

**SANTA BARBARA ELEMENTARY/HIGH SCHOOL DISTRICTS
BOARD OF EDUCATION**

**Minutes of Regular Meeting
April 27, 2004**

A.1 Call to Order

The Santa Barbara Elementary and High School Districts' Board of Education regular meeting were held in the Administration Center Board Room, 720 Santa Barbara Street, Santa Barbara, California, and called to order by Board President, Nancy Harter.

Members Present: Nancy Harter, President
Robert Noël, Vice President
Annette Cordero, Member
Lynn Rodriguez, Member
Fred Rifkin, Member

Staff Present: Deborah A. Flores, Ph.D., Superintendent
Michael Couch, Assistant Superintendent of Secondary Education
David Hetyonk, Director of Facilities and Operations
Brian Sarvis, Ed.D., Assistant Superintendent of Elementary/Research and Technology
Mary Stark, Assistant Superintendent of Business Services

Craig Price, Legal Counsel

A.2 Public Comments (relating to closed session items only) – 5:45 p.m.

None.

A.3 Closed Session – 5:50 P.M.

The board discussed the following matters in closed session:

- Conference with Real Property Negotiator (Government Code 54956.8):
Property: 602 E. Montecito Street, Santa Barbara, California.
Agency Negotiator: Craig Price, attorney with Griffith & Thornburgh, LLP.
Negotiating Parties: Santa Barbara School Districts and property owner The J. Anthony Wilson Trust by Steve Brown of Radius Group.
Under Negotiation: Price and terms of payment for possible lease or lease with option to purchase office building to relocate the districts' administration offices.
- Conference with Legal Counsel – Existing Litigation
(Government Code 54956.9(a)):
Case Name Unspecified: Student confidentiality protected under Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232(g); 34 CFR Part 99; and disclosure would jeopardize existing settlement negotiations.
- Student Discipline (Education Code 48918) Expulsion Case: Numbers 03/04-40, 03/04-44 and 03/04-46 (Santa Barbara High School District).

Return to Regular Session – 7:16 P.M.

A.4 Pledge of Allegiance

The Pledge of Allegiance was lead by Annette Cordero.

A.5 Announcement of Closed Session Action

It was reported that no reportable action was taken as a result of closed session items.

A.6 Approval of Minutes – April 13, 2004

Motion: That the Board of Education approve the minutes of the April 13, 2004 regular meeting.

Motion by Fred Rifkin

Second by Lynn Rodriguez

Vote: 5 -0

A.7 Receipt of Gifts

Motion: That the Board of Education accept with appreciation donations to the schools and/or districts as listed in the agenda.

Motion by Lynn Rodriguez

Second by Fred Rifkin

Vote: 5-0

A.8 Superintendent's Report

Dr. Flores stated that due to the length of recent board meetings during which candidates for the board were interviewed, the Superintendent's Report had been kept to a minimum. She indicated that beginning with this meeting, the Superintendent's report would recognize staff and students for their achievements. Michael Couch, assistant superintendent for Secondary Education, introduced Regional Occupational Program (ROP) instructor Lee Ann Venkenny, John Ingram, ROP director and students from the ROP Income Tax Assistance Program who assist the Volunteers for Income Tax Assistance (VITA) program. This is the only high school class in America with the Internal Revenue Service authorized ability to electronically file (e-file) tax returns directly to Ogden, Utah. Each member of the class was recognized with a plaque and Board President Harter congratulated them with fellow Board members noting the service to the community through VITA in addition to their own studies.

Assistant Superintendent Couch also introduced the Santa Barbara County Teacher of the Year, Eric Burrows, of San Marcos High School, and read a list of Mr. Burrows educational and civic accomplishments. Mr. Burrows further introduced members of the state champion winning mock trial team that he and several other area attorneys have coached and mentored, and who are headed to the national championship in Orlando, Florida. He went on to thank his fellow teachers at San Marcos High School and Principal Craig Morgan and stated that they are instrumental to the success that he may have achieved.

Board members acknowledged Eric's accomplishments and wished him well in the competition for State Teacher of the Year. His remarks praising his fellow teachers were acknowledged as highly laudable and a testament to his success.

