

Board of Education  
Santa Barbara Elementary and High School Districts

Minutes  
May 13, 2003

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. 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 7:00 p.m. Ms. Peggy Lubchenco, La Colina Junior High School teacher, led the Pledge of Allegiance.

Members Present: Nancy Harter, President  
Robert Noël, Vice President  
Ruth E. Green, Member  
Fred Rifkin, Member  
Lynn Rodriguez, 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*
- Collective Bargaining (Government Code 3549.1 and 54957.6) *Conference with Labor Negotiator, Superintendent: Negotiations with the California School Employees Association.*
- Conference with Legal Counsel - Existing Litigation (Government Code 54956.9[a]) *Sonya Mitchum, et al., v. Santa Barbara Elementary School District, et al, SCSB Case No. 01066421*
- Student Discipline (Education Code 48918) *Expulsion Cases: Numbers 02/03-54, 02/03-55, and 02/03-56 (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 a closed session was held by the Santa Barbara Elementary School District Board of Education on April 24, 2002, to discuss the dismissal of an employee and to act upon a recommendation of dismissal. By unanimous vote the board took action to dismiss an elementary school teacher, a regular certified employee of the district. The employee exercised the right to pursue available administrative remedies which resulted in the decision upholding the board's decision to dismiss. The dismissal was effective 30 days of the date of April 18, 2003.

## Approval of Minutes

■ Motion: To approve the Minutes of March 11, 2003.

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 Mr. & Mrs. Stephen Wang, Clare Beckstead, Marsha & Stephen Barr, Yardi Systems, Inc., Dale Bowers, Adam & Janet Mermel, Lindsay & Laura Parton, Ralph & Rebecca Riskin, Wells Fargo Bank, Ronald & Desiree Kaye, Suzanne Elledge, Santa Barbara County Bar Founda, Sidney 7 Madeline Smith, Kiwanis Club of Santa Barbara Suburban, Eloise C. Mathison, Dorothy Campos, Alexander Wang, Wels Fargo Educational matching Gift Program – Anonymous Donor, Josephe & Margaret Connell, Robert A. Potter, Hartley & Beverly King, Judi & Harry Weisbart, Barbara Turner Sachs, and Unisource Maintenance Supply.

Moved: Ruth Green    Seconded: Lynn Rodriguez    Vote: Passed Unanimously

## Superintendent's Report

Dr. Flores introduced and recognized the following:

2003 Venoco, Inc., Crystal Apple Educator Awards:

South county elementary teacher – Laurie Yarnell, Washington Elementary School teacher

South county classified employee – Norma Perry, La Colina Junior High School secretary

Santa Barbara County Teacher of the Year – Peggy Lubchenco, La Colina Junior High School 7th grade teacher.

Michael Couch introduced and recognized the following:

National Merit Finalists:

Dos Pueblos High School – Adda Birnir, Andrew Cox, Nora Desruisseaux, Erin Gaines, Alexander Georgakis, Salka Keller, Deborah Lowe, James Pinney.

Santa Barbara High School – Laura Beckerman.

San Marcos High School – Genevieve DuBois, Andy Johnson, Hugh Myers, Elisha Schaefer, Jeffrey Simon.

National Merit Semifinalist: Erin Finney, San Marcos High School.

## Student Board Member Report

Jennifer Cutsinger, San Marcos High School student, reported on current activities at the three high schools.

## Correspondence

Ruth Green reported receipt of a number of letters regarding teacher layoffs, and in support of one teacher in particular. She asked Dr. Flores to explain the layoff procedures. Dr. Flores indicated that it is a very prescriptive process governed by the California Education Code and the teacher's contract. By March 15, the district is required by law to give layoff notices, based on enrollment projections for the coming year.

## Public Comments

Randy Wright stated that at the March 25, 2003 board meeting, his company (Color Services) would donate for a period of time a percentage of profits of one of there services to the Santa Barbara School Districts. Following up with that offer, Mr. Wright presented the district with a check for \$2,260.

