

Board of Education
Santa Barbara Elementary and High School Districts

Minutes
March 25, 2003

Call To Order/Closed Session

The Santa Barbara Elementary and High School Districts' Board of Education met today in the Franklin Elementary School Multipurpose Room, 1111 East Mason Street, Santa Barbara, California. The meeting was called to order at 5:15 p.m., and the Board adjourned to closed session. The President called the meeting to order in public session at 7:08 p.m. Carol Cowan, Franklin Elementary School principal, led the Pledge of Allegiance.

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

Staff Deborah Flores, Ph.D., Superintendent
Present: 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 Hetynk, 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.*
- Conference with Legal Counsel – Existing Litigation (Government Code 54956.9[a]) *Goleta Union Elementary School District v. Andrew Ordway, et al., Case No. CV99-7745-DDP*
- Significant Exposure to Litigation (Government Code 54956.9(b)(1))
- Collective Bargaining (Government Code 3549.1 and 54957.6) *Conference with Labor Negotiator, Superintendent: Negotiations with the Santa Barbara School Districts Administrators Association.*
- Collective Bargaining (Government Code 3549.1 and 54957.6) *Conference with Labor Negotiator, Superintendent: Negotiations with the California School Employees Association.*
- Student Discipline (Education Code 48918) *Expulsion Cases: Numbers 02/03-43, 02/03-44 and 02/03-45 (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, by unanimous vote, agreed to accept the Goleta vs. Ordway counter claim. In exchange for a signed settlement agreement and mutual general release and the dismissal of the counterclaim against Diana Rigby in the case of Goleta Union et. al., vs. Andrew Ordway action, the School District will pay the total amount of \$200,000 on behalf of Diana Rigby, said amount includes all attorney fees and costs incurred by cross-complainant.
Moved: Fred Rifkin 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 Donna Marchiando, Bragg Properties, Kiwanis Club of Santa Barbara, Anacapa Signs, Sheldon Rosen, Grey Ruegamer, David Goss, Janet Giler, Ph.D., Donald & Suzanne Jack, Marsha Wright, John Smith, Bob & Hazel Anderson, Joaquin & Cassandra Ornelas, and James & Barbara Kilroy.

Moved: Fred Rifkin Seconded: Lynn Rodriguez Vote: Passed Unanimously

Superintendent's Report

None

Student Board Member Report

Acok Majak, Santa Barbara High School student, reported on current activities at the three high schools.

Correspondence

Board members thanked the public for all their letters regarding the budget.

Public Comments

Randy Wright, parent and businessman, reported that his company will donate 50% of every DDMP print order to the Santa Barbara School District.

Members of the Santa Barbara High School LULAC Youth Committee and MECHA addressed the Board concerned that the 2003 summer school will not be offered to all students, only those students failing the exit exam or lacking units to graduate.

Amanda Elliott, La Colina Junior High School student, presented a petition in support of electives.

Francesca Jackson and other representatives of the La Colina Junior High School music program sang a song entitled *Make Them Hear You*.

Mina Goena-Welch read comments from Igrid Bianco, Roosevelt PTA president and member of the Collaborative Coalition, which urged the Board to adopt the proposal that the Collaborative Coalition is proposing.

Melitta Haslund, chair of the Collaborative Coalition, stated that the Coalition is continuing to work on a proposal that will be presented to the Board in April which proposes that a budget support committee be formed, that would act as an umbrella between teachers, employees, the public, the Board, and the administration.

Etelvina Menchaca expressed concern that it would be detrimental to the education of Latino students if summer school attendance is limited.

David Bolzzini, owner of Santa Barbara Axxess, expressed his company's support of the District. He stated that ten percent of each of their discount booklets would be donated to the Districts.

Kate Smith stated that she spoke to city council and asked that they spearhead a grand jury investigation of the District's truancy program and an independent audit of the systematic misconduct and malfeasance of the District's administrators. She referred to the action reported out from closed session whereby the District paid \$200,000 on behalf of Diana Rigby.

George Ogle spoke about the need for assessment of students who are referred to the truancy program. He reported that two years ago he and his son addressed the Board and was able to obtain help for his son through the Lindamood Bell program.

Glenn Ogle reported on the benefits he has received through the Lindamood Bell program, tools which gave him the ability to express his feelings, the ability to raise his grades, and achieve higher self-esteem.

Ken Loch addressed the Board regarding his web page on Tennisance.