A.9 Student Board Member Report

None

A.10 Correspondence

None

A.11 Superintendent's Bulletin

On the second and fourth Friday of each month, the superintendent provides the board with a report called the Superintendent's Bulletin. This is an informational report about school district matters. A copy of the report is available for the public to read in the reception area of the district office. Anyone who would like a copy of the report should contact the superintendent's office.

A.12 Board Focus Goals - attached to agenda.

A.13 Public Comments

Ken Locke
Ernesto Hernandez

B. Action Agenda – 7:48 P.M.

B.1 Appointment of Assistant Superintendent of Secondary Education

Dr. Flores announced there had been an excellent applicant pool for the position vacated with the impending retirement of Mr. Michael Couch. The pool was interviewed and narrowed to three final candidates. Dr. Flores recommended the appointment of Mr. Jan Zettel, currently employed with the Shasta County Office of Education, with placement at step 8, the top step, on the position salary range.

Motion: That the Board of Education approve the appointment of Mr. Jan Zettel to the position of Assistant Superintendent of Secondary Education.

Motion by Fred Rifkin
Second by Lynn Rodriguez
Vote: 5-0

B.2 Board Approval of Agreement Between the Districts and the Santa Barbara Teachers Association

Dr. Flores introduced the item noting that the AB 1200 disclosure had been brought to the Board disclosing costs at the April 20, 2004 Special Board meeting. She further noted that the Santa Barbara Teachers Association was in the process of ratifying the agreement. She again acknowledged the SBTA for the excellent process of negotiations and all staff for their hard work and dedication particularly in light of the lack of a salary increase for two years.

Motion: That the Board of Education approve the agreement between the Santa Barbara School Districts and Santa Barbara Teachers Association for the period of July 1, 2003 through June 30, 2004.

Motion by Lynn Rodriguez

Second by Fred Rifkin
Vote: 5-0

B.3 Public Hearing on Districts' Initial Collective Bargaining Proposal for the California School Employees Association

Dr. Flores noted that she was bringing back the district's initial proposal for the CSEA which was originally brought to the Board at the April 13, 2004 board meeting, The initial proposal was also on the April 20, 2004 Special Board meeting. She explained that the initial proposal on the April 13 agenda and this agenda are the correct versions. The April 20 version had several typographical errors in the document.

Motion: That the Board of Education receive public comments and adopt its initial proposal for school year 2004-2005 with the California School Employees Association.

Motion by Fred Rifkin
Second by Dr. Noel
Vote: 5-0

B.4 Reinstatement of Three Days Deducted from Superintendent's Salary for the 2003-2004 School Year

President Harter introduced the discussion noting that the same item had been introduced at the April 20, 2004 Special Board meeting. At that meeting, the board approved restoring 3 days salary to all management staff for the 2003-04 school year. At that time, Dr. Flores had requested that her position be removed from the list of administrative management positions to be reinstated.

Dr. Noel reminded the Board and informed the public that it was by Board member initiative that this item was now brought back for action at the board's request. He said returning the item for a vote was a matter of equity and was warranted. Dr. Flores thanked Dr. Noel for his remarks.

Motion: That the Board of Education approve reinstating three-days for the superintendent covering the 2003-2004 school year.

Motion by Dr. Noel
Second by Lynn Rodriguez
Vote: 5-0

B.5 SELPA Joint Powers Agency

Dr. Flores stated that this item was on the April 13, 2004 board meeting agenda for discussion and review. One year ago, lengthy discussion had taken place about the SELPA which resulted in a letter from the district to the SEPLA listing concerns. A response was received from the SELPA JPA board regarding these concerns. Dr. Wally Olsen shared a chart that listed the concerns from one year ago and actions that have been taken since. Information was provided by Craig Price, legal counsel, at the request of Board Member Noel.

Motion: That the Board of Education (1) approve the SELPA JPA Agreement with deletion of specific termination date, and (2) direct staff to schedule a Local Plan review at a date no more than two (2) years from now.

Motion by Lynn Rodriguez
Second by Annette Cordero

Dr. Noel moved to amend the motion in the second part to: ...(2) direct staff to schedule a Local Plan Review at a date no later than one (1) year from now.

