

Board of Education
Santa Barbara Elementary and High School Districts

Minutes
March 11, 2003

Call To Order/Closed Session

The Santa Barbara Elementary and High School Districts' Board of Education met today in the multipurpose room/auditorium of Franklin Elementary School, 1111 Mason Street, Santa Barbara, California. The meeting was called to order at 5:45 p.m., and the Board adjourned to closed session. The President called the meeting to order in public session at 7:18 p.m. Mr. Jamal Fields, Franklin Elementary School vice principal, led the Pledge of Allegiance.

Members Present: Nancy Harter, President
Robert Noël, Vice President
Ruth E. Green, Member
Lynn Rodriguez, Member

Members Absent: Fred Rifkin, Member

Staff Present: Deborah Flores, Ph.D., Superintendent
Michael Couch, Assistant Superintendent, Secondary Education
Diana Rigby, Assistant Superintendent, Elementary Education
Priscilla Diamond, Assistant Superintendent, Business Services
Brian Sarvis, Ed.D., Director of Research and Technology
David Hetynok, Interim Director of Facilities and Operations
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.*
- Collective Bargaining (Government Code 3549.1 and 54957.6) *Conference with Labor Negotiator, Superintendent: Negotiations with the Santa Barbara Teachers Association.*
- Conference with Legal Counsel – Anticipated Litigation (Government Code 54956.9[b]) Case No. 02/03-51.
- Student Discipline (Education Code 48918) *Expulsion Cases: Numbers 02/03-36 and 02/03-37, (High School District). The Board must consider matters of student discipline in Closed Session unless the parents or students request an Open Session.*

Announcement of Closed Session Action

President Harter announced that the Board had given direction to the Superintendent regarding contract negotiations with the Santa Barbara Teachers Association.

Receipt of Gifts

- Motion: To receive with appreciation the donations to the Santa Barbara Elementary School District and Santa Barbara High School District from Kathryn McFadden and Washington Mutual.
- Moved: Ruth Green Seconded: Lynn Rodriguez Vote: Passed Unanimously

Superintendent's Report

None

Student Board Member Report
None

Correspondence
None

Public Comments

Due to the large number of persons who submitted speaker cards, Nancy Harter offered student groups the opportunity to speak at the beginning so that they could get home at an early hour.

A group of ten Harding Elementary School students spoke in support of school librarians and presented the Board with \$420 raised at a bake sale.

La Colina Junior High School ASB president and ten other students spoke in support of art education and recited a poem entitled *One Mighty Voice*, by Charles L. Smith.

Kate Smith spoke regarding her lawsuit settlement, which included a non-disparaging clause. She also sang the song that she sung on the steps of Roosevelt the day her conflict with the District began, seven years ago. She stated that vindication, accountability, and educational reform will come.

Anna Carrisales, Franklin Elementary School parent, asked why parents weren't informed about the proposal to house Cesar Chavez Charter School on the Franklin campus and asked what impact it will have on Franklin.

Tina Fanucchi, Public Education Foundation, spoke regarding the Foundation's fundraising project, *Keep the Beat*, which has raised approximately \$30,000 towards an endowment for the music program in the elementary schools.

Rory Bazaar, student at La Colina Junior High School, spoke in support of performing arts and extra-curricular activities.

Matthew Felts Brulin, Dos Pueblos High School student, urged everyone to work together to come up with other alternatives rather than the budget cuts.

Susan Adams, Franklin Elementary School teacher, requested that the Board hold their next meeting at Franklin so that parents of that community could attend and voice their concerns regarding placing Cesar Chavez Charter School on their campus.

Juliette Stuster, Harding Elementary School student, spoke in support of Ms. McBride, Harding librarian. She stated that her parents were willing to pay a parcel tax to help keep librarians and the music program.

Jackie Cagin, Dos Pueblos High School student, and two other students spoke in support of the arts and athletics.

B.1 Requests to Address the Board on Various Matters

Nancy Harter stated that the following persons had requested time on the agenda.

Kate Smith spoke about problems inherent in the school district and offered the following solutions: encharter the district so that each school can be site managed; create parent/teacher support programs in lieu of the truancy program; and that each elementary school should become a parent cooperative.