Laura Baker, special education teacher, thanked the Board and staff for their diligence during the budget process. She expressed appreciation for the Board taking time to think about decisions and for asking for clarification on several issues. She expressed her opinion that it is unfair for the public to make this a personal attack on people. She thanked Diana Rigby for her hard work.

Xochill Mendez, Santa Barbara High School student, expressed concern regarding the fact that students are being misled regarding summer school attendance.

B.1 Requests from Board Members to Discuss Additional Areas for Budget Reductions

Deborah Flores stated that Board members have asked for additional information relating to the budget process. Staff members reported on the following topics, as follows:

Athletics and co-curricular activities (High School District) – Michael Couch

Contracted services, consultants, legal fees (Elementary and High School Districts) – Priscilla Diamond

Librarians and library technicians (High School District) – Deborah Flores

Special education (Elementary and High School Districts) – Diana Rigby

Members of the audience who spoke in support of library technicians were: Linelle Glass, Jayne Wamsley, Gerry Sottak.

Members of the audience who spoke in support of the special education program were: James Libhart, Shandra Campbell, Linda LaFond, Irma Blancarte, Robin Crocker, Karen Terry, Michael Appleton,

Tony Fischer spoke regarding item B.3, priorities, if the state gives us more money than expected what gets restored, or how much deeper are we going to go. Regarding the charts presented by staff related to consulting and contractual services the information for the period July 1 through February 25. He stated these are meaningless without knowing a full year of expense. He suggested that the board actually look back in 2001-2002 as to how much was spent. He stated that the High School District spends 225,000 a year for conferences and traveling and outside printing costs are \$115,000.

Scott O’Leary spoke in support of athletics and co-curricular activities.

Kate Smith spoke regarding the need to review the District’s litigators and the truancy programs.

Board comments followed.

B.2 Presentation Regarding the Six-Period Day at the Middle/Junior High Level and the Impact on Electives

Michael Couch, Assistant Superintendent of Secondary Education, reviewed the proposal to reduce the number of classes from seven to six.

Board comments followed.

Sarah Griffin asked the Board to not cut existing programs such as junior high programs while adding new programs, such as the international baccalaureate program.

Bob Cornwall spoke in support of the junior high school band program.

Bob Furlough encouraged the Board to find ways to provide opportunities to students.

Alice Post, Committee to Restore the Elementary School District, spoke in support of maintaining the 7th period day.

B.3 Budget Reduction Proposal

Deborah Flores reviewed additional changes to the proposed budget cuts, as follows: Item 2 (kindergarten aides) was removed from Table 3; Table 4 included the addition of the 25:1 requirement to the Reading for Success program.

Board comments followed.

William Watson, Santa Barbara Youth Symphony, spoke in support of the instrumental music program.

Grace Florez, requested a response to the February 25 list of budget reductions proposal that was developed by various Latino organizations.

Elementary librarians gave a presentation regarding the many hats worn by an elementary librarian such as a storyteller, technology advocate, and teacher.

Michael Shallenberger spoke in support of industrial technology.

Sarah Griffin asked the Board to reconsider eliminating the accountant position. She also encouraged the Board to add reduction of bus services to Table 5, possible future budget reduction areas.

Tony Fischer asked for a breakdown of the 25:1 proposal and its impact on the junior/middle school level versus the high school level.

Ken Rivas asked the Board to look at the impact that reducing classified staff would have before taking action.

In an effort to save the seventh period day, librarians, and the elementary music program, and staff in the High School District due to the 25:1 proposal, Robert Noël presented a list of additional items to add to the proposed budget cuts. These items included the elimination of additional management positions, certain expenses charged to the Board and the Superintendent's budget accounts, and a 4% cut across the board in special education.

Kenn Glenn, MTD, stated that MTD is concerned about the impact the proposed reduction in home to school transportation may have on MTD's peak hours of service.

Dr. Flores stated that it is hoped that action on the proposed budget cuts can be taken at the April 8 Board meeting. She also reported that a letter from the Santa Barbara County Office of Education is expected with regard to the District adopting the second interim report by April 15. In an effort to help Board members prioritize the items on the budget cuts, Dr. Flores distributed a form to assist Board members on an individual basis in focusing and prioritizing those areas they did or do not support.

Board comments followed.

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

This item was on the agenda for first reading in accordance with AB 1200, which requires school districts to publicly disclose the provisions of collective bargaining agreements before they enter into a written agreement.

