Revise BP 5141.52 - Suicide Prevention

**IV2. SUPERINTENDENT'S REPORT *(Item was added by a majority vote of the board members during approval of the agenda.)***

Minutes:

Time start: 7:54 p.m. Time end: 8:01 p.m.

Dr. Drati introduced Ms. Melody Canady, the district's new Assistant Superintendent for Business and Fiscal Services. The board approved the appointment of Ms. Canady at the October 19, 2017, meeting, but she was not available to attend that meeting. Ms. Canady thanked the district for the warm welcome and said she looks forward to working

with everyone. Dr. Drati shared that he, at the direction of the board, sent a letter to the City of Santa Monica in support of constructing a field on the Civic Center site. In response to recent media reports, Dr. Drati read a statement regarding conflicts of interest.

## **.V. DISCUSSION ITEMS**

### **.V.A. Reporting Out of California Dashboard Local Indicators (20 min)**

Minutes:

Time start: 11:00 p.m. Time end: 11:14 p.m.

Staff answered board members' questions regarding the school climate survey question results and how staff uses the dashboard data.

### **.V.B. Update on October 30, 2017, Board Direction to Superintendent on Activities Related to Malibu Unification (30 min)**

Minutes:

Time start: 8:01 p.m. Time end: 10:59 p.m. (*Break: 9:26-9:38 p.m.*)

#### Public Comments:

- Jefferson Wagner, Gleam Davis, Moses Nwaige, Christine Hovest, Kevin Shenkman, Sam Hall Kaplan, Marty King, Lee La Plante, Melanie Goudzward, Bonnie Lockrem, Bessie Zhang, Stacie Cox, Karen Farrer, Kathryn Alice, Jessica Isles, John Miller, Jennifer de Nicola, Soniya Perl, Vince Bradley, Stacy Rouse, Ingrid Peterson, William McCarthy, Susie Parks, Jeff Kletter, Gloria Garcia, Sofia Ramirez, Irma Carranza, Joan Krenik, Nora Cohen, Ann Thanawalla, Lauren Polito, Carl Randall, Magali Lopez, Daniel Seizer, and Ericka Leslie addressed the board regarding this item.

The board discussed the following: the fact that the MUNC report addressed financial and facilities issues in addition to proposing the revenue-neutrality formula; the effects unification would have on students with special needs and those from low-income families; what might happen if the state funding formula for school districts changes again, but there is an agreed-upon revenue-sharing agreement between an SMUSD and MUSD; how Malibu's projected initial increase in operational costs might affect a revenue-sharing model; what different governance options might look like in Malibu, if unification does not occur, including charter schools or the creation of a Malibu administrator position that would report to Dr. Drati and assist him in keeping a presence in Malibu. The board members verbally agreed to the following: if unification occurs and a revenue-sharing model is adopted, it should be effective for fifty years; to accept the solutions outlined in the MUNC report, except for the revenue-neutrality formula, which requires further deliberation, as long as they do not require changes due to particulars of the shared allocation model; the superintendent will examine what an organizational structure might look like with a Malibu administrator in place; more information is needed from School Services of CA (SSC) regarding both proposed funding formulas, and as part of that process, Dr. Drati could call on Mr. Foster as a representative voice from Malibu; and that any research into a charter school option should not interfere with the timeline associated with receiving more analysis from SSC.

Following extensive discussion, the board gave the following direction:

- The superintendent will ask the Malibu City Council, which submitted the petition for unification to the county, if they would withdraw their petition or put it on hold, which includes requesting that LACOE schedule its first hearing on the petition after mid-February. If the Malibu Council declines Dr. Drati's request, Dr. Drati will place an action item on the December 14, 2017, regular meeting agenda that allows the Board of Education to take a position in opposition to the petition. The board gave Dr. Drati the authorization to hire legal consultants to craft the action item language.

- The superintendent will bring back an action item by February 15, 2018, based on further analysis by School Services of California, that provides details of a revenue-sharing model for a fifty-year period and a charter pathway.

**.VI. MAJOR ACTION ITEMS**

**.VII. INFORMATIONAL ITEMS**

- .VII.A. Revision of AR 5141.52 - Suicide Prevention**
- .VII.B. Santa Monica-Malibu Classroom Teachers Association (SMMCTA) Sunshine Proposal to Open Negotiations with the Santa Monica-Malibu Unified School District (SMMUSD) for the Successor Collective Bargaining Agreement**

**.VIII. GENERAL PUBLIC COMMENTS**

Minutes:

Time start: 11:16 p.m. Time end: 11:24 p.m.

Public Comments:

- Jennifer de Nicola and Kathy Feig addressed the board regarding allegations of conflict of interest involving a board member.
- Nikki Kolhoff addressed the board regarding: middle school pathway data, Malibu unification, and allegations of conflict of interest involving a board member.

**.IX. BOARD MEMBER ITEMS**

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

**.XI. CONTINUATION OF PUBLIC COMMENTS**

**.XII. BOARD MEMBER COMMENTS**

Minutes:

Time start: 11:24 p.m. Time end: 11:25 p.m.

- Mr. Kean reminded everyone that the memorial service for Samohi teacher Jennifer Pust will be on Saturday in Barnum Hall. To illustrate the impact Ms. Pust had on her students and colleagues, Mr. Kean quoted a line from the musical *Hamilton*: "What is a legacy? It's planting seeds in a garden you never get to see."

**.XIII. FUTURE AGENDA ITEMS**

**.XIV. ADJOURNMENT**

Minutes:

It was moved by Dr. Tahvildaran-Jesswein, seconded by Mr. Foster, and voted 6/0 (Ms. Leon-Vazquez was absent) to adjourn the meeting at 11:25 p.m. The next meeting is a regular meeting scheduled for Thursday, December 14, 2017, at 5:30 p.m. at the district office.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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