Jamie Luu and Melissa Fong, UCSB students, gave a presentation on research they have done regarding the national and state budgets and how funds are allocated to education. They commended the Board for developing the proposed budget cuts and felt that the larger issue of how Governor Grey Davis allocates state funds is by far more important to contest. They urged the community to form a collective voice and send letters to the Governor to demand that he reexamine the budget cuts with regard to education.

Cheryl Leonard (Monroe), Amy Herzog (Roosevelt), and Hady Nicholson (Franklin), District kindergarten teachers, spoke in support of retaining the two-hour kindergarten instructional aides and gave background on why this position was originally created.

B.2 Budget Reductions Proposals

Deborah Flores stated that the Board has had three meetings regarding the state of the state budget and the impact of the state's budget on the Districts' budget. She also stated that proposed budget reductions were modified at the last meeting and that additional modifications are being presented at this meeting. She reviewed these additional modifications as follows: *District Office* – elimination of the Assistant Superintendent of Elementary Education and the position's supporting secretary, one equipment mechanic and one truck driver in maintenance and operations. *High School District* – 7th period day, reduce by 14 FTE (original recommendation was 22 FTE); lowered the number for a school to qualify for an assistant principal to 600 students. She emphasized that electives are not being eliminated but that options are being reduced, as all classes will be required to have 25 or more students.

Board comments followed.

A five-minute break was taken at 9:20 p.m.

Michael Couch, Assistant Superintendent for Secondary Education, gave a presentation on the seventh-period day. He reviewed the current 7th period day schedule and the recommendation for a 6th period day.

Public comments

Persons who spoke in support of electives were: Ivan Evert-Burks, Arthur Gross-Schaefer, Emily Christie, Ann Crawford, Hector Ortiz, Anne Chestnut, Janet Giler, David Holmes, Marty Pool, and Melanie Yank.

Karen Beckstead spoke in support of the Dos Pueblos International Baccalaureate program.

Franki Gallardo and Susan Eveler spoke in support of the La Colina Junior High School assistant principal. They asked the Board to consider the whole campus before removing an assistant principal, as Community Day School, La Alturas, and Open Alternative School are housed on that campus.

Arjun Sarkar, Open Alternative School site council, spoke against cutting hours for the OAS custodial staff.

Persons who spoke in support of the Instructional Music program were Karen Dutton, Carolyn Teraoka-Brady, William Watson, and Emil Torick.

Persons who spoke in support of the Elementary librarians were Susan Billig, Linelle Glass, Bev Stoeckly, Ursula Ferrell.

Grace Florez clarified two items on a list of recommended budget cuts presented by Latino organizations at the February 25 Board meeting. One recommendation was that one assistant principal at each of the junior and senior high schools be eliminated. She asked if cost savings had been determined using their formula. Another item was cutting management staff in the facilities department, not classified staff.

Melitta Haslund, Roosevelt parent, and chair of the Collaborative Coalition reported that a public round table was held to come up with alternative for the budget. She requested that a budget advisory committee be formed to prioritize spending and short- and long-term fund raising.

Stephen Byrd urged the Board to keep cuts away from the classroom and to look closer at the proposal submitted by the Latino organizations.

Doris Gutierrez, Facilities Department secretary, spoke in support of the equipment mechanic and truck driver.

Sarah Griffin asked the Board to bring equity to the District before anymore cuts are made by not continuing to short change the typical student for the benefit of a few, to not eliminate the accountant position.

Persons who spoke in support of the athletic trainers were Paul Cerrilla, Stacey Jensen, Lorraine Nelson, Sherry Sagraves, Aurelia Madera, Ingeborg Cox, and Jim Dunn.

School psychologists Jan Walker, Alejandra Aranovich, and Veronica Markesis spoke regarding the school psychologists scope of responsibilities. They questioned the Board's approval of private psychological evaluation assessment services for students during these times of budget constraints when there are highly qualified personnel on board with several degrees, credentials, and extensive experience.

Special education teachers Donna Harris, James Webber, Steve Hardy, and Rita Newhouse expressed concern regarding the possibility of cutting special education programs and how this would affect the special education student.

