

**BOARD OF EDUCATION
SANTA BARBARA ELEMENTARY AND HIGH SCHOOL DISTRICTS
REGULAR MEETING
January 9, 2002**

CALL TO ORDER/CLOSED SESSION

The Santa Barbara Elementary and High School Districts' Board of Education met today in the Board Room of the Santa Barbara School Districts' Administration Center, 720 Santa Barbara Street, Santa Barbara, California. Fred Rifkin called the meeting to order at 5:30 p.m., and adjourned to Closed Session. The public session was called to order at 7:00 p.m. Janet Standley, member of the public, led the Pledge of Allegiance.

Members Present: Fred Rifkin, President
Nancy Harter, Vice President
Ruth E. Green, Member
Robert Noël, Member
Claire VanBlaricum, Member

Staff Present: Deborah Flores, Ph.D., Superintendent
Michael Couch, Assistant Superintendent, Secondary Instruction
Diana Rigby, Assistant Superintendent, Elementary Instruction
Robert Gonzalez, Director of Facilities and Operations
Lori Parrish, Director of Fiscal Services
Brian Sarvis, Director of Research and Technology
Julie Medina, Secretary to the Superintendent

CLOSED SESSION

The Board met on the following in Closed Session:

- **PUBLIC EMPLOYMENT (Government Code 54957)** *Personnel matters to include: Public Employee Discipline/Dismissal/Release.*
- **PUBLIC EMPLOYMENT (Government Code 54957)** *Personnel matters, to include: Public Employee Performance Evaluation -- Evaluation of the Superintendent.*
- **PUBLIC EMPLOYMENT (Government Code 54957)** *Personnel matters, to include: Employee Contract for Superintendent.*
- **STUDENT DISCIPLINE (Education Code 48918)** *Expulsion Case No's. 2001/02-13, 2001/2002-14, 2001/02-16, and 2001/2002-19 (Secondary District). The Board must consider matters of student discipline in Closed Session unless the parent or student request an Open Session.*

Fred Rifkin announced that no action was taken in Closed Session.

APPROVAL OF MINUTES

Claire VanBlaricum requested a correction to the December 12 minutes.

■ **MOTION:** To approve the Minutes of November 20, 2001 (Special Meeting).
Moved: Ruth Green **Seconded:** Nancy Harter **Vote:** Passed Unanimously

■ **MOTION:** To approve the Minutes of November 28, 2001 (Regular Meeting).
Moved: Nancy Harter **Seconded:** Ruth Green
Ayes: 4 **Noes:** 0 **Abstain:** Claire VanBlaricum **Absent:** 0

■ **MOTION:** To approve the Minutes of December 5, 2001 (Special Meeting).
Moved: Nancy Harter **Seconded:** Claire VanBlaricum **Vote:** Passed Unanimously

■ **MOTION:** To approve the Minutes of December 12, 2001 (Regular Meeting), as amended.
Moved: Claire VanBlaricum **Seconded:** Ruth Green **Vote:** Passed Unanimously

RECEIPT OF GIFTS

■ **MOTION:** To receive with appreciation the donations to the Santa Barbara Elementary School District and Santa Barbara High School District from Susan & Rand Clark and Lilia Perez.
Moved: Nancy Harter **Seconded:** Ruth Green **Vote:** Passed Unanimously

SUPERINTENDENT'S REPORT

Deborah Flores introduced and recognized recipients of Rotary Club of Santa Barbara *Service Above Self* awards: Patricia Lindsay and Kathy Hanley, Transition Program teachers; and Jackie Lapkin, Adams Elementary School teacher.

STUDENT BOARD MEMBER REPORT

There was no Student Board Report.

