



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

June 28, 2018

### **. CLOSED SESSION**

Minutes:

Dr. Tahvildaran-Jesswein called open 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)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (30 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 (20 min)**

- DN-1015-17/18 (Special Education)

Minutes:

This settlement case was pulled by staff.

- DN-1016-17/18 (Special Education)

Minutes:

Parent reimbursement: A maximum of \$9,500 for the 2017-2018 regular school year and 2018 ESY period; a maximum of \$9,500 for the 2018-2019 regular school year

Legal fees: \$16,200

The total cost for this case is not to exceed \$35,200. It was moved by Mr. Mechur, seconded by Ms. Leon-Vazquez, and approved unanimously.

Ayes: 6 (Tahvildaran-Jesswein, Kean, de la Torre, Lieberman, Leon-Vazquez, Mechur)

Noes: 0

Absent: 1 (Foster)

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

#### **.II.D. Government Code 54957 PUBLIC EMPLOYEE APPOINTMENT / EMPLOYMENT (15 min)**

- Title: Principal
- Title: House Principal

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

- Agency Designated Representative: Dr. Ben Drati
- Employee Organizations: Unrepresented management group

## **. OPEN SESSION**

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

Minutes:

Dr. Tahvildaran-Jesswein called open session to order at 5:35 p.m.

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

**Present** Oscar de la Torre  
**Absent** Craig Foster  
**Present** Jon Kean  
**Present** Maria Leon-Vazquez (arrived at 4:45 p.m.)  
**Present** Laurie Lieberman  
**Present** Ralph Mechur  
**Present** Dr. Richard Tahvildaran-Jesswein

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

Minutes:

Ms. Cartee-McNeely and Ms. Braff led the Pledge of Allegiance.

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

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

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

Minutes:

The board agreed to pull move Item No. IX.G to follow the Consent calendar.

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

#### **.III.A. Approve June 14, 2018, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the June 14, 2018, regular meeting minutes. Passed with a motion by Mr. Mechur and a second by Ms. Lieberman.

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

#### **.III.B. Approve June 19, 2018, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the June 19, 2018, special meeting minutes. Passed with a motion by Ms. Lieberman and a second by Mr. Mechur.

**Yes** Oscar de la Torre  
**Absent** 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. SUPERINTENDENT'S REPORT**

Minutes:

Time start: 5:39 p.m. Time end: 5:43 p.m.

Dr. Drati reported that he attended the California Labor-Management Initiative conference with board and union leadership. The focus of the conference was cultivating a culture of collaboration that focused on student learning. Dr. Drati replied that there was still much work to do, SMMUSD was headed in the right direction. While at the conference, they learned of the Supreme Court ruling on Janus vs. AFSCME. Dr. Drati wants the union members to know that he understands the importance of unions and what they mean to middle class America. He said he would continue to work with the unions. Dr. Drati reported on an unfortunate event that took place over the weekend: a parent died by suicide in front of JAMS. Dr. Drati commended Steve Richardson for acting quickly and responsibly to meet the needs of students and staff. He thanked Carey Upton and others for assisting Mr. Richardson. He also thanked the SMPD for acting swiftly and delicately. Dr. Drati said that he had just met with the new police chief about student safety; when they meet again in July, this will be a part of the conversation.

#### **.VI. CONSENT CALENDAR**

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

Yes Oscar de la Torre

Absent 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.2-3, A.6, B.1-12, C.1-15, D.1-3, and E.1-3 listed under the Consent Calendar. The board pulled Item Nos. A.1, A.4-5, and D.4 and voted on them separately.

Time start: 5:44 p.m. Time end: 5:46 p.m.

##### **.VI.A. Curriculum and Instruction**

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

**Motion Passed:** It is recommended that the Board of Education enter into an agreement with the following Independent Contractors. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Mechur.

Recuse Oscar de la Torre

Absent Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Recuse Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 5:46 p.m. Time end: 5:46 p.m.

Ms. Lieberman recused herself, as her husband's law firm does work for Providence St. John's. Mr. de la Torre recused himself, as his non-profit has received funds from Providence St. John's.

**.VI.A.2. Conference and Travel Approval/Ratification-2017/2018**

**.VI.A.3. Overnight Field Trip(s) 2018-19**

**.VI.A.4. Child Development Services-John Adams/Washington West  
Memorandum of Understanding (MOU)**

**Motion Passed:** It is recommended that the Board of Education approve the agreement between the Santa Monica-Malibu Unified School District (SMMUSD) and Santa Monica Community College (SMC), effective July 1, 2018, through June 30, 2019. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Mechur.

