



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

November 15, 2018

. CLOSED SESSION

Minutes:

Mr. Kean called closed session to order at 4:50 p.m.

.I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

.II. CLOSED SESSION

.II.A. Education Code 35146 and 48918(c) PUPIL HEARING (20 min)

- Associated with Student Expulsion under Consent in Open Session

**.II.B. Government Code 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION (60 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

Minutes:

Postponed to a future meeting

- Name of Case: Gina de Baca and Vivian Mahl vs. Santa Monica-Malibu Unified School District; California Superior Court Case No. BC 674932

Minutes:

Postponed to a future meeting

**.II.C. Government Code - 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION (25 min)**

- DN-1008-17/18 (Special Education)

Minutes:

Postponed to a future meeting

- DN-1011-18/19 (Special Education) (*postponed from 11/1/18*)

Minutes:

Postponed to a future meeting

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

.II.E. 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:

Mr. Kean called open session to order at 5:53 p.m.

.I.A. Roll Call

Minutes:

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

.I.B. Pledge of Allegiance

Minutes:

Led by Mia Gobel, a sixth grader at John Adams MS.

.II. APPROVAL OF THE AGENDA

Motion Passed: It is recommended that the Board of Education approve the November 15, 2018, regular meeting agenda. Passed with a motion by Ms. Leon-Vazquez and a second by Ms. Lieberman.

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

.III. APPROVAL OF MINUTES

.III.A. Approve November 1, 2018, Minutes

Motion Passed: it is recommended that the Board of Education approve the November 1, 2018, regular meeting minutes. Passed with a motion by Ms. Leon-Vazquez and a second by Ms. Lieberman.

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

.IV. SUPERINTENDENT'S REPORT

Minutes:

Time start: 6:48 p.m. Time end: 7:27 p.m.

Dr. Drati began his report by giving some of his time to Student Board Member Blain, who reported on the flex time pilot program that will begin at Samohi next week. Each day, there will be an hour built into a block schedule during which students can meet with teachers. Dr. Drati explained that this format allows teachers and students to focus time on projects and innovative ideas.

Dr. Drati reported on the Woolsey Fire, which started on November 8 and burned down several homes in Malibu. He explained the timeline of the evacuations and decision to close all SMMUSD schools in Malibu. Various members of his staff and EOC reported on: the condition of the school facilities and utilities; plans to thoroughly clean the schools once evacuation orders are lifted; actions that have been taken to provide short-term child care options in Santa Monica for displaced Malibu students; discussions that

are being had to meet the long-term educational needs of students whose families might not be able to return to Malibu for some time; how the structure of the remainder of the school year could be modified to recoup lost instructional time for the middle and high school; how counselors are helping MHS students with college applications; what resources have been put in place to help staff and families deal with the emotional strains of evacuation and loss of homes due to fire; how various communities are coming together to help support those who have been displaced; and what and how communication has been shared with staff and families during this crisis. Dr. Drati estimated that the schools in Malibu could be ready to welcome back staff and students as early as November 26, but that is an optimistic timeline. Ms. Pinsker announced that a Friendsgiving has been arranged for Malibu residents for November 20 at either the PDLC or Samohi campus.

.V. CONSENT CALENDAR

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

Absent Ralph Mechur

Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

The board approved Item Nos. A.1-5, B.2-4, C.1, C.3-17, D.1-4, and E.1 listed under the Consent Calendar. The board pulled Item Nos. B.1 and C.2 and voted on it separately.

Time start: 5:56 p.m. Time end: 6:25 p.m.

Public Comments:

- Mia Gobel, Rebecca Sprigg, Jennifer Faust, Ann Steinberg, Whitney Houston, Gwen Tanguay, and Theresa Stevens addressed the board regarding Item No. V.C.2.

.V.A. Curriculum and Instruction

.V.A.1. Approval of Independent Contractors

.V.A.2. Conference & Travel Approval/Ratification - 2018/2019

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

.V.A.4. Approval of the Single Plan for Student Achievement (SPSA)

.V.A.5. Special Education Contracts 2018-19

.V.B. Business and Fiscal

.V.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 26, 2018, through November 7, 2018, for fiscal / 19. 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

Absent Ralph Mechur

Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

The board agreed to postpone approval of the "Ballroom Dance" purchase order (#190174) until the December 13, 2018, board meeting, as Ms. Leon-Vazquez, who is an employee of SMC (the vendor that provides Ballroom Dance), would

have had to recuse herself from the vote, resulting in a lack of quorum to pass the entire item.