CORRESPONDENCE

None

PUBLIC COMMENTS

None

B.1 FLYER DISTRIBUTION POLICY

Deborah Flores stated that the Board has discussed and reviewed Board Policy 1325, Advertising and Promotional Materials, at several meetings during the past year. She stated that three options were discussed: a) creating an open forum (which would allow anyone to distribute flyers to students and staff in the District); b) establishing a limited open forum (which would place restrictions on who can distribute flyers based on the established policy); and c) closing the forum entirely (which means no one would be allowed to distribute flyers through the District). She stated that the Board had met with legal counsel to discuss this issue, due to the threat of litigation. She also indicated that recent amendments to the Elementary and Secondary Education Act, specific to public use of facilities, could be applicable to distribution of materials.

Dr. Flores expressed her opinion on the three options. Based on what's best for the children and in an effort to minimize litigation, she recommended that the current policy stay in effect with possible modifications. In addition, she reported that although the amendment to the Elementary and Secondary Education Act is specific to the use of public school facilities by the Boy Scouts, that the district's legal counsel feels this amendment could be extended to the flyer distribution issue.

David Tate, Executive Director of the Los Padres Boy Scouts of America, stated that the local chapter of the Boy Scouts has operated exactly the same way since it was founded in 1919, namely, if a boy agrees to abide by the Boy Scouts oath and law, they can become a member of the Boy Scouts. He assured Board Members that they will continue to operate in this manner.

Janet Standley, Executive Director of the Pacific Pride Foundation, urged the Board to stand by their mission statement regarding the need to understand and respect diversity. She stated that to allow the Boys Scouts to continue to distribute flyers through the schools would go against the mission statement, as it is clear that the Boy Scouts continue to implement their policy of exclusion.

Pat Castello, member of the gay and lesbian community, urged the Board to continue to not allow the Boy Scouts to distribute flyers through the schools.

Board Members comments followed, which focused on the pros and cons of the three options.

■ **MOTION:** That the Board of Education close the forum for the distribution of flyers for organizations other than the PTA, which is affiliated with the schools.

Moved: Claire VanBlaricum **Seconded:** Nancy Harter

Ayes: 4 **Noes:** Robert Noël **Abstain:** 0 **Absent:** 0

B.2 EXPANSION OF SANTA BARBARA COMMUNITY ACADEMY

Deborah Flores discussed a proposal to expand the Santa Barbara Community Academy to its maximum capacity, which would mean moving the District office.

■ **MOTION:** That the Board of Education approve the expansion of the Santa Barbara Community Academy and the move of the District Office to a location to be determined.

Moved: Robert Noël **Seconded:** Ruth Green **Vote:** Passed Unanimously

B.3 BOARD MEMBER APPOINTMENT TO THE DISTRICT ENGLISH LANGUAGE ADVISORY COMMITTEE (DELAC)

Fred Rifkin stated that Mrs. Green has been serving as the Board representative to this committee. Mrs. Green indicated that she would like to continue in this capacity.

■ **MOTION:** That the Board of Education appoint Ruth Green as the Board Representative to the District English Language Advisory Committee.

Moved: Nancy Harter **Seconded:** Robert Noël **Vote:** Passed Unanimously

B.4 INCREASE IN SUBSTITUTE RATE

Deborah Flores stated that staff is recommending an increase in substitute pay as an increase was given to all other employees.

■ **MOTION:** That the Board of Education approve the change in the rate of pay for Substitute Teachers to be effective February 1, 2002.

Moved: Claire VanBlaricum **Seconded:** Ruth Green **Vote:** Passed Unanimously

B.5 OUT-OF-STATE-TRAVEL AND EXPENSES IN EXCESS OF \$500

■ **MOTION:** That the Board of Education approve travel expenses in excess of \$500 for Kim Miller, Goleta Valley Junior High School teacher; David Hetyonk, Program Manager, David Weniger, Construction Manager, Amir Abo-Shaer, Dos Pueblos High School teacher; and Kevin Sheffield, Dos Pueblos High School teacher.