Yes Oscar de la Torre

Absent Mr. Craig Foster

Yes Jon Kean

Recuse Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Recuse Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 5:47 p.m. Time end: 5:50 p.m.

Dr. Tahvildaran-Jesswein and Ms. Leon-Vazquez recused themselves, as they are both SMC employees.

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

**Motion Passed:** It is recommended that the Board of Education approve revisions to the College and Career Access Pathways agreement between Santa Monica College and the Santa Monica-Malibu USD to establish the course offerings for 2018-19. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Mechur.

Yes Oscar de la Torre

Absent Mr. Craig Foster

Yes Jon Kean

Recuse Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Recuse Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 5:47 p.m. Time end: 5:50 p.m.

Dr. Tahvildaran-Jesswein and Ms. Leon-Vazquez recused themselves, as they are both SMC employees.

**.VI.A.6. Special Education Contracts (17/18)**

**.VI.B. Business and Fiscal**

**.VI.B.1. Acceptance of Gifts-2017/2018**

**.VI.B.2. Approval of Disposal/Recycle of Surplus Equipment**

**.VI.B.3. Appropriation Transfers of School Year-End FY 2017-18**

**.VI.B.4. Recommendation of Appointments To Fill Vacancies On The Bond  
Oversight Committee (BOC)**

**.VI.B.5. Agreement for Underwriter Services - Raymond James & Associates,  
Inc. and RBC Capital Markets**

**.VI.B.6. Award of RFP #16.08 - Districtwide Vending Machines to First Class  
Vending - Year Three of Five-Year Service Contract**

**.VI.B.7. Award of Elevator Service - Quote 2016.10 to Total Access Elevator -  
Year Three of a Five-Year Contract**

**.VI.B.8. Award of Waste Management Contract to Waste Management of  
California Inc - Bid 16.07 - Year Four of Five-year Contract**

- .VI.B.9. Award of Musical Instrument Repair Districtwide to Los Angeles Violin Shop and Santa Monica Music Center - Quote #2016.01 - Year Three of a Five-year Contract
- .VI.B.10. Award of contract to Heritage Window Coverings Inc, for interior window roller shades Districtwide - Bid #16.09R - Year Four of Five-year Contract
- .VI.B.11. Award of Integrated Pest Management Program Services Quote 2016.09 to IPM Tech - Year Three of a Five-year Contract
- .VI.B.12. Award of Contract - Armored Car Service - Bid #18.03 to Fortress Armored Services Company - Year Two of a Five-Year Contract
- .VI.C. Facilities Improvement Projects
  - .VI.C.1. Amendment #57 to Agreement Webster Elementary School Drop-off and Parking Lot Reconfiguration Project - Architectural Services Related to Permitting Requirements at the City of Malibu - HMC Architects Measure BB
  - .VI.C.2. Amendment #13 to Agreement Pt. Dume Elementary School - Malibu Alignment Project, Window, Paint, Floors & Doors Project (WPFD) & HVAC Project and Franklin Elementary School Window, Paint, Floors & Doors Project & HVAC Project Architectural Services dsk Architects Measure ES
  - .VI.C.3. Revision of Agreement Santa Monica-Malibu Unified School District and Ramboll US Corporation Performance of Environmental Remediation Services - Districtwide
  - .VI.C.4. Amendment #09 to Agreement John Adams Middle School Performing Arts Complex Project - Utility Mapping Services Psomas Measure ES
  - .VI.C.5. Award of Agreement Malibu Middle and High School Campus Improvements Project Commissioning (Cx) Consulting Services 3Qc - Measure BB
  - .VI.C.6. Award of Agreement Malibu Middle High School Campus Improvement Project Technology Consulting Services P2S Engineering - Measure BB
  - .VI.C.7. Award of Contract Santa Monica High School Discovery Building Project Olympic Spur Bid #18.25.ES AMPCO Contracting, Inc. - Measure ES
  - .VI.C.8. Award of Contract Santa Monica High School Campus Plan Project Wayfinding Signage Informal Bid #18.29.ES Bay Area Sign dba Aloha Electric Sign Co. - Measure ES
  - .VI.C.9. Change Order #02 to Agreement Santa Monica High School Discovery Building Project Demolition of Science and Technology Buildings Construction Contract Bid #18.13.ES - Ampco Contracting - Measure ES
  - .VI.C.10. Change Order #03 Roosevelt Elementary School Window, Paint, Floors & Doors Project Unforeseen Conditions Construction Contract Bid #17.09.ES - Angeles Contractor Inc. Measure ES
  - .VI.C.11. Change Order #08 Olympic High School - Campus Modernization Project Construction Contract Bid #16.20.BB - Novus Construction - Measure BB
  - .VI.C.12. Accept the work as Completed Roosevelt Elementary School Windows Flooring and Paint Project - Angeles Contractor Inc. Measure ES
  - .VI.C.13. Accept Work as Completed Santa Monica High School Discovery Building Project - Interim Housing Fire Alarm SimplexGrinnell - Measure ES

