

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

Minutes of Special Board Meeting  
Wednesday, June 1, 2005

**Call to Order**

The Santa Barbara Elementary and High School Districts' Board of Education special meeting was held in the Administration Center Board Room, 720 Santa Barbara Street, Santa Barbara, California, and called to order by Board President Lynn Rodriguez.

**Members Present:**

Lynn Rodriguez, President  
Nancy Harter, Member  
Laura Malakoff, Member  
Robert Noël, Member

**Members Absent:**

Annette Cordero, Vice President

**Staff Present:**

Brian Sarvis, Ed.D., Superintendent  
Jan Zettel, Assistant Superintendent, Secondary Education

Craig Price, Legal Counsel

**A.2 Public Comments (relating to closed session items only)**

None

**A.3 Closed Session/Adjourn to Closed Session**

The board discussed the following matters in closed session:

- **Public Employee Appointment** (Government Code section 54957)  
Title: Personnel Director
- **Student Discipline** (Education Code section 48918) Expulsion Cases: Numbers 04/05-59, 04/05-60, 04/05-63, 04/05-64, and 04/05-68 (Santa Barbara High School District).

**Return to Regular Session**

**A.4 Pledge of Allegiance**

The Pledge of Allegiance was led by Jan Zettel.

**A.5 Announcement of Closed Session Action**

None.

**A.6 Public Comments**

- Kate Smith – Ms. Smith commented on the school district reorganization and explained that her house being on the side of the valley was a mistake.

**Action Agenda**

**B.1 Appointment of Personnel Director**

Dr. Sarvis presented the item. He recommended that the board appoint Dr. Kristine Robertson as Director of Personnel. Dr. Sarvis stated that Dr. Robertson will bring strength to the position and that she has experience in conducting evaluations.

Motion by Dr. Noël  
Seconded by Nancy Harter  
Vote: 4-0

**B.2 Board Action on Student Expulsion Case Numbers 04/05-59, 04/05-60, 04/05-63, 04/05-64, and 04/05-68**

Motion was made, in the case of 04/05-68, to approve the findings and recommendations of the hearing panel with the exception that the student attend Community Day School and upon returning to the Santa Barbara School Districts, attend another junior high school other than the current home school.

Motion by Nancy Harter  
Seconded by Dr. Noël  
Vote: 4-0

In the case of 04/05-68, it was reconsidered the expulsion be suspended and attend Community Day School. When re-entering, the student return to a regular junior high school other than the current home school.

Motion by Nancy Harter  
Seconded by Dr. Noël  
Vote: 4-0

Motion was made, in the case of 04/05-59, to approve the findings and recommendations of the hearing panel.

Motion by Dr. Noël  
Seconded by Nancy Harter  
Vote: 4-0

Motion was made, in the case of 04/05-64, to approve the findings and recommendations of the hearing panel.

Motion by Nancy Harter  
Seconded by Laura Malakoff  
Vote: 4-0

Motion was made, in the case of 04/05-60, to approve the findings and recommendations of the hearing panel.

Motion by Nancy Harter  
Seconded by Laura Malakoff  
Vote: 4-0

Motion was made, in the case of 04/05-63, to approve the findings and recommendations of the hearing panel.

Motion by Dr. Noël  
Seconded by Nancy Harter  
Vote: 4-0

**Public Comments**

- Kate Smith – Ms. Smith commented on the suspensions and expulsions and the lack of support and ethics for the students and their families.

Dr. Sarvis spoke about the slight increase of expulsions from last year. Dr. Sarvis said he is pleased with the board offering more flexibility than has been in the past.

**Conference Agenda**

**C.1 Discussion of Scheduling for Closed Session Expulsion Hearings**

Michael Gonzalez presented the item. Mr. Gonzalez read California Education Code 4890, 18-D, to the board. Mr. Gonzalez presented four options for a hearing panel: The first being three or more certificated persons, none of which are on the board, or an employee on the staff of the school in which the pupil is enrolled; the second option is to contract with the County Hearing Office who conducts the entire hearing; the third option would be to contract with the Office of Administrative Hearings with the State of California, who would conduct the hearing; and, the fourth option would be for the board to conduct a hearing. The parents have a right in all four cases to appear before

the board. In a survey of other similar school districts, other districts indicated that it was unusual to spend the kind of time our district is spending in closed session with parents.

Ms. Rodriguez asked Craig Price about the timing as compared to other school districts and if the board were to move to the process that is typical in other districts, would the board still take action on the expulsion recommendations in public session without the closed session discussion (it would go straight from the hearing panel to the board in open session). Ms. Rodriguez asked if that is correct, or would the board still have to act?

Mr. Price stated that board is required to act in all open sessions, under all circumstances. However, the board is permitted to deliberate the panel's findings and recommendations in closed session, and take action in open session. One option is to have closed session discussions regarding the expulsion cases, without having the families present. The second step is to permit only written submittals according to a certain time schedule before the board deliberates on the expulsion cases.

Ms. Harter requested continuance on this item to complete discussion and include the administrators on the hearing panel. All board members agreed to further discuss this matter. Mr. Price inquired if the board would like more information on how other districts work and the board agreed that additional information as well as the different options should be gather for this item may be discussed in further detail. The information should also include any expenses, if using an outside contractor. This will be covered in the next hearing, and a special workshop or hearing with principals from secondary and elementary schools and an El Puente representative should be present. This item will be brought back to the board in July.

#### **Public Comments**

- Kate Smith – Ms. Smith commented on item C.1 Discussion of Scheduling for Closed Session Expulsion Hearings. She said she did not hear a discussion of scheduling, she hears only a discussion of the hearing process. Ms. Smith commented that the board has been known to misunderstand the process of expulsions.

#### **Adjournment**

There being no further business, the meeting was adjourned at 10:10 p.m.

Attest:

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Lynn Rodriguez, President  
Board of Education

Adopted by Board of Education  
on June 14, 2005