Ruth Green expressed her dismay regarding the inclusion of a 1.7 percent salary increase. Lynn Rodriguez and Nancy Harter also expressed confusion with regard to the requested salary increase as they had been under the impression that this item had not be ratified by CSEA. Deborah Flores stated that she had met with Ken Rivas and Mark Moore the week before and they confirmed that this item had been ratified.

Sarah Griffin asked what is being cut from the budget to create the funding for a 1.7 percent salary increase and if this proposed salary increase is retroactive to July 1, 2002. She also pointed out a discrepancy in the staff report and the agreement with regard to carryover days, 25 versus 28 days. She questioned whether or not the District could afford to give a raise of any kind while making deep budget cuts.

C.1 Approval of Second Period Interim Report, Multi-Year Projections, and Certification of Financial Stability

Deborah Flores stated that with the approval of the Office of the County Superintendent, action on this item is being continued to the April 8 Board meeting.

Priscilla Diamond, Assistant Superintendent of Business Services, reported that this was a first look at the Second Interim Report which showed where the District was as of January 31, 2003. She reviewed the impact of SBX1 18 on the District's budget as well as a comparison of the adopted budget, the first interim report, and the second interim report.

Ms. Diamond stated that as part of the second interim report, the District is required to do a multi-year projection, using certain assumptions (COLA from the state, employee step and column increases, health and welfare benefit increases, reductions in state programs, ADA decline). She stated that according to the multi-year projections, the District will be insolvent in 2003-2004 and 2004-2005. Therefore, the District can not provide the county with a positive certification, which could affect the District's credit rating for future bond sales and impact the ability to borrow money. She reported that the District received (at 5 p.m.) a letter from the county which explained what the issues were and why they would not be able to provide a positive certification. The letter indicated they are willing to wait until April 15 to receive verification that the Board has approved the second interim report and has approved appropriate budget reductions. Ms. Diamond also reviewed unaudited actuals from the 1999-2000 school year to present. She stated that with the exception of the 2000-2001 school year, the District has been spending more money than received (structural deficit).

Board comments followed.

Sarah Griffin questioned whether or not those students attending the charter schools would attend District schools, private schools, or home school if there was no charter school. She also questioned if there would be sufficient funds left in the self insurance funds for claims after the proposed transfer of monies. She also stated that the overall cost of a 1.7 percent salary increase and statutory benefits is missing from form 01-CSI for both districts.

Tony Fischer expressed concern that copies of the letter from the Office of the County Superintendent were not available, that the 100 to 150 persons that were present earlier in the meeting but had left due to the late hour did not hear this presentation. With regard to deficit spending, he stated that the District needed to go back to the report from FCMAT, which lays out the steps needed to take to avoid deficit spending.

C.2 Location of Cesar Chavez Charter School

Deborah Flores stated that a presentation was made at the last Board meeting regarding staff's recommendation to place Cesar Chavez Charter School (CCCS) on the Franklin Elementary School campus, beginning fall 2003. At that meeting, Board members asked for additional information on the lease of portables. Superintendent Flores reported that the cost of leasing one portable would be approximately \$11,172. The cost for leasing a smaller trailer for CCCS's administration would be approximately \$357 per month. She stated that staff is recommending that the cost be charged to class size reduction capital facilities monies.

Board discussion followed.

Sarah Griffin stated that she had asked several questions at the last meeting. One question was answered at this meeting. The other questions still remain – what is the penalty for not meeting the threshold; what may the district charge the charter school for out of district students; can the charter school or district charge the home district for those out of students; where were the 12 portables supposed to be placed before the CCCS relocation proposal materialized, were they always going to be placed amid the construction chaos; are the Franklin proposed temporary portables truly portables or will they end up being permanent portables permanently increasing the capacity at Franklin.

Susan Adams suggested that the class size reduction money be used to obtain equity between the schools with regard to labs. She questioned why Franklin staff were not given the same consideration, as that used with La Cumbre Middle School and Santa Barbara Charter School, of working with CCCS staff to develop a solution as to where to place CCCS.

Deborah Flores stated that Proposition 39 requires the district to have a preliminary meeting with the CCCS staff and ask them if the District's preliminary proposal is acceptable, which they have to accept. A meeting was held on February 13, after which principal Cowan spoke to her staff. She stated that this process is distinctly different than the process used for Santa Barbara Charter School. The District and Santa Barbara Charter School have been meeting and discussing where to put SBCS for the last five years.

