



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

**November 1, 2018**

**. CLOSED SESSION**

Minutes:

Dr. Tahvildaran-Jesswein called closed session to order at 4:35 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 (25 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
- Name of Case: Gina de Baca and Vivian Mahl vs. Santa Monica-Malibu Unified School District; California Superior Court Case No. BC 674932

**.II.B. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION (20 min)**

- 1 case  
Minutes:  
By a vote of 7 to 0, the District’s Board of Education rejected the bid protest of Marina Landscape, Inc. regarding the District’s Bid No. 19.02 Districtwide Irrigation Controller Upgrade project. Moved by Mr. Foster, seconded by Mr. de la Torre.  
Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Lieberman, Leon-Vazquez, Mechur)  
Noes: 0
- DN-1010-17/18 (Special Education)  
Minutes:  
Educational Cost: The District will fund Student’s placement at Heritage Treatment Center for the remainder of the 2018-2019 regular school year and the 2019 extended school year (2019 ESY). The District will reimburse parents for a maximum of three (3) visits to Heritage during the term of this Agreement.  
Parent Reimbursement: \$7,500 (educational-related expenses between the final day of 2017 ESY and June 2018)  
Legal Fees: \$22,500  
It was moved by Mr. Foster, seconded by Mr. de la Torre, and voted 7/0.  
Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Lieberman, Leon-Vazquez, Mechur)  
Noes: 0
- DN-1011-17/18 (Special Education)  
Minutes:  
Postponed to 11/15/18

**.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
- Agency Designated Representative: Dr. Ben Drati
- Employee Organizations: SMMASA

**. OPEN SESSION**

**.I. CALL TO ORDER**

Minutes:

Dr. Tahvildaran-Jesswein called open session to order at 7:17 p.m.

**.I.A. Roll Call**

Minutes:

- Present** Oscar de la Torre – *arrived at 4:40 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:

Led by Student Board Members Blain and Afshar

**.II. APPROVAL OF THE AGENDA**

**Motion Passed:** It is recommended that the Board of Education approve the November 1, 2018, regular meeting agenda. Passed with a motion by Mr. Kean and a second by Mr. Mechur.

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

Minutes:

During approval of the agenda, which occurred at the opening of closed session, the board agreed, by a unanimous vote, to add an item under closed session, identified as “Gina de Baca and Vivian Mahl vs. SMMUSD” under existing litigation. Also during approval of the agenda, the board agreed to postpone approval of vendor “The Broad Stage” (listed in Item No. VI.A.1) and Purchase Order No. 190174 (listed in Item No. VI.B.1) until the November 15, 2018, board meeting.

**.III. APPROVAL OF MINUTES**

**.III.A. Approve October 18, 2018, Minutes**

**Motion Passed:** it is recommended that the Board of Education approve the October 18, 2018, regular meeting minutes. Passed with a motion by Mr. Foster and a second by Mr. Kean.

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

#### **.IV. COMMUNICATIONS**

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

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

Minutes:

Time start: 7:21 p.m. Time end: 7:23 p.m.

Mr. Blain apologized for missing the last meeting; he had a Youth and Government event that same night. He reported that he and ASB have been working to spread information about Measure SMS and get students to work the phone bank. The varsity cross country and water polo teams competed this week. Red Ribbon week was last week, and the College Fair was a couple weeks ago. Mr. Blain thanked Samohi long-term substitute teacher, Mr. Morris, who was in the audience.

###### **.IV.A.2. Malibu High School**

Minutes:

Time start: 7:23 p.m. Time end: 7:25 p.m.

Ms. Afshar reported that the book drive will be from November 5-9. The Mock Trial team goes to court on Monday. The winter formal will be in February. The high school will be performing *Spring Awakening* November 16-18. Mr. Foster asked about the MHS water polo team, which defeated Samohi recently.

###### **.IV.A.3. Olympic High School – *not present***

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

Time start: 7:25 p.m. Time end: 7:3 p.m.

Ms. Murawski delivered the report for Ms. Braff. She shared that during the recent power outages in Malibu, teachers expressed concern about safety protocols and failures in modes of communication, especially when cell phone towers lose power. She hopes the board will adopt the recommendations from the Safety Committee. Elementary teachers at Point Dume are concerned about a private preschool on the campus. There are also concerns about the location of special education programs at the elementary schools in Malibu as part of the schools realignment process. Special education teachers have expressed concern about physically aggressive students. Some teachers are concerned about over-testing of students. Ms. Murawski reported on a major substitute teacher shortage. She thanked Ms. Roman and Ms. Mangle to discuss 1:1 roll-out, but also worried about screen time and screen reading. Regarding screen time and screen reading, teachers agree there needs to be a balance between typing and screens with pencils and writing. Ms. Murawski thanked the teachers, community members, and board members who have phone banked in support of Measures M and SMS. The union supports both measures, Thurman for State Superintendent of Public Instruction, and the four school board incumbents. Ms. Leon-Vazquez requested more information on the professional development for the 1:1 instruction.