- .V.B.2. Acceptance of Gifts - 2018/2019**
- .V.B.3. Award of Contract for Earthquake Gas Valve Upgrades Districtwide Bid #19.11 MBS Engineering**
- .V.B.4. Acceptance of Work Completed - Best Contracting Services Inc. for Roofing Repair and Replacement Districtwide - Bid 18.20**

.V.C. Facilities Improvement Projects

- .V.C.1. Project Assignment #02 Point Dume Elementary School Window, Paint, Floors & Doors Project and Webster Elementary School Parking Lot Reconfiguration Project - Construction Management Consulting Services Kitchell Measure ES & BB**
- .V.C.2. Award of Contract 1515 Maple Street Church Property - Demo Project Bid #19.09.ES Chalmers Construction Services, Inc. - Measure ES**

Motion Passed: It is recommended that the Board of Education award a contract for Bid #19.09.ES for 1515 Maple Street Church Property – Demo Project to Chalmers Construction Services, Inc., in an amount not to exceed \$480,000.00. 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
Absent Ralph Mechur
Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

Mr. Upton presented the options for the property, which included feedback from the community and the associated pros/cons. The board directed staff to ask the architect to make modifications to the landscape plan; share the modified plans with the community for feedback; and ask the City of Santa Monica about moving the driveway to 16th Street.

- .V.C.3. Award of Contract Santa Monica High School Discovery Building Project EasyTurf Measure ES**
- .V.C.4. Amendment #52 to Agreement Webster Elementary School Drop-off and Parking Lot Reconfiguration Project - Nesting Bird Survey Services Psomas Measure BB**
- .V.C.5. Amendment #12 to Agreement Franklin Elementary School Window, Paint, Floors & Doors Project Survey Services Psomas Measure ES**
- .V.C.6. Amendment #01 to Agreement Santa Monica High School Campus Plan Project CEQA Services Michael Baker International Measure ES**
- .V.C.7. Amendment #13 to Agreement Santa Monica High School Discovery Building Project Survey Services Psomas Measure ES**
- .V.C.8. Amendment #11 to Agreement Santa Monica High School Discovery Building Project Inspector of Record Services Sandy Pringle Associates Measure ES**
- .V.C.9. Change Order #01 to Agreement John Adams Middle School Gym Floor Replacement Project Construction Contract Bid #18.11.ES The Nazerian Group - Measure ES**
- .V.C.10. Change Order #01 to Agreement Santa Monica High School HVAC Project Chiller Replacement Construction Contract Bid #19.07.ES ACCO Engineered Systems Measure ES**
- .V.C.11. Change Order #03 to Agreement Santa Monica High School Campus Plan Project Wayfinding Signage Construction Contract**

Informal Bid #18.29.ES - Bay Area Sign dba Aloha Electric Sign Co Measure ES

- .V.C.12. Change Order #07 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**
- .V.C.13. Change Order #01 to Agreement Malibu Schools Alignment Project Interim Housing at Pt.Dume Elite Modular Measure ES**
- .V.C.14. Change Order #04 Webster Elementary School Drop-off and Parking Lot Reconfiguration Project Construction Contract Bid #18.10.ES Waisman Construction, Inc. - Measure BB**
- .V.C.15. Accept Work as Completed Santa Monica High School Campus Plan Project Wayfinding Signage Construction Contract Informal Bid #18.29.ES Bay Area Sign dba Aloha Electric Sign Co. Measure ES**
- .V.C.16. Approval of Lease-Leaseback (LLB) Procedures and Guidelines John Adams Middle School Performing Arts Complex Project**
- .V.C.17. Accept Work as Completed Santa Monica High School Science and Technology Building Phase II Project Lease Lease Back Erickson Hall - Measure BB**

.V.D. Personnel

- .V.D.1. Certificated Personnel - Elections, Separations**
- .V.D.2. Classified Personnel - Merit**
- .V.D.3. Classified Personnel - Non-Merit**
- .V.D.4. Increase in Staffing (FTE) - Special Education**

.V.E. General

- .V.E.1. Expulsion of Student (B/D 12/01/2001)**

.VI. STUDY SESSION

.VI.A. SMMUSD Counselors: Data-driven Comprehensive School Counseling (45 min)

Minutes:

This item was postponed to a future meeting.

.VI.B. Update on Food & Nutrition Services Program (30 min)

Minutes:

Time start: 7:28 p.m. Time end: 7:45 p.m.

Staff answered board members' questions regarding when the equipment is expected to be installed. Staff training will include food prep training as well as equipment training for those who have direct responsibilities in those areas. Mr. Blain commented that the food offered at Samohi is much better than food offerings in the past.