Dr. Flores recommended, and the board concurred, that items D.4 (Agreement for Special Service, Filarsky & Watt, LLP) and D.18 (Approval of Santa Barbara County Special Education Local Plan Area (SELPA) Local Plan 2003-2004) be pulled from the agenda. Members of the public requested that these items be placed early on the next action agenda.

Joan Esposito addressed the Board regarding item D.4 and D.18. She reported that Ms. McClish's last position as SELPA director in Orange County resulted in several hundred parents signing a petition to investigate the way she did business as the SELPA director. She also stated that Sharon Watt postpones and delays hearings and really does not work for the parents. Ms. Esposito asked the board to conduct an investigation of Ms. McClish.

Sarah Griffin stated that page 114 still showed Lori Parrish on the fiscal committee and asked if a replacement been appointed for her. Regarding page 14-4, legal attorney services, Ms. Griffin also stated that at least one board member and members of the public have expressed concern in the past regarding the flexibility of utilizing alternative attorneys. She asked if the board could live with this long term of being limited to who the District could use and who could represent the District.

#### B.1 High School District 2003-2004 Budget – Reduction of the Amount Cut

Dr. Noël stated that after the Board took action on proposed budget cuts at April 8, 2003, staff presented several scenarios on budget projections. He stated Scenario 2A of the presentation suggested that the district could cut less from the High School District budget and still maintain a reserve. It appeared that \$400,000 could be restored in the High School District budget and still have approximately \$2.39 million above the three percent reserve. At the April 8 board meeting, several motions were made, but failed, in attempting to restore \$200,000 to \$400,000 in the High School District.

Dr. Flores reviewed the impact of the multi-year projections. She recommended that the Board not take any action on reducing the amount cut until after the May Revise, when more information would be available. She expressed concern about the long-term future of the High School District budget and stated that a healthy reserve was needed now to prepare for the decline expected in future years.

She indicated that she asked the business office staff to prepare scenarios with the assumption of restoring the 7th period day and show what this would do to the multi-year projections. She pointed out that if there was any increase in health insurance, the structural deficit would return to the high school district within two years. She urged the board to avoid this.

Board discussion followed. Action on this item was delayed until after the May Revise.

Sarah Griffin stated that it would be prudent for the board to refrain from making changes to the cuts until the state budget was settled.

#### B.2 Adoption of Resolution 02/03-47 and 02/03-48 Decision Regarding Layoffs

Dr. Flores stated that a hearing was conducted in front of an administrative judge on April 29 in the matter of teacher layoffs. Due to attrition and retirements the district was able to dismiss accusations at the hearing for the following: 8 elementary teachers, 2 elementary music teachers, and 14 secondary teachers. A list of employees that need to receive non-reemployment letters by May 15 was an attachment to the agenda. Dr. Flores reported that the three librarians had been taken off the list (Shannon Curtis, Kathleen MacIntosh, and Nancy Tobin). She reported that these positions had been funded for one year by an anonymous donor.

Bill Gorley, Santa Barbara High School industrial technology teacher, addressed the board and made the following statements. He stated that the end of this school year would mark the end of his third year with the district. Prior to coming to the district he taught in Ventura County for 12 years. RIF notices have been given to teachers based on seniority, ability, and certification to teach in certified subject areas. In the industrial arts department his seniority is quite low, however, he also has a social science credential, which he taught in a previous school district along with ESL. However, he stated that other faculty members with less seniority than he have not received RIF notices. These resolutions identify teaching experience within the related subject matter within the last 10 years. The resolution does not specifically specify teaching experience only within the Santa Barbara School District. In fact, a majority of the teachers receiving notices have only been employed by the district within the last three years. Therefore all teaching experience either within or outside the district is relevant regarding the teachers competency to teach a required course. Mr. Gorley stated his believe that he should be retained because of his qualifications to serve the district's teaching needs.

Dr. Flores recommended that the Board adjourn to closed session to discuss Mr. Gorley's situation, as it is a personnel matter.