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

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

## **.V. SUPERINTENDENT'S REPORT**

Minutes:

Time start: 7:34 p.m. Time end: 7:36 p.m.

Dr. Drati announced that FCMAT has concluded its analysis of the special education programs and processes in our district. They should be delivering their draft report to the superintendent in three or four weeks. The final report will be presented the board. Regarding Malibu unification, Dr. Drati reported that he and his team met with Malibu City staff to review the progress thus far made. Calendars are now being compared to determine when the update can be shared with the board.

## **.VI. CONSENT CALENDAR**

**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  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

The board approved Item Nos. A.1-5, B.1-3, C.1-2, and D.1-5 listed under the Consent Calendar. During approval of the agenda, the board agreed to postpone approval of vendor "The Broad Stage" (listed in Item No. A.1) and Purchase Order No. 190174 (listed in Item No. B.1) until the November 15, 2018, board meeting. The board pulled Item No. B.1 and voted on it separately.

Time start: 7:36 p.m. Time end: 7:42 p.m.

### Public Comments:

- Nick Morris addressed the board regarding Item No. VI.D.1.

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

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

#### **.VI.A.2. Overnight Field Trip(s) 2018-19**

#### **.VI.A.3. Fiscal Year 2019-2020 Continued Funding Application**

#### **.VI.A.4. Conference and Travel Approval/Ratification - 2018/2019**

#### **.VI.A.5. Special Education Contracts**

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

#### **.VI.B.1. Award of Purchasing Orders**

**Motion Passed:** It is recommended that the Board of Education approve the attached Purchase Order and Changed Purchase Orders from October 9, 2018, through October 26, 2018, for fiscal / 19. Passed with a motion by Mr. Kean and a second by Mr. Foster.

Recuse 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:

Mr. de la Torre recused himself from this item, as his organization has received a donation from Atkinson, Andelson, Loya, Rudd & Romo, a vendor listed on the PO list.

**.VI.B.2. Acceptance of Gifts - 2018/2019**

**.VI.B.3. Award of Contract for Irrigation Controller Upgrade Bid #19.02  
Districtwide Pierre Landscape**

**.VI.C. Facilities Improvement Projects**

- .VI.C.1. Change Order #06 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.2. Change Order #01 to Agreement Santa Monica High School  
Discovery Building Project - Olympic Spur Construction Contract Bid  
#18.25.ES - Ampco Contracting - Measure ES**
- .VI.C.3. Change Order #11 Santa Monica High School - Sealy Field  
Improvements Project - Construction Contract Bid #17.12.ES - Byrom-  
Davey, Inc. - Measure ES**
- .VI.C.4. Change Order #01 Point Dume Elementary School Window, Paint,  
Floors & Doors Project and HVAC & Fire Alarm Project Construction  
Contract Bid #18.07.ES The Nazerian Group - Measure ES**
- .VI.C.5. Award of Agreement John Adams Middle School HVAC and Fire  
Alarm Project Inspector of Record Services - Sandy Pringle  
Associates Inspection Consultants Measure ES**
- .VI.C.6. Amendment #30 to Agreement Cabrillo Elementary School Window,  
Paint, Floors & Doors Project Sampling and Analysis of PCBs Alta  
Environmental Measure ES**
- .VI.C.7. Award of Contract Malibu Middle & High School Campus  
Modernization Project EasyTurf Measure BB**
- .VI.C.8. Project Assignment #02 John Adams Middle School HVAC and Fire  
Alarm Construction Management Consulting Services Cumming  
Corporation Measure ES**
- .VI.C.9. Project Assignment #3 Washington West Child Development Center  
Window, Paint, Floors & Doors Project and HVAC & Fire Alarm Project  
Architectural Design Services - dsk Architects Measure ES**
- .VI.C.10. Amendment #31 to Agreement John Adams Middle School HVAC  
and Fire Alarm Project ACM and LBP Abatements Monitoring Alta  
Environmental Measure ES**
- .VI.C.11. Contract Amendment #25 Santa Monica High School Discovery  
Building Project - Olympic Spur Professional Geotechnical Services  
Leighton Consulting, Inc. - Measure ES**
- .VI.C.12. Contract Amendment #26 Santa Monica High School Interim  
Repairs and Upgrades Project Professional Inspection Services  
Leighton Consulting, Inc. - Measure ES**
- .VI.C.13. Amendment #17 to Agreement Franklin Elementary School  
Window, Paint, Floors & Doors Project and HVAC Project and Pt.  
Dume Elementary School Window, Paint, Floors & Doors Project -  
Architectural Design Services dsk Architects Measure ES**
- .VI.C.14. Amendment #05 to Agreement Olympic High School Window,  
Paint, Floors & Doors and HVAC Project Materials Testing Specialty  
Inspection Services and Environmental Consulting Services - Ninyo  
& Moore Measure ES**