Mr. Rifkin seconded the amendment. Dr. Noel noted that he had no comment on the first portion of the motion. Ms. Harter clarified that the amendment was for the entire recommendation.

Vote: 5 – 0 on the motion as amended.

B.6 Adoption of Resolution No. 03/04-31, Recognizing May 12, 2004 as Employee Appreciation Day

Dr. Flores introduced the item and noted that she used three separate resolutions to develop one resolution recognizing certificated, classified and administrative staff. She read into the record Resolution 03/04-31 which recognized all three employee groups on a single resolution. She noted that the phrase, "... and to the administrators..." should be added to the last line of the resolution.

She reminded the Board and members of the public of the upcoming Employee Appreciation Day celebration to honor all of the Districts' employees. The event will again be held at Borders Bookstore (downtown), 900 State Street, from 5:30 – 7:00 p.m. She stated this is truly an enjoyable event that has been well attended in past years. Invitations will be sent to all staff and their family members were invited to join in.

Motion: That the Board of Education adopt Resolution 03/04-31 recognizing teachers, classified employees, and school administrators on May 12, 2004.

Motion by Fred Rifkin
Second by Lynn Rodriguez
Vote: 5-0

B.7 Adoption of Resolution No. 03/04-35, Single School District Resolution Pursuant to Education Code section 35110

Dr. Flores introduced the item and noted that members of the public had requested additional time to study this item. Thus, she recommended that the Board not take action this evening. A lengthy discussion ensued on such issues as whether the resolution would be revocable at a future date, whether the wording of the staff recommendation would become part of the resolution and whether the resolution should include a statement of intent. Craig Price, legal counsel, responded to these questions and others posed by members of the Board. There was a discussion about case law relevant to single districts formed pursuant to EC 35110. Board members requested a report from Mr. Price regarding a synopsis of the issues contained in case law relevant to EC 35110 interpretation. He asked for direction from the Board as to the depth and length of research time his firm should expend in response to queries from the public on the proposed resolution. Mr. Price responded to questions regarding the Naylor Act, potential scenarios on the exemption of District owned properties, and the tenets of EC 35110 and 35111.

Mr. Rifkin stated that feeder board members and superintendents be included in this discussion. Board members supported this idea and asked Dr. Flores to schedule such a meeting.
Public Comment:

Sarah Griffin – extended time allowed for comments per advance request
Tony Fischer
Dr. Alan Ebenstein

Motion: None at this time.

B.8 Adoption of Resolution No. 03/04-32, Recognizing February 18, 2005 as Observance of Lincoln Day

Dr. Flores indicated that the item was self-explanatory.

Motion: That the Board of Education adopt Resolution 03/04-32 recognizing February 18, 2005 as the day the districts will observe Lincoln Day.

Motion by Fred Rifkin
Second by Dr. Noel
Vote: 5-0

B.9 Intent to Layoff Due to Lack of Funds in the Santa Barbara Elementary School District

This item was pulled from the agenda by Dr. Flores.

B.10 Reduction of Hours for Instructional Assistants

Dr. Flores introduced the item to the Board and noted that these positions were categorically funded. Mr. Rifkin noted that it was still a difficult decision to make.

Motion: That the board of education approve the reductions of two instructional assistants at Goleta Valley Junior High School for the 2004-2005 school year.

Motion by Fred Rifkin
Second by Lynn Rodriguez
Vote: 5-0

B.11 California School Boards Association Membership

President Harter presented a list of the districts not currently members of CSBA and noted that the Santa Barbara Districts were the only two of their size in the state of California that were not current year members. The others were small districts in average daily attendance. She noted that there was governance training, legislative update and conference opportunities afforded to Board members as well as a highly regarded policy review and update annual service. Ms. Stark noted that she had recently been informed that a Common Remitter Service for monthly 403(B) voluntary deductions for over 500 employees in the Districts would also be available free of charge to CSBA member districts. Dr. Flores encouraged the board to at least consider paying for the policy maintenance manual updates as they are very informative.

Motion: Action was held until the May 11 discussion on the budget and the cost of the membership was asked to be added to the High School District budget discussions.