Moved: Nancy Harter **Seconded:** Claire VanBlaricum **Vote:** Passed Unanimously

B.6 STUDENT EXPULSIONS

■ **MOTION:** Case Number 2001/02-13 (High School District) – That the Board uphold the Administrative Hearing Panel's recommendation to expel for one school year and uphold the recommended rehabilitation plan. However, the student may remain on home/hospital teaching if he/she chooses to do so. The student may petition for readmission to the District for the semester beginning September 2002.

Moved: Nancy Harter **Seconded:** Claire VanBlaricum Robert Noël **Vote:** Passed Unanimously

■ **MOTION:** Case Number 2001/02-14 (High School District) – That the Board uphold the Administrative Hearing Panel's recommendation to expel for one school year and uphold the recommended rehabilitation plan.

However, the student may remain on home/hospital instead of El Puente. The student may petition for readmission to the District for the semester beginning September 2002.

Moved: Ruth Green **Seconded:** Robert Noël **Vote:** Passed Unanimously

■ **MOTION:** Case Number 2001/02-16 (High School District) –That the Board uphold the Administrative Hearing Panel’s recommendation to expel for one school year and uphold the recommended rehabilitation plan. The student may petition for readmission to the District for the semester beginning September 2002.

Moved: Robert Noël **Seconded:** Nancy Harter **Vote:** Passed Unanimously

■ **MOTION:** Case Number 2001/02-19 (High School District) – That the Board uphold the Administrative Hearing Panel’s recommendation to expel for one school year and uphold the recommended rehabilitation plan. However, the student may have a choice to enroll at El Puente or Community Day School. The student may petition for readmission to the District for the semester beginning September 2002.

Moved: Claire VanBlaricum **Seconded:** Nancy Harter **Vote:** Passed Unanimously

C.1 ADAMS SCHOOL – PLAN FOR IMPROVING STUDENT ACHIEVEMENT

JoAnn Caines, Adams School principal, presented the school’s Plan for Improving Student Achievement.

C.2 CESAR CHAVEZ DUAL LANGUAGE IMMERSION CHARTER SCHOOL (CCCS), MEMO OF UNDERSTANDING (MOU) AND PROGRESS REPORT

Deborah Flores stated that she had initially contacted Paul Minney, an expert on charter school law, to ask a question on the charter school law. At that time he asked to see the CCCS petition and contract. As a result, Paul Minney drafted a proposed MOU. Dr. Flores, Paul Minney, and CCCS governing council have been working together to come up with a final document. Dr. Flores also reported that Appendix A to the MOU, which deals with the special education component, is still being revised.

Pete Relis introduced parents Bob Theis, Ana Munoz, Mira Lazarro Hekley, and Sherry Lawson who shared their reasons for choosing the Cesar Chavez Charter School for their children.

Pete Relis and Arcelia Hernandez reported on student achievement. Grant House reported on the school’s facility. Hilda Zacarias reported on the school’s financial status. Norma Bishop, CCCS legal counsel, reviewed the changes being recommended to the proposed MOU.

Dr. Flores stated that she has asked Mr. Minney to attend a Board meeting to answer Board/staff questions regarding this MOU and charter schools in general.

Board comments followed.

C.3 BOARD SUBCOMMITTEE MEETINGS

Deborah Flores stated that she has consulted with legal counsel regarding recent questions about the appropriateness of Board subcommittee meetings as it relates to the Brown Act. As a result, she is recommending that the Board either discuss all matters as a whole during regular or special meetings or to make subcommittee meetings public and notice them appropriately.

Sarah Griffin encouraged the Board to conduct their business as an entire group during a special meeting or to notice all subcommittee meetings so that interested parties can attend.

Board discussion followed.

D. APPROVAL OF CONSENT AGENDA

Items D.1, D.4, D.5, and D.7 were pulled for discussion purposes.

