



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

January 18, 2018

**. CLOSED SESSION**

Minutes:

Dr. Tahvildaran-Jesswein 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 (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 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION (85 min)**

- DN-1009-17/18 (Special Education)
  - Minutes:
  - Legal fees: \$30,000
  - The total cost for this case is not to exceed \$30,000. It was moved by Mr. Foster, seconded by Mr. de la Torre, and voted 7/0 to approve the settlement case.
  - Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Lieberman, Leon-Vazquez, Mechur)
  - Noes: 0
- DN-1010-17/18 (Special Education)
  - Minutes:
  - Parent reimbursement: \$47,500
  - Legal fees: \$10,000
  - The total cost for this case is not to exceed \$57,500. It was moved by Mr. Kean, seconded by Mr. Mechur, and voted 7/0 to approve the settlement case.
  - Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Lieberman, Leon-Vazquez, Mechur)
  - Noes: 0
- DN-1011-17/18 (Special Education)
  - Minutes:
  - Legal fees: \$10,000
  - The total cost for this case is not to exceed \$10,000. It was moved by Mr. Kean, seconded by Mr. Mechur, and voted 7/0 to approve the settlement case.
  - Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Lieberman, Leon-Vazquez, Mechur)
  - Noes: 0
- 1 case

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

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

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

**. OPEN SESSION**

**.I. CALL TO ORDER**

Minutes:

Dr. Tahvildaran-Jesswein called open session to order at 6:37 p.m.

**.I.A. Roll Call**

- Present Oscar de la Torre
- Present Craig Foster
- Present Jon Kean
- Present Maria Leon-Vazquez – *left at 8:45 p.m.*
- Present Laurie Lieberman
- Present Ralph Mechur
- Present Dr. Richard Tahvildaran-Jesswein

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

Minutes:

Ms. Braff led the Pledge of Allegiance.

**.II. APPROVAL OF THE AGENDA**

**Motion Passed:** Passed with a motion Mr. Foster and a second by Ms. Lieberman.

- 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 December 14, 2017, Board Meeting Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the December 14, 2018, 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. STUDY SESSION**

##### **.IV.A. Early Learning Pathway Update (40 min)**

Minutes:

Time start: 7:42 p.m. Time end: 8:45 p.m.

##### Public Comments:

- Ben Swett and Iao Katagiri addressed the board regarding this item.

Staff answered board members' questions regarding partnerships with both cities and other early child care providers.

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

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

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

Minutes:

Time start: 8:45 p.m. Time end: 8:46 p.m.

Mr. Schmelzer reported that spring sports have started, and everyone is getting into the groove of the second semester. The winter pep rally is tomorrow, and this has been Spirit Week leading up to the pep rally. Apollo Night auditions are underway.

###### **.V.A.2. Malibu High School – *not present***

###### **.V.A.3. Olympic High School**

Minutes:

Time start: 8:46 p.m. Time end: 8:47 p.m.

Ms. Rivas reported that Olympic HS is about to complete the second trimester. The next trimester will bring the K9 Connection program. Students took the second of three schoolwide writing assessments. Teachers have noticed progress from students who were not engaged to students who are now demonstrating college-ready writing.

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

Minutes:

Time start: 8:47 p.m. Time end: 8:50 p.m.

Ms. Braff congratulated Dr. Drati on having a full team in place. She thanked Ms. Canady for her budget report at the last meeting, and she thanked Dr. Drati for speaking to MHS staff yesterday about PCBs. She said she was happy that the social justice standards and ISPE planning is moving forward. She drew attention to the fact that the preschool teachers mentioned during the study session that they had common planning time, and encouraged the district to afford K-12 teachers the same.

##### **.V.C. SEIU Update (5 min) – *not present***

##### **.V.D. PTA Council (5 min) – *not present***

#### **.VI. EXECUTIVE STAFF REPORTS**

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

Minutes:

Time start: 8:58 p.m. Time end: 9:01 p.m.

Dr. Mora reported that Ed Services staff is facilitating work with the ELA and math teachers around assessment guides. Ed Services staff will be traveling to MHS to meet with the teachers. Teachers received training in the targeted development of

academic language not only for English learners, but for all students. This week, Dr. Mora met with site leaders to begin a dialogue on the social justice framework and action plan. Next week will begin the third round of SLT days, during which participants will work to deepen and strengthen the SLT plans while examining student work.

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

Minutes:

Time start: 8:52 p.m. Time end: 8:58 p.m.

Dr. Kelly introduced three new directors: Mr. Gerardo Cruz, Director of Fiscal Services; Ms. Anna Chhabria, Director of Purchasing; and Mr. Richard Marchini, Director of Food and Nutrition Services. Each expressed their enthusiasm for joining the SMMUSD team.

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

Minutes:

Time start: 9:01 p.m. Time end: 9:04 p.m.

Ms. Canady reported that her new team is hitting the ground running, analyzing their departments and coming up with ideas for improvement. She also recognized the efforts of Carey Upton and his M&O team, who cleaned soot and ash from school sites during winter break. She also commended Mr. Upton and his FIP team for completing several construction projects.