B.12 Potential Refunding of 1995 General Obligation Bonds

Ms. Stark introduced the item as returning to the Board for action from the conference presentation made to the Board at their April 20, 2004 Special Board meeting. She noted that the Board at that time requested a breakdown of costs associated with the refunding (refinancing) and that a recap was available in their Board packets, copies were in the rear of the Board room and Mr. Joe Zeronian of Prager, Sealy, LLC was available to answer questions.

President Harter noted that she had queried legal counsel to determine why the fees listed would be as high as \$39,000 on a refinanced \$6,000,000 bond issue. She shared the tasks involved and Mr. Zeronian agreed that the official statement, legal opinion, mailings to all current bond holders, reissuance of certificates, etc. were among those tasks.

Motion: That the Board of Education approve the process for the refunding (refinancing) of the 1995 general obligation bond series as presented and to apply the net proceeds after costs toward Roosevelt Elementary School projects, in keeping with the original voter authorization. Resolution # 03-04/34 was approved for signature.

Motion by Dr. Noel
Second by Fred Rifkin

Mr. Rifkin stated that he felt that the proceeds should be returned to the relatively small number of taxpayers who voted on the original bond in 1995 to benefit the Roosevelt school. Staff informed him that the entire elementary district electorate voted on the bond measure and that the County Treasurer-Tax Collector had previously informed district staff of the onerous, cost-prohibitive task of calculating and returning taxes saved over the amortization period remaining.

Public Comment: Greg Chittick

President Harter noted that a needs assessment process was planned to include Roosevelt parents in the use of the refunding proceeds and that a shade structure for students had been discussed by staff as one option. Dr. Flores confirmed President Harter's remarks.

Moved again: Dr. Noel
Second by: Lynn Rodriguez
Vote: 4-1 Yes (Harter, Cordero, Rodriguez and Dr. Noel); No (Rifkin)

B.13 Reconsideration of a Board Member Appointment to the District English Learner Advisory Committee (DELAC)

Mr. Michael Gonzalez introduced the item. He recommended that the Board's earlier appointment of Ms. Rodriguez to the Committee be reconsidered and that newly appointed Board member, Annette Cordero, become the Board representative to the Committee. He noted that the next meeting was scheduled for Thursday, April 29, at 6:00 p.m.

Motion: That the Board of Education reconsider the appointment of board member Lynn Rodriguez to the District English Learner Advisory Committee.

Motion by Fred Rifkin
Second by Dr. Noel
Vote: 5-0

Motion: That the Board of Education appoint board member Annette Cordero to the District English Learner Advisory Committee.

Motion by Dr. Noel
Second by Lynn Rodriguez
Vote: 5-0

B.14 Staff Travel: Out-of-State Travel and Expenses in Excess of \$500

Motion: That the Board of Education approve the above listed out-of-state travel and/or expenses in excess of \$500.

Motion by Fred Rifkin
Second by Lynn Rodriguez
Vote: 5-0

B.15 Student Expulsions (Case number 03/04-40, 03/04-44, and 03/04-46: Santa Barbara High School District)

Case number 03/04-40: postponed

Case number 03/04-44: Lynn Rodriguez moved to concur with the recommendations and findings of the administrative hearing panel with the exception that the student was to remain in the Home/Hospital program for the remainder of the year and attend either San Marcos or Santa Barbara High School in the following year.

Second by Fred Rifkin
Vote: 5-0

Case number 03/04-46: Fred Rifkin moved to concur with the recommendations and findings of the administrative hearing panel with the following exception that the student was to remain with the Home/Hospital program until the end of the school year and then attend their school of choice.

Second by Lynn Rodriguez
Vote: 5-0

C. Conference Agenda – 10:13 P.M.

C.1 API Reporting Cycles and the Achievement Gap

Dr. Sarvis presented a detailed description of the testing formula used to determine growth API base and growth since the 1998 testing year. In 1998, the Stanford 9 test was used which is in contrast to the past testing period when the CAT6 and CAT were used. Dr. Sarvis provided a list of variables used by the State Department of Education to score recent tests that took some research and tenacity to determine. He looked at the 2003 Growth API using four different variables in the tested populations in the three comprehensive high schools. He asserted that

the fluency of the English Learner was a key gap area in scoring between fully fluent to new learners. He stated that this was the variable most within the control of the District instructional staff and administration for improving future test scores.