■ **MOTION:** To approve the Consent Agenda, as amended:

D.2 Purchase Orders

D.3 Warrants

D.6 Electrical Design Services, Franklin Elementary

D.8 Award of Contract, Football Scoreboard Installation, Dos Pueblos High School

D.9 Additional Fundraising Plans for the 2001-2002 School Year

D.10 Approval of Contract with Girls Inc. of Greater Santa Barbara for Prevention Education Component of the Teenage Pregnancy Prevention Program for 2001-02

Moved: Robert Noël **Seconded:** Claire VanBlaricum **Vote:** Passed Unanimously

D.1 PERSONNEL ACTION ITEMS

Ruth Green asked for clarification regarding fees listed for the Cesar Chavez Charter School parent educator and art specialist. Lori Parrish, Director of Fiscal Services, stated that the three charter schools pay their own payroll but that they are processed through the District.

■ **MOTION:** That the Board of Education approve the actions for the individuals listed on the attachment to the agenda.

Moved: Claire VanBlaricum **Seconded:** Ruth Green **Vote:** Passed Unanimously

D.4 CERTIFICATIONS OF COMPLIANCE WITH EDUCATION CODE SECTION 60119 – SPECIFIC WAIVER REQUESTING RELIEF FROM AUDIT PENALTY

Deborah Flores responded to Ruth Green's request for clarification on this item. Dr. Flores stated that on an annual basis school districts are required to pass a resolution stating that they have complied with Education Code Section 60119. During 1999-2000, the District was among 60 districts that did not do this. School Services of California, Inc., and individual school districts lobbied the legislature asking for a waiver process.

■ **MOTION:** That the Board of Education approve the Certification of Compliance with Education Code Section 60119.

Moved: Nancy Harter **Seconded:** Claire VanBlaricum **Vote:** Passed Unanimously

D.5 ACCEPTANCE OF ANNUAL AUDIT REPORTS OF THE SANTA BARBARA ELEMENTARY SCHOOL DISTRICT, SANTA BARBARA HIGH SCHOOL DISTRICT, AND ASSOCIATED STUDENT BODY FUNDS

Nancy Harter noted that the findings and recommendations for last year's Associated Student Body Funds and this year's were similar. She stated that she hoped there would be a much greater effort this year to correct whatever deficits there were in the funds.

■ **MOTION:** That the Board of Education accept the 2000/01 audit reports of the Santa Barbara Elementary District, Santa Barbara High School District, and Associated Student Body Funds

Moved: Ruth Green **Seconded:** Nancy Harter **Vote:** Passed Unanimously

D.7 ACCEPTANCE OF COMPLETED CONTRACTS

Robert Gonzalez brought to the Board's attention that a revised copy of the list of completed contracts has been distributed, as one of the contracts listed will not be completed until the next Board Meeting.

■ **MOTION:** That the Board of Education accept the completed contracts, as amended.

Moved: Nancy Harter **Seconded:** Claire VanBlaricum **Vote:** Passed Unanimously

E. COMING EVENTS

None

F. BOARD COMMENTS

Nancy Harter thanked Mrs. VanBlaricum for the report she brought back from the CSBA Convention.

In response to the audit agenda item, Claire VanBlaricum asked if training was given to those personnel who deal with ASB funds.

Deborah Flores confirmed the January 18 Board Focus Goal Session at 8:30 a.m. She also reported that a Superintendent from Texas, Dr. Gerald Anderson, who was responsible for making significant changes in an underperforming district would be in the District on February 7, meeting with the superintendent and administrators. She asked if the Board would also like to meet with him. It was determined that the Board would meet with Mr. Anderson at 1:00 p.m. on February 7.

G. FUTURE AGENDA ITEMS

Robert Noël requested that charter school policies be addressed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:20 p.m. The next Regular Meeting of the Board will be Wednesday, December 12, 2001, at 7:00 p.m.

ATTEST:

Fred Rifkin, President, Board of Education

Adopted by Board of Education on _____.