Lourdes Uribe, expressed concern regarding the lack of services provided to her children through the special education program.

Tony Fischer spoke regarding consulting contracts and the need to review these services to see if they are essential for the coming year.

Patti Gaultney spoke in support of special education and voiced her concern that the special education students are already under serviced and that many parents pay out of pocket for services to supplement their children's education.

Marcia Eichelberger, parent of a student in the special education program, spoke regarding the special education encroachment. She stated that there is an unfunded federal mandate under the individuals with disabilities act that provides for a free and public education. She stated that this encroachment is a national issue and is externally controlled and that as long as this mandate continues to be unfunded there will be an encroachment. However, she stated that children with disabilities have the same right to education as every other child in the district.

B.3 Requests from Board Members to Discuss Additional Areas for Possible Budget Reductions

Due to the late hour, this item was continued to the next meeting.

B.4 Public Disclosure of Collective Bargaining Agreement Between the Districts and the California School Employee Association

Nancy Harter stated that this item was pulled from the agenda at the request of CSEA.

Adjournment to Closed Session

At 12:20 a.m., the Board adjourned to closed session to discuss student expulsions, and reconvened at 12:55 a.m.

C.6 Student Expulsions

■ Motion: Case Number 2002/03-38 (High School District) – That the Board uphold the Administrative Hearing Panel's recommendation to expel for the present semester, which ends June 2003, and uphold the recommended rehabilitation plan. The student may petition for readmission to the District for the semester beginning September 2003.

Moved: Lynn Rodriguez Seconded: Robert Noël Vote: Passed

Ayes: 4 Noes: 0 Abstain: 0 Absent: Fred Rifkin

■ Motion: Case Number 2002/03-41 (High School District) – That the Board uphold the Administrative Hearing Panel's recommendation to expel for one year but that enforcement of the expulsion be suspended and uphold the recommended rehabilitation plan. The student may attend a school other than the school of origin until September 2003, at which time the student may return to the school of origin.

Moved: Ruth Green Seconded: Robert Noël Vote: Passed

Ayes: 4 Noes: 0 Abstain: 0 Absent: Fred Rifkin

■ Motion: Case Number 2002/03-42 (High School District) – That the Board uphold the Administrative Hearing Panel’s recommendation to expel for one year, and uphold the recommended rehabilitation plan but that enforcement of the expulsion order be suspended. The student may attend a school other than the school of origin until September 2003, at which time the student may return to the school of origin.

Moved: Ruth Green Seconded: Lynn Rodriguez Vote: Passed
Ayes: 4 Noes: 0 Abstain: 0 Absent: Fred Rifkin

Dr. Noël left the meeting at the conclusion of item C.6.

C.1 Reduction in Particular Kinds of Services – Santa Barbara High School District and Child Development Program

Deborah Flores stated that at the last Board meeting it was recommended, and approved, that teachers be given notices that they would not be employed for the 2003-2004 school year. She explained that due to a recent court ruling, District legal counsel notified the District that additional notices would have to be given to those teachers classified as temporary employees. Therefore, FTE positions in the High School District need to be reduced by an additional 7.7 FTE, and in the Child Development program by an additional 10.16 FTE.

■ Motion: That the Board of Education approve the recommendation to reduce teaching in the Santa Barbara High School District by an additional 7.7 FTE and in the Child Development Program by an additional 10.16 FTE, with resulting layoff of certificated employees, and approve Resolution No. 02/03-27 and Resolution No. 02/03-28

Moved: Lynn Rodriguez Seconded: Ruth Green Vote: Passed
Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

C.2 Districts’ Corrective Action Plans in Response to the 2001-2002 Audits

Priscilla Diamond reported that the District is required to develop corrective action plans for each finding to the 2001-2002 Audits and submit the action plans to the Santa Barbara County Education Office. She reported that there are a total of 31 audit findings, 7 for the Elementary District, 9 for the High School District, and 15 for the Associated Student Body.

Tony Fischer addressed corrective action plans for fiscal accountability and employee time certifications. He urged staff to move on these quickly as we are already into the eighth month of the school year and still operating the same as the prior year.

■ Motion: That the Board of Education approve these corrective action plans in response to the 2001-2002 audits.