A lengthy discussion ensued between Dr. Sarvis and Board members regarding the variables charted, educating the media and the public in a timely manner soon after scores are released and the idea that a workshop open to the public could be held this summer on testing variables.

C.2 Discussion about the Expulsion Process

Board Member Rodriguez requested that this item be brought back to a later meeting date to allow for Special Education representation. Board members also requested that the principals of the secondary schools be asked to attend a future board meeting when this item is discussed.

Mr. Rifkin voiced a concern that the emotional state on the part of many parents demonstrated there was a lack of understanding as to the nature of the proceedings. He also raised a concern about the ethnic breakdown of the students recommended for expulsion

A short discussion was held to review lists of statistics provided by Mr. Couch, Assistant Superintendent for Secondary Education, listing recent expulsions in totals by gender, ethnicity, site location, etc. This will be an item at a future board meeting.

C.3 Use of School Facilities, Proposal to Increase Civic Center Fees, Administrative Regulation 1330

This item was pulled from the agenda by Dr. Flores due to the time and length of the meeting.

D. Consent Calendar – 11:28 P.M.

Motion: That the Board of Education approve the following items as presented:

Motion by Dr. Noel

Second by Fred Rifkin

Vote: 5-0

D.1 Personnel Action Items

Motion: That the Board of Education approve the recommended personnel action items as listed in the agenda.

D.2 Purchase Orders

Motion: That the Board of Education approve the Purchase Order Report for the period April 7, 2004 through April 20, 2004.

D.3 Warrants

Motion: That the Board of Education approve warrant listings dated March 30, 2004 through April 23, 2004.

D.4 Franklin Elementary School Playground Change Order No. 1

Motion: That the Board of Education approve Change Order No. 1 in the amount of \$4,245 for Franklin Elementary School playground. This change order will be funded from Measure I-98 playground funds.

D.5 Adoption of Intent to Convey Easement and Right of Way, Dos Pueblos High School

Motion: That the Board of Education approve declaring its intent to convey an easement for a sanitary sewer line at Dos Pueblos High School to the Goleta West Sanitary District (Resolution No. 03/04-30).

Public Comment: Sarah Griffin

D.6 Goleta Valley Junior High School Modernization Change Order No. 3

Motion: That the Board of Education approve Change Order No. 3 in the amount of \$165,677.66 for Goleta Valley Junior High School modernization. This change order will be funded from Goleta Valley Junior High School Measure V bond funds.

D.7 California Educational Computer Consortium Annual Service Agreement for FY 2003-2004

Motion: That the Board of Education approve the annual service agreement between the California Educational Computer Consortium and Santa Barbara School Districts for FY 2003-2004. The agreement amount is \$64,233.34 plus new development projects of \$34,345.25, for a total of \$98,578.59.

D.8 Adoption of Resolution No. 03/04-33, Approval of Contract with the State to Fund School-Age Child Care Resource Program Needs

Motion: That the Board of Education adopt Resolution No. 03/04-33, approving a \$4,676 state contract to benefit the School-Age Child Care Resource Program.

E. Coming Events – 11:31 P.M.

President Harter noted the upcoming Public Education Foundation “Hope Awards” ceremony and ticket price.

F. Board Comments – 11:32 P.M.

Mr. Rifkin shared that he had accompanied Mr. Reardon, secretary of education; Ruth Green, State Board of Education member; and Principal JoAnn Caines on a recent tour of Adams School.

G. Future Agenda Items – 11:33 P.M.

Board Member Rodriguez requested that Marsha McClish, SELPA director, be requested to make a presentation to the Board at a later date. She also asked that budget workshop dates be set to cover the specifics of the upcoming 2004-05 budgets.

Nancy Harter requested that the “role of the student board of education representative” be discussed.

H. Adjournment

There being no further business, the meeting was adjourned at 11:35 p.m.

Attest:

Nancy Harter, President
Board of Education

Adopted by Board of Education
on May 11, 2004