.VII. DISCUSSION ITEMS

.VII.A. Reporting Out of CA State Dashboard Local Indicators (20 min)

Minutes:

Time start: 7:46 p.m. Time end: 8:10 p.m.

Ms. Leon-Vazquez requested data on students who are both English learners and receiving special education services.

.VII.B. Update from Superintendent's Working Committee on Project-based Learning (PBL) (40 min)

Minutes:

Time start: 8:10 p.m. Time end: 8:40 p.m.

Following discussion, Mr. de la Torre suggested that student input be obtained and considered. Ms. Leon-Vazquez requested that board members be invited to attend some of the conferences.

.VIII. MAJOR ACTION ITEMS

.VIII.A. Application for New County-District School (CDS) Code: Project-based Learning (PBL) High School (10 min)

It is recommended that the Board of Education approve the establishing of a County-District School (CDS) Code in order to fulfill its direction for District Leadership to establish a 9th grade project-based learning cohort by the fall of 2019. 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
Absent Ralph Mechur
Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 8:41 p.m. Time end: 8:46 p.m.

.VIII.B. Public Hearing - Negotiation Proposal for Santa Monica-Malibu Unified School District (SMMUSD) and School Employees International Union - Local 99 (SEIU) (5 min)

It is recommended that the Board of Education hold a public hearing regarding the negotiation proposal for the Santa Monica-Malibu Unified School District and the School Employees International Union - Local 99 (SEIU). Passed with a motion by Mr. de la Torre 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
Absent Ralph Mechur
Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 8:46 p.m. Time end: 8:48 p.m.

Motion made by Mr. de la Torre, seconded by Ms. Leon-Vazquez, and voted 4/0 (Mr. Mechur, Dr. Tahvildaran-Jesswein, and Mr. Foster were absent) to open the public hearing. It was moved by Ms. Lieberman, seconded by Ms. Leon-Vazquez, and voted 4/0 (Mr. Mechur, Dr. Tahvildaran-Jesswein, and Mr. Foster were absent) to close the public hearing.

.VIII.C. Adopt Resolution No. 18-16 - Supplemental Employee Retirement Plan (20 min)

It is recommended that the Board of Education adopt Resolution No. 18-16, Supplemental Employee Retirement Plan, per California Government Code Section 53224, effective July 1, 2019. 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
Absent Ralph Mechur
Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 8:48 p.m. Time end: 9:08 p.m.

Mr. Dan Keenan from Keenan and Associates presented the supplemental employee retirement plan. He answered board members' questions regarding participation rates and the criteria for certificated versus classified staff.

.VIII.D. 2018-19 Budget Revisions (30 min)

It is recommended that the Board of Education approve the following budget transfers, as described on the following pages, for these below-listed Funds. 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
Absent Ralph Mechur
Absent Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 9:09 p.m. Time end: 9:23 p.m.

.IX. INFORMATION ITEMS

.IX.A. Santa Monica-Malibu Unified School District (SMMUSD) and Service Employees International Union - Local 99 (SEIU) Joint Sunshine Proposal to Negotiate

.IX.B. Supplemental Textbooks

.X. GENERAL PUBLIC COMMENTS

Minutes:

Time start: 9:23 p.m. Time end: 9:25 p.m.

Public Comment:

- Sarah Bradshaw from CSBA congratulated the district on the passing of bond Measures SMS and M. She also let the board know that CSBA has resources on their website regarding fire relief. She thanked the district for hosting the Las Virgenes School District's Payroll Dept staff, who could not access their own offices due to the Woolsey Fire.

.XI. BOARD MEMBER ITEMS

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

.XIII. CONTINUATION OF PUBLIC COMMENTS

.XIV. BOARD MEMBER COMMENTS

Minutes:

Time start: 9:25 p.m. Time end: 9:28 p.m.

- Ms. Lieberman announced that Measure SMS passed in Santa Monica with over 71% approval, and Measure M passed in Malibu with 70%, results that reflect amazing community support.

- Mr. de la Torre announced that the California Voter Rights Act lawsuit was successful in Santa Monica and suggested that the district think about how that might impact our schools.

.XV. FUTURE AGENDA ITEMS

.XVI. ADJOURNMENT

It was moved by Ms. Lieberman, seconded by Ms. Leon-Vazquez, and voted 4/0 (Mr. Mechur, Dr. Tahvildaran-Jesswein, and Mr. Foster were absent) to adjourn the meeting at 9:28 p.m. in memory of the victims of the mass shooting in Thousand Oaks and of the Woolsey Fire in Southern California and the Camp Fire in Northern California. The next meeting is a regular meeting scheduled for Thursday, December 13, 2018, at 5:30 p.m. at the district office: 1651 16th St., Santa Monica, CA.

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.***