Moved: Lynn Rodriguez Seconded: Ruth Green Vote: Passed
Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

C.3 Employment of Teachers on a Waiver

■ Motion: That the Board of Education approve requesting a waiver for Nancy Tobin, Library Media Teacher at Roosevelt School.

Moved: Lynn Rodriguez Seconded: Ruth Green Vote: Passed
Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

C.4 La Colina JHS Field Trip to Boston, MA and New York, NY

■ Motion: That the Board of Education approve the La Colina Junior High School field trip to Boston, MA and New York, NY from March 29 to April 2, 2003.

Moved: Ruth Green Seconded: Lynn Rodriguez Vote: Passed
Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

C.5 Out-of-State Travel and Expenses in Excess of \$500

■ Motion: That the Board of Education approve out-of-state travel and expenses in excess of \$500 for Tim Quiroz, Santa Barbara Community Academy teacher; Ana Maya, HIPPPY program teacher; Michael Couch, Assistant Superintendent of Secondary Education; Emily Christie, Dos Pueblos High School teacher; and Melissa Ewart and Brittany Rosenberg, La Colina Junior High School teachers.

Moved: Lynn Rodriguez Seconded: Ruth Green Vote: Passed
Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

D. Approval of Consent Agenda

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

D.2 Purchase Orders

D.3 Warrants

D.4 Resolutions 02/03-25 and 02/03-26, Authorization to Sign Applications for the School Facility Program

D.9 District Internet Connection

Moved: Ruth Green Seconded: Lynn Rodriguez Vote: Passed

Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

D.1 Personnel Action Items

In response to Ruth Green's question, Michael Couch reported that the self-esteem consultant for Goleta Valley Junior High School is being paid through La Belle.

■**Motion:** That the Board of Education approve the recommended personnel actions.

Moved: Ruth Green Seconded: Lynn Rodriguez Vote: Passed

Ayes: 3 Noes: 0 Abstain: 0 Absent: Robert Noël, Fred Rifkin

D.5 La Cumbre Athletic Field Improvements, Change Order No. 4 and 5

Ruth Green asked about cost overruns and if any more were expected. David Hetynok, Interim Director of Facilities and Operations, stated that this is the final change order. He also stated that two more projects are needed (goal post and drainage issues) but that they would be done under a separate contract.

Tony Fischer voiced his concerns that this project has lacked good management from the beginning, that there is still an unsafe condition between the track and the basketball court, and questioned change orders from August and September coming through in March, and the \$500/day liquidated damages.

Superintendent Flores recommended that this item be continued to the next Board meeting.

D.6 Campus Modernization, Goleta Valley Junior High School

Craig Shallenberger, Operations Manager for Carroll Construction Company, Inc., stated that Carroll Construction was the apparent low bidder for both items D.6 and D.7. He objected to the recommendation to award the contract under item D.6 to Viola Constructors, Inc., due to the omission of the non-collusion affidavit. According to Carroll Construction's legal counsel, this is a minor irregularity and can be waived by the Board. He urged the Board to award these two contracts to Carroll Construction.

Michael Viola, Chief Executive Officer for Viola Constructors Incorp., encouraged the Board to award the contract under item D.6 to his company, in accordance with staff and county counsel's recommendation. According to county counsel, omission of the non-collusion affidavit is not a minor irregularity.

Tony Fischer stated that he had tried to review copies of these contracts but was not able to do so. He stated that these contracts should be made available for the public to review before the Board takes action on them. He also voiced concern that the Board was taking action on these two items without a staff report that would outline expenses and start and completion dates for these projects.

Deborah Flores recommended that this item be continued to the next meeting.

D.7 Campus Modernization, La Colina Junior High School

This item was continued to the next meeting.

D.8 Transportation Agreement, Goleta Union School District for the 2002-2003 School Year

This item was continued to the next Board meeting.

E. Coming Events

None

F. Board Comments

None

G. Future Agenda Items

None

Adjournment

There being no further business, the Meeting was adjourned at 1:35 a.m. The next Regular Meeting of the Board will be Tuesday, March 25, 2003, at 7:00 p.m.

ATTEST:

Nancy Harter, President, Board of Education

Adopted by Board of Education on May 13, 2003