- .VI.C.14. Award of Agreement Malibu Middle & High School Phases 3, 4 & 5 Campus Improvement Project Inspection Services Inspector of Record Services - Sandy Pringle Associates Inspection Consultants Measure BB/ES**
- .VI.C.15. Amendment #07 to Agreement Malibu Middle & High School Campus Improvement Project Geotechnical Observation/Testing, Special Inspection & Materials Testing Services Leighton Consulting, Inc. Measure BB**

#### **.VI.D. Personnel**

- .VI.D.1. Certificated Personnel - Elections, Separations**
- .VI.D.2. Classified Personnel - Merit**
- .VI.D.3. Classified Personnel - Non-Merit**
- .VI.D.4. Administrative Appointments**

**Motion Passed:** It is recommended that the Board of Education approve the administrative appointments listed below. Passed with a motion by Ms. Lieberman and a second by Mr. Kean.

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

Minutes:

Time start: 5:50 p.m. Time end: 5:56 p.m.

The board approved the appointment of Mr. Christian Fuhrer as Principal of Grant Elementary School and Ms. Lauren Paule Sheahan as House Principal at Santa Monica High School. Mr. Fuhrer thanked the board and superintendent for putting their trust in him to lead Grant ES. He said he looks forward to working with staff and families.

#### **.VI.E. General**

- .VI.E.1. Approve Appointments to District Advisory Committees (DACs)**
- .VI.E.2. Revise BP 6143 Courses of Study**
- .VI.E.3. Revise BP 6146.1 High School Graduation Requirements**

### **.VII. STUDY SESSION**

### **.VIII. DISCUSSION ITEMS**

#### **.VIII.A. District Advisory Committee (DAC) End-of-Year Reports (45 min)**

Minutes:

Time start: 6:23 p.m. Time end: 7:11 p.m.

#### Public Comments:

- Lydia Muraro addressed the board regarding this item.

Each DAC summarized their report for the board. The board provided the following feedback:

- Feedback for DELAC: The board requested that staff examine using LCAP funds to send DELAC representatives to attend CABE and expand after-school tutoring and intervention options.
- Feedback for Health & Safety DAC: The board suggested the district work with local hospitals and agencies to get more mental health support. The board also suggested that the DAC research any gaps in counseling services for students.

- Feedback for VAPA DAC: The board suggested that the arts strategic plan be updated to be more inclusive of global genres and expand the dance program and other VAPA offerings.

## **.IX. MAJOR ACTION ITEMS**

### **.IX.A. Adopt 2018-19 Local Control Accountability Plan (LCAP) (10 min)**

**Motion Passed:** It is recommended that the Board of Education adopt the District's 2018-19 Local Control Accountability Plan (LCAP). Passed with a motion by Ms. Lieberman and a second by Ms. Leon-Vazquez.

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

Minutes:

Time start: 7:11 p.m. Time end: 7:13 p.m.

### **.IX.B. Adopt 2018-19 Budget (30 min)**

**Motion Passed:** It is recommended that the Board of Education adopt the 2018-19 District Budget. Passed with a motion by Mr. Kean and a second by Ms. Leon-Vazquez.

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

Minutes:

Time start: 7:13 p.m. Time end: 7:26 p.m.

Staff answered board members' questions regarding the line item for the Food and Nutrition Services Department and the plan to implement the freshly prepared food pilot program.

### **.IX.C. Revise BP and AR 3290 - Acceptance of Gifts (15 min)**

**Motion Passed:** It is recommended that the Board of Education establish separate fundraising vehicles for Malibu schools and Santa Monica schools. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Kean.