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

Minutes:

Time start: 8:50 p.m. Time end: 8:52 p.m.

Dr. Drati reported that starting with the February 1 board agenda, he and his executive cabinet team will meet ahead of time to discuss how their reports to the board align with the goals for the year.

**.VII. CONSENT CALENDAR**

**Passed** with a motion by Mr. de la Torre and a second by Ms. Lieberman.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Absent Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

The board approved Item Nos. A.1-A.9, B.1-B.3, C.1-C.18, and D.1-D.5 listed under the Consent Calendar.

Time start: 9:04 p.m. Time end: 9:07 p.m.

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

**.VII.A.1. Approval of Independent Contractors**

**.VII.A.2. Conference and Travel-Approval/Ratification**

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

**.VII.A.4. Approval of 2016-17 School Accountability Report Cards (SARCs) for Elementary, Middle, and High Schools**

**.VII.A.5. Head Start Collaboration with the Los Angeles County Office of Education**

**.VII.A.6. Head Start One-Time Funding**

- .VII.A.7. Transfer of Head Start Appropriations - BAR # 37-263
- .VII.A.8. Approval of Fee Increase for the Infant-Toddler, Preschool and School-Age Programs for Fiscal Year 2018-2019
- .VII.A.9. Special Education Contracts (17/18)
- .VII.B. Business and Fiscal
  - .VII.B.1. Award of Purchase Orders - 2017-18
  - .VII.B.2. Acceptance of Gifts- 2017/2018
  - .VII.B.3. Approval to Purchase Buses from A-Z Bus Sales Inc. Utilizing Waterford Bid #01/17 School Buses
- .VII.C. Facilities Improvement Projects
  - .VII.C.1. Contract Amendment #17 - Track & Field Replacement Project Professional Geotechnical Observation and Lab of Record Services Lincoln Middle School Leighton Consulting, Inc. - Measure ES
  - .VII.C.2. Amendment #07 to Agreement Santa Monica High School Discovery Building Project Inspector of Record Services Sandy Pringle Associates Measure ES
  - .VII.C.3. Amendment #03 to Agreement Olympic High School Window, Paint, Floors & Doors Project Abatement and Removal Monitoring Services - Ninyo & Moore Measure ES
  - .VII.C.4. Amendment #01 to Agreement John Adams Middle School Performing Arts Complex Project Architectural Design Services HGA Architects - Measure ES
  - .VII.C.5. Amendment #10 to Agreement - Santa Monica High School HVAC Project Fire Dampers and Pool Ventilation Maintenance Architectural Services - Chan Young Architects Measure ES
  - .VII.C.6. Change Order #07 Santa Monica High School - Sealy Field Project - Construction Contract Bid #17.12.ES - Byrom-Davey, Inc. - Measure ES
  - .VII.C.7. Change Order #06 Santa Monica High School - Sealy Field Project - Construction Contract Bid #17.12.ES - Byrom-Davey, Inc. - Measure ES
  - .VII.C.8. Amendment #16 to Agreement Santa Monica High School Samohi Campus Plan - Geotechnical Field Observation Services Leighton Consulting, Inc. Measure ES
  - .VII.C.9. Amendment #20 to Agreement Santa Monica High School Discovery Building Project Monitoring and Air Sampling Services Alta Environmental Measure ES
  - .VII.C.10. Amendment #06 to Agreement - Will Rogers Learning Community - Windows, Paint, Floors & Doors Project. - Interior Roller Shade Removal/Re-Installation Heritage Window Coverings Inc. - Measure ES
  - .VII.C.11. Amendment #07 to Agreement Will Rogers Learning Community Sunset Park Christian Church Property - Survey Services Psomas Measure ES
  - .VII.C.12. Accept Work as Completed Multiple Purchase Orders Various Projects Measure BB & ES
  - .VII.C.13. Change Order #06 Olympic High School - Campus Modernization Project - Construction Contract Bid #16.20.BB - Novus Construction - Measure BB
  - .VII.C.14. Amendment #15 to Agreement Malibu Middle & High School Window, Paint, Floors & Doors Project - Geotechnical Observation & Testing/ Special Inspection & Material Testing Services Leighton Consulting, Inc. Measure ES
  - .VII.C.15. Award of Agreement Lincoln Middle School Track and Field Project - Professional Services Placeworks - Measure ES

- .VII.C.16. Amendment #01 to Agreement Edison Language Academy New Construction Project Professional Services Rick Engineering Company Measure BB
- .VII.C.17. Adopt Resolution No. 17-15 - Determining that the Edison Language Academy Solar Project is Exempt from the California Environmental Quality Act, Approving the Project, and Directing the Filing of a Notice of Exemption
- .VII.C.18. Adopt Resolution No. 17-16 - Determining that the John Adams Middle School Solar Project is Exempt from the California Environmental Quality Act, Approving the Project, and Directing the Filing of Notice of Exemption
- .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. Increase in Staffing (FTE) - Pt. Dume Elementary School
  - .VII.D.5. Increase in Staffing (FTE) - Special Education

**.VIII. GENERAL PUBLIC COMMENTS**

**.IX. DISCUSSION ITEMS**

**.IX.A. Review of Conflict of Interest Investigation (40 min)**

Minutes:

Time start: 6:41 p.m. Time end: 7:40 p.m.