Upon reconvening in public session, the following motion was announced:

■ Motion: That the Board of Education adopt Resolution 02/03-47 and 02/03-48, as per the decision of Administrative Law Judge Richard J. Lopez in the matter of teacher layoffs and approve sending the required letter to the identified certificated employees on or before May 15, 2003.

Moved: Fred Rifkin Seconded: Ruth Green Vote: Passed Unanimously

B.3 Adoption of Resolution 02/03-42 – Intention to Layoff Due to Lack of Funds in the Santa Barbara Elementary School District

B.4 Adoption of Resolution 02/03-43 – Intention to Layoff Due to Lack of Funds in the Santa Barbara High School District

Dr. Flores stated that items B.3 and B.4 dealt with lay offs for classified positions resulting from actions taken on budget cuts.

■ Motion: That the Board of Education adopt resolution 02/03-43 to layoff Elementary District classified employees in the clerical and custodian job classifications and resolution 02/03-43 to layoff High School District classified employees in the clerical, custodial, and maintenance and operations job classifications.

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

B.5 Public Hearing for Proposed Golden State Seal Merit Diploma Waiver

Dr. Sarvis reported that the Golden State Seal Merit Diploma is a diploma offered by the California Department of Education for students who have received honors or advanced honors in six of the Golden State Exams. Current seniors may not have an opportunity to take additional exams due to state budget cuts and reformatting of some of the tests. The state is encouraging districts to apply for a waiver for those current seniors who have received higher recognition in four of the areas but would then have two of the tests waived.

This item required a public hearing and there was no one from the public requesting to address the Board.

■ Motion: That the Board of Education approve the Golden State Seal Merit Diploma waiver.

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

B.6 Federal Grant Application – Align Curriculum with State Challenge Standards and Provide Technology and Equipment for Fitness Centers

Sandy Robertson reported this grant would fund a proposal to align the Santa Barbara Junior High School Physical Education Department curriculum with the California State Challenge Standards in Physical Education. The grant would also allow for the purchase of new fitness equipment and technology which is needed in order to deliver the standards-based curriculum.

■ Motion: That the Board of Education approve the grant application to align curriculum with the California State Challenge Standards in Physical Education.

Moved: Lynn Rodriguez Seconded: Ruth Green Vote: Passed Unanimously

B.7 Proposal for External Review of Special Education

Dr. Flores stated that the board and staff have been talking about an external review of the district's special education program for some time. Staff had been searching, on an informal basis, for a way to assess or review the possibility to provide services in a more efficient and cost-effective way. With the help of board member Ruth Green, staff had identified two national experts who have gone into districts around the nation and conducted a three-day feasibility study. The idea was to have two independent, third-party experts come into the district and review special education programs in both districts. Dr. Flores stated that due to the fact that the federal government had not fully funded special education mandates, the cost of the special education program had continued to encroach on the general fund. She reviewed special education costs for the past five years.

Ruth Green thanked Doug Carnine who made it possible to have a conference call with Mr. Tucker to explore the possibility of Mr. Tucker conducting this review. Ms. Green pointed out that this review dealt mainly with students with learning disabilities.

Board discussion followed.

■ Motion: That the Board of Education approve an external review of the special education program at a cost of \$9,500 with the costs to be shared by the two general funds -- \$3,325 Elementary District and \$6,175 High School District.

Moved: Fred Rifkin    Seconded: Ruth Green    Vote: Passed Unanimously

#### B.8 SBHS/Concert Tour of High Distinction, France and Great Britain and DPHS/2003 International Thespian Festival, Lincoln, Nebraska

■ Motion: That the Board of Education approve the Santa Barbara High School Madrigals trip to the Concert Tour of High Distinction in France and Great Britain and Dos Pueblos High School students and teachers participation in the 2003 International Thespian Festival in Lincoln, Nebraska.

Moved: Fred Rifkin    Seconded: Ruth Green    Vote: Passed Unanimously

#### B.9 Out-of-State Travel

■ Motion: That the Board of Education approve out-of-state travel for John Torkington, Dos Pueblos High School teacher.