■ Motion: That the Board of Education approve staff's proposal to house Cesar Chavez Charter School at Franklin Elementary School beginning in September 2003.

Moved: Fred Rifkin Seconded: Robert Noël Vote: Passed

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

Ruth Green and Fred Rifkin left the meeting at 12:40 a.m.

C.3 Campus Modernization, Goleta Valley Junior High School

Jim DiCamillo, architect, reported that both the Goleta Valley Junior High School and La Colina Junior High School modernization projects bid well within the current budgets that were established on January 15, 2001. He indicated both projects are well under budget, and they have both qualified for matching funding from the state. He reported that the Goleta Valley project is scheduled to be on the May 28 consent agenda for the state allocation board and that the La Colina may also be on that agenda, if not, it will be on the June agenda.

David Hetynok stated that staff was recommending that the Board award the contract for Goleta Valley to Viola Constructors, the second low bidder. He stated that a bid protest was received and that county counsel was consulted and has recommended that the bid be awarded to the second low bidder.

With regard to the La Colina Junior High School project (agenda item C.4), county counsel had reviewed a bid protest and a request for a waiver by the first and second low bidders. As a result, staff is recommending that the Board reject all bids and rebid.

Michael Viola, Viola Constructors, stated that his only expectations is that the Board will award the contract to Viola Constructors, in accordance with the staff recommendation. Recognizing the Board's commitment to students and to dealing with budget concerns has made him ever more committed to complete the District's educational infrastructure with the functionality that is expected and in time to meet the district's needs.

Sarah Griffin asked what site-based projects are not included in the bids, how much money will be required for those projects, and how much is required to complete them all.

Tony Fischer reported that he had talked to Larry La Board at the state, contact person for the state allocation board. Mr. La Board stated that both projects will be on the May 26 agenda and that they are typically approved once on the consent agenda.

Greg Shallenberger spoke regarding the Goleta Valley project, and that Carrol Construction was the apparent low bidder. He referred to the bid protest filed by the second low bidder, county counsel's response (in which they did not recommend to go with the second low bidder); and to letters submitted to the District from Carrol Construction as well as their legal counsel. He requested that the District respond to these letters before any action is taken.

Board discussion followed.

■ Motion: That the Board of Education award a contract in the amount of \$4,608,000 (base bid of \$4,514 award a contract in the amount of \$4,608,000 (base bid of \$4,514,000 plus Alternate #1 of \$94,000) to Viola Constructors, Inc. for the modernization of Goleta Valley Junior High School. Funding for the project will come from Measure V funds.

Moved: Lynn Rodriguez Seconded: Robert Noël Vote: Failed

Ayes: 2 Noes: 0 Absent: Ruth Green, Fred Rifkin Abstain: Robert Noël

C.4 Campus Modernization, La Colina Junior High School

■ Motion: That the Board of Education reject all bids and direct staff to rebid the project.

Moved: Lynn Rodriguez Seconded: Robert Noël Vote: Failed

Ayes: 2 Noes: 0 Absent: Ruth Green, Fred Rifkin Abstain: Robert Noël

C.5 La Cumbre Athletic Field Improvements, Change Orders No. 4 and 5

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

C.6 Approval of Resolution No. 02-03/29, Authorization to Mitigate Mold at San Marcos High School

■ Motion: That the Board of Education approve Resolution No. 02-03/29, and approve the hiring of Channel Coast Corporation to mitigate the mold in the principal's office at San Marcos High School. Funding for this project will come from Secondary Deferred Maintenance.

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

C.7 Student Expulsions

■ Motion: Case Number 2002/03-43 (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.

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

■ Motion: Case Number 2002/03-44 (High School District) – That the Board uphold the findings and recommendations of the Administrative Hearing Panel to expel for the remainder of the school year, but that enforcement of the expulsion be suspended and uphold the recommended rehabilitation plan. The student may attend Community Day School.

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

■ Motion: Case Number 2002/03-45 (High School District) – That the Board uphold the findings and recommendations of the Administrative Hearing Panel to expel for the remainder of the school year, but that enforcement of the expulsion be suspended and uphold the recommended rehabilitation plan. The student may attend either La Cumbre Middle School or Goleta Valley Junior High School.

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

D. Approval of Consent Agenda

Due to the late hour, 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 1:00 a.m. The next Regular Meeting of the Board will be Tuesday, April 8, 2003, at 7:00 p.m.

ATTEST:

Nancy Harter, President, Board of Education

Adopted by Board of Education on June 10, 2003