Public Comments:

- Jerry Rubin and Kevin Shenkman addressed the board regarding this item.

Following the report from the attorney, some board members shared their thoughts. Dr. Tahvildaran-Jesswein said that Dr. Drati and consultants would lead a training regarding conflict of interest for board members and staff. There will also be a review of board policies and bylaws related to conflict of interest. Staff will examine ways to improve internal communications with employees and board members. Dr. Drati remarked that he is willing to commit to help board members in their efforts to be thorough and improve upon their governing practices. He will be bringing recommendations forward.

**.X. MAJOR ACTION ITEMS**

**.X.A. Adopt Resolution No. 17-17 - Commemorating Dr. Martin Luther King, Jr., Day (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt Resolution No. 17-17 – Commemorating Dr. Martin Luther King, Jr. Day. Passed with a motion by Mr. Mechur and a second by Ms. Lieberman.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Absent Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:

Time start: 9:07 p.m. Time end: 9:09 p.m.

**.X.B. Adopt Resolution No. 17-18 - In Honor of Fred Korematsu Day of Civil Liberties and the Constitution (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt Resolution No. 17-18 in honor of Fred Korematsu Day of Civil Liberties and the Constitution. Passed with a motion by Mr. Mechur and a second by Ms. Lieberman.

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

Minutes:

Time start: 9:09 p.m. Time end: 9:11 p.m.

**.X.C. Adopt Emergency Resolution No. 17-19 - Reduced Days of Operation or Attendance Due to Emergency Conditions: December 5-8, 2017 (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt Emergency Resolution No. 17-19 - Reduced Days of Operation or Attendance Due to Emergency Conditions: December 5-8, 2017. Passed with a motion by Mr. Mechur and a second by Mr. Foster.

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

Minutes:

Time start: 9:11 p.m. Time end: 9:12 p.m.

**.X.D. Adopt Resolution No. 17-20 - Calling for Full and Fair Funding of California's Public Schools (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt resolution No. 17-20 - Calling for Full and Fair Funding of California's Public Schools. Passed with a motion by Mr. Foster and a second by Ms. Lieberman.

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

Minutes:

Time start: 9:12 p.m. Time end: 9:15 p.m.

Mr. Foster suggested sharing the CSBA presentation regarding this issue with the PTAs and other partners.

**.X.E. Approval of 2016-17 Annual Financial Audit Report (20 min)**

**Motion Passed:** It is recommended that the Board of Education accept the 2016-17 Annual Financial Audit Report and approve management discussion and analysis/the administrative responses to the "Findings" & "Recommendations" as

contained in the Subject audits. Passed with a motion by Mr. Foster and a second by Mr. de la Torre.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Absent Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran

Minutes:

Time start: 9:15 p.m. Time end: 9:21 p.m.

Mr. Foster suggested that recommendation #1 on page 92 of the report be placed on the Board Facilities Subcommittee's agenda.

**.X.F. Annual Report on Measure BB and Measure ES Expenditures from the Citizens' Bond Oversight Committee (20 min)**

**Subsidiary Motion Passed:** It is recommended that the Board of Education table this item. Passed with a motion by Mr. Foster and a second by Ms. Lieberman.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Absent Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran

**Motion Tabled:** It is recommended that the Board of Education accept the Annual Report on Measure BB and Measure ES Expenditures from the Citizens' Bond Oversight Committee.

Minutes:

The board decided to table this item due to the fact that the representative from the committee was not present.

**.XI. INFORMATIONAL ITEMS**

**.XI.A. Federal Program Monitoring (FPM) Review Findings: English Learner Program**

**.XI.B. Quarterly Report on Williams Uniform Complaints**

**.XI.C. Quarterly Report on Hate-Motivated Behavior**

**.XI.D. Quarterly Report on Disability Harassment Reporting**

**.XII. BOARD MEMBER ITEMS**

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

**.XIV. CONTINUATION OF PUBLIC COMMENTS**

Minutes:

Time start: 9:24 p.m. Time end: 9:26 p.m.

- Berenice Onofre remarked on Item No. XI.A.

**.XV. BOARD MEMBER COMMENTS**

**.XVI. FUTURE AGENDA ITEMS**

**.XVII. ADJOURNMENT**

Minutes:

It was moved by Mr. Mechur, seconded by Ms. Lieberman, and voted 6/0 (Ms. Leon-Vazquez was absent) to return to closed session at 9:28 p.m. in memory of SMMUSD employee Guadalupe Zaldivar and the victims of the deadly Southern California mudslides following the wildfires. Closed session adjourned at 10:05 p.m. The next meeting is a special meeting scheduled at 2:00 p.m. at the district office: 1651 16<sup>th</sup> St., Santa Monica, CA. The next regular meeting is scheduled for Thursday, February 1, 2018, at 5:30 p.m. in the Malibu City Council Chambers: 23825 Stuart Ranch Road, Malibu, CA.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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