Moved: Robert Noël    Seconded: Fred Rifkin    Vote: Passed Unanimously

#### B.10 Student Expulsions

■ Motion: Case Number 2002/03-54 (High School District) – That the Board uphold the findings and recommendations of the Administrative Hearing Panel 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 February 2004.

Moved: Robert Noël    Seconded: Fred Rifkin

Ayes: 4    Noes: 0    Abstain: Ruth Green    Absent: 0

■ Motion: Case Number 2002/03-55 (High School District) – That the Board uphold the Administrative Hearing Panel's recommendation to expel for the present semester, which ends June 2003, but enforcement of the expulsion be suspended, and uphold the recommended rehabilitation plan.

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

■ Case Number 2002/03-56 (High School District) – This case was withdrawn from the agenda.

#### C.1 Parcel Tax Poll

Dr. Sarvis reported that a parcel tax must pass by two-thirds of the votes cast, that it may be structured to exempt certain groups (i.e., senior citizens), and that the tax may be put in place for up to ten years. He reviewed steps involved in a parcel tax. He indicated that the district would not receive funds until December 2004, since tax rolls are issued in August. Therefore, it doesn't matter if the district chose a November or March election, as funds would not be received until December 2004.

Board discussion followed.

#### C.2 Budget Advisory Committee

Dr. Flores stated that during the budget deliberations a number of people advocated for the formation of a budget advisory committee. Individual board members had also expressed a need to establish a budget advisory committee. If the board wished to form such a committee, Dr. Flores strongly advised that the committee have a diverse membership and that it be advisory in nature, as it is the Board's responsibility to make decisions on what needs to be cut from the budget. She referred to a brochure developed by the California Association of School Business Officials entitled *Why Develop and Use Budget Advisory Committees*.

Board discussion centered on the difference between an advisory committee versus a budget review committee. Lynn Rodriguez expressed concern regarding the time commitment for staff members.

### C.3 Budget Advisory Committee Formation Requested

Melitta Haslund, Collaborative Coalition, stated that a group of community members came together in March to discuss the budget crisis and to see what could be done as parents and community members. From that, the Collaborative Coalition was formed. She indicated that the group had been working on a proposal to form a budget advisory committee. She stated that given the uncertainty of our contemporary world and especially our state budget crisis, collaborative efforts are essential.

Ms. Haslund introduced coalition members Ingrid Beocone, Grace Florez, Sarah Griffin, Jamie Josum, and Joan Stuster who reported on the activities of the coalition.

Board discussion followed. It was determined that this item would come back at a later date.

### C.4 Report on the Junior High Six Period Day

Michael Couch gave a brief presentation outlining major points of the 6th period day. He reported that he had met twice with junior high principals to discuss the implementation of the sixth period day. He reviewed a list of ten points that the principals had come to consensus on. The junior high principals were present to answer Board questions.

Board discussion followed.

### C.5 International Baccalaureate Report

David Cash, Dos Pueblos High School principal, gave a report on the progress of the IB program at Dos Pueblos High School. He stated that through a comprehensive and balanced curriculum coupled with a challenging assessment, the IB organization aims to assist schools in their endeavors to develop the individual talents of young people and teach them to relate the experience of the classroom with the realities of the world outside.

### C.6 Local Education Action Plan for No Child Left Behind

Michael Couch stated that the Local Education Action Plan is part of the No Child Left Behind. He stated that staff had two weeks to put this document together. He thanked John Boettner for his work on the plans. Mr. Couch stated that the plan had five parts, as follows: (1) by the year 2013-2014, 100% district students would be at the proficient or above proficient level in language arts and in mathematics; (2) English language learners would reach the proficient level by 2013 or 2014; (3) the district would have totally qualified staff by the years 2005-2006; (4) the district would have safe schools that are drug free, alcohol free, and tobacco free; and (5) 100% of students would graduate from high school.

Board discussion followed. Mr. Couch asked that board members submit to him any additions, corrections, deletion. This item will be on the next agenda for action.