- .VI.C.15. Amendment #10 to Agreement Olympic High School - Window, Paint, Floors & Doors and HVAC Project - Roller Shades Heritage Window Coverings Inc. Measure ES**
- .VI.C.16. Amendment #32 to Agreement Santa Monica High School Discovery Building Project Science Building and Tech Building Demolition Abatement Monitoring Alta Environmental Measure ES**
- .VI.C.17. Amendment #01 to Agreement Point Dume Elementary School - Window, Paint, Floors & Doors Project and Webster Elementary School Drop-off and Parking Lot Reconfiguration Project Inspector of Record Services Independent Construction Inspection Measure ES**
- .VI.C.18. Accept Work as Completed Santa Monica High School Sealy Field Lighting Project Construction Contract Bid #18.02.ES Byrom-Davey - Measure ES**
- .VI.C.19. Accept Work as Completed Santa Monica High School Sealy Field Improvements Project Construction Contract Bid #17.12.ES Byrom-Davey - Measure ES**
- .VI.C.20. Accept the work as Completed John Adams Middle School Athletic Field Replacement Project FieldTurf USA, Inc. Measure ES**
- .VI.C.21. Accept the work as Completed John Adams Middle School Athletic Field Replacement Project Softball Field FieldTurf USA, Inc. Measure ES**
- .VI.C.22. Approval of Project Assignment for Construction Management Services Santa Monica High School Discovery Building Kitchell Measure ES**

**.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. Increase in Staffing (FTE) - Special Education**
- .VI.D.5. Adopt Resolution No. 18-13 - Board Member Absence on October 4, 2018**

**.VII. GENERAL PUBLIC COMMENTS**

**.VIII. MAJOR ACTION ITEMS**

**.VIII.A. Adopt Resolution No. 18-14 - National Native American and Alaska Native Heritage Month (5 min)**

It is recommended that the Board of Education adopt Resolution No. 18-14 – National Native American and Alaska Native Heritage Month. Passed with a motion by Ms. Lieberman 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

Minutes:

Time start: 7:42 p.m. Time end: 7:43 p.m.

**.VIII.B. Adopt Resolution No. 18-15 Findings, Adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program, and Approval of the Malibu Schools Alignment Project (30 min)**

It is recommended that the Board of Education adopt Resolution No. 18-15 to adopt findings, the Mitigated Negative Declaration (“MND”), and the Mitigation Monitoring Program (“MMP”), approve the Malibu Schools Alignment Project (“Proposed Project”), and direct staff to file a Notice of Determination with the County Clerk. 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

Minutes:

Time start: 7:43 p.m. Time end: 8:15 p.m.

Staff answered board members’ questions regarding the CEQA timeline process, placement and rental of the portables, components of the design, and current bus-ridership.

**.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:

- Ms. Leon-Vazquez requested that staff encourage the principals to remind their staff and students of safety precaution steps.
- Mr. de la Torre requested that the district consider postponing distribution of Police Activity League (PAL) flyers to families until they have assured the district that they are taking steps to address the allegations.

**.XIII. FUTURE AGENDA ITEMS**

**.XIV. ADJOURNMENT**

It was moved by Mr. Kean, seconded by Mr. Mechur, and voted 7/0 to adjourn to closed session at 8:20 p.m. in memory of the victims of the mass shooting at the Tree of Life Synagogue in Pittsburgh and the victims of the shooting in Louisville, and in honor of Dia de los Muertos, the board recognized each other’s loved ones who have passed. Closed session adjourned at 6:45 p.m. The next meeting is a regular meeting scheduled for Thursday, November 15, 2018, at 5:30 p.m. in the district office board room: 1651 16th St., Santa Monica, CA.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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