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

Minutes:

Time start: 7:26 p.m. Time end: 7:32 p.m.

Mr. Mechur recused himself from the item, given his relationship with the Executive Director of the Ed Foundation. Ms. Lieberman made a statement about the purpose of centralized fundraising and program equity among the schools.



**.IX.D. Adopt Resolution No. 17-48 Temporary Interfund Cash Transfer (5 min)**

It is recommended that the Board of Education adopt Resolution No. 17-48 – Temporary Interfund Cash Transfer. Passed with a motion by Mr. de la Torre and a second by Mr. Lieberman.

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

Minutes:

Time start 7:32 p.m. Time end: 7:34 p.m.

**.IX.E. Adopt Measure R Parcel Tax 2018-19 Annual Plan (10 min)**

It is recommended that the Board of Education approve the Measure R parcel 2018-19 Annual Plan. The Measure R Parcel Tax Annual Plan has been available for public review on the District's website and in the Office of the Superintendent since March 21, 2018. Passed with a motion by Ms. Leon-Vazquez and a second by Ms. Lieberman.

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

Minutes:

Time start: 7:35 p.m. Time end: 7:35 p.m.

**.IX.F. Adopt Resolution No. 17-49 Annual Delegation of Administrative Authority to Process Routine and Non-Routine Budget Revisions, Adjustments, and Transfers for FY 2018-19 (5 min)**

It is recommended that the Board of Education adopt Resolution No. 17-49 – Annual Delegation of Administrative Authority to Process Routine and Non-Routine Budget Revisions, Adjustments, and Transfers. Passed with a motion by Ms. Lieberman and a second by Ms. Leon-Vazquez.

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

Minutes:

Time start: 7:35 p.m. Time end: 7:36 p.m.

**.IX.G. Resolution No. 17-50 - Resolution of the Board of Education of the Santa Monica-Malibu Unified School District Authorizing the Issuance and Sale of General Obligation Bonds, Election of 2012, Series D in the Aggregate Principal Amount of Not to Exceed \$120,000,000, and Approving Related Documents and Actions (5 min)**

It is recommended that the Board of Education approve Resolution No. 17-50, a resolution of the Board of Education of the Santa Monica-Malibu Unified School



District authorizing the issuance and sale of General Obligation Bonds, Election of 2012, Series D in the Aggregate Principal Amount of Not to Exceed \$120,000,000, and Approving Related Documents and Actions. Passed with a motion by Mr. Mechur and a second by Ms. Lieberman.

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

Minutes:

Time start: 5:58 p.m. Time end: 6:23 p.m.

Mr. Baracy answered board members' questions regarding interest rates, the construction projects that will be supported with these funds, the estimated tax rates.

**.IX.H. Classified Non-Represented Employees One-Time Payment (Management, Supervisory, Confidential) (5 min)**

It is recommended that the Board of Education approve a one-time, off-schedule payment of \$1,550 per FTE for Classified non-represented employees (Management, Supervisory and Confidential). Passed with a motion by Mr. de la Torre and a second by Mr. Kean.

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

Minutes:

Time start: 7:36 p.m. Time end: 7:36 p.m.

**.X. INFORMATIONAL ITEMS**

**.X.A. Textbook Adoption**

**.X.B. Revision of AR 6143 Courses of Study**

**.XI. GENERAL PUBLIC COMMENTS**

Minutes:

Time start: 7:36 p.m. Time end: 7:46 p.m.

- Keryl Cartee-McNeely and Sarah Braff addressed the board regarding the recent Supreme Court decision on Janus vs. AFSCME.

**.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**

**.XV. BOARD MEMBER COMMENTS**

Minutes:

Time start: 7:46 p.m. Time end: 7:46 p.m.

- Mr. de la Torre thanked the union leaders for their work. He remarked that he and his peers on the board were committed to supporting workers and unions.

#### **.XVI. FUTURE AGENDA ITEMS**

#### **.XVII. ADJOURNMENT**

It was moved by Ms. Lieberman, seconded by Mr. Kean, and voted 6/0 (Mr. Foster was absent) to adjourn the meeting at 7:47 p.m. in memory of James Wirt, a retired SMMUSD bus driver, and John McCuish, a retired gardener. The next meeting is a regular meeting scheduled for Tuesday, July 19, 2018, at 5:30 p.m. at the district office: 1651 16th Street, Santa Monica, CA.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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