## D. Approval of Consent Agenda

With regard to item D.1, Dr. Noël voiced his frustration that the board was again being asked to approve items when they are already history. He asked if these items are routine, why can't they be submitted to the board for approval in advance. Dr. Flores stated that almost all these items are from the individual sites and from their funds and often the sites submit them after the fact.

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

- D.1 Personnel Action Items
- D.2 Purchase Orders
- D.3 Warrants
- D.4 Agreement for Special Service, Filarsky & Watt, LLP
- D.5 Denial of Liability Claim filed against Santa Barbara High School District and Goleta Valley Junior High School (claim #02/03-03)
- D.6 Resolution 02/03-49, Application for a Certificate of Consent to Self Insure Workers' Compensation Liabilities
- D.7 Local Agency Investment Fund Closing Account

■ Motion: That the Board of Education approve consent items D.1 through D.7  
Moved: Lynn Rodriguez    Seconded: Ruth Green    Vote: Passed Unanimously

**D.8 Award of Bid, Science and Library Additions Peabody Charter School**

Nancy Harter asked if the Peabody had reached their fundraising target. Dr. Flores stated that the school had reached their target but that project costs are more than anticipated. Dr. Flores stated that the Peabody community is committed to raising the additional funds.

- D.8 Award of Bid, Science and Library Additions Peabody Charter School
- D.9 Field Maintenance Agreement with the City of Santa Barbara for La Cumbre Middle School and Franklin Elementary School
- D.10 Washington Elementary School Asphalt Repairs Change Order No. 1
- D.11 Santa Barbara Junior High School Security Lighting Change Order No. 4
- D.12 Acceptance of Completed Contracts
- D.13 Proposal for Inspection Services, Goleta Valley Junior High School Modernization
- D.14 Proposal for Inspection Services, La Colina Junior High School Modernization
- D.15 Approval of Resolution #02/03-44, Authorization to Mitigate Mold at Santa Barbara High School
- D.16 Approval of Applications to Participate in the Community-Based English Tutoring (CBET) 2003-2004 Program
- D.17 Letter of Commitment and Agreement – Azusa Pacific University Intern Program
- D.18 Approval of Santa Barbara County Special Education Local Plan Area (SELPA) Local Plan 2003-2004
- D.19 Renewal of Transition Partnership Program Contract for Fiscal Year 2003-2004
- D.20 Additional Fundraising Plans for the 2002-2003 School Year

■ Motion: That the Board of Education approve consent items D.8 through D.14, D.16, D.17, D.18, and D.20.  
Moved: Ruth Green    Seconded: Lynn Rodriguez    Vote: Passed Unanimously

D.15 Approval of Resolution #02/03-44, Authorization to Mitigate Mold at Santa Barbara High School

Sarah Griffin asked why there is not a listing for equipment and materials from the Channel Coast Corp., as they were submitted by the other companies. David Hetyonk stated that the companies were only asked to furnish labor rates.

■ Motion: That the Board of Education approve Resolution 02/03-44 and approve hiring of Channel Coast Corporation to mitigate the mold in science labs 10, 11, 12, and their adjoining storage room at Santa Barbara High School. Funding for this project will come from secondary deferred maintenance.

Moved: Robert Noël    Seconded: Ruth Green    Vote: Passed  
Ayes: 4    Noes: 0    Abstain: 0    Absent: Fred Rifkin

D.19 Renewal of Transition Partnership Program Contract for Fiscal Year 2003-2004

Sarah Griffin asked where the funds for this program come from. Diana Rigby stated that the district receives a grant to fund this program.

■ Motion: That the Board of Education approve the renewal of the 2003-2004 contract for the Transition Partnership Program.

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

E. Coming Events

None

F. Board Comments

None

G. Future Agenda Items  
None

Adjournment

There being no further business, the Meeting was adjourned at 12:07 a.m. The next Regular Meeting of the Board will be Tuesday, May 27, 2003, at 7:00 p.m.

ATTEST:

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Nancy Harter, President, Board of Education

Adopted by Board of Education on September 23, 2003