

# Santa Barbara School Districts

## Board of Education Meeting Minutes

Regular Meeting – Tuesday, May 8, 2007

720 Santa Barbara Street Santa Barbara, CA 93101 (805) 963-4338 www.sbsdk12.org

### Board Members In Attendance

Nancy Harter, Board President  
Laura Malakoff, Vice President

Annette Cordero, Member  
Kate Parker, Member

### Board Members Absent

Robert Noël, Member

## REGULAR SESSION

### A.1 Call to Order

Board president Nancy Harter called the meeting to order at 5:30 p.m.

### A.2 Appointment of Labor Negotiator (Government Code § 54957.6)

The board appointed Brian Sarvis as designated representative to meet and confer with unrepresented management and confidential employees regarding salaries and fringe benefits.

### A.3 Public Comment (Closed Session Items only)

None

## CLOSED SESSION

The board adjourned to closed session.

### B.1 Conference with Labor Negotiator (Government Code § 54957.6)

Agency designated representative: Brian Sarvis

Unrepresented employees: management and confidential employees.

### B.2 Liability Claim: (Government Code § 54956.95)

Claimant: Wendy Lynch

Agency Claimed Against: Santa Barbara School Districts

### B.3 Liability Claim: (Government Code § 54956.95)

Claimant: Wendy Grim

Agency claimed against: Santa Barbara School Districts

### B.4 CAHSEE Waiver for Graduation for Student with Disabilities - Consideration

(Education Code § 56101, 60851) The board of education reviewed and considered a list of students who qualify for the California High School Exit Exam Waiver. Pupil names were unspecified and are protected under Family Educational Rights and Privacy Acts (FERPA) (20 U.S.C. § 1232 (g)); 34 CFR Part 99, Education Code § 49073 et seq.

### B.5 Student Discipline (Education Code § 489718)

Expulsion cases: Numbers 06/07-57, 06/07-58, 06/07-59, 06/07-60, 06/07-61, and 06/07-62

## REGULAR SESSION

The board returned to regular session at 7:08 p.m.

### **C.1 Pledge of Allegiance**

Board president Harter led the pledge.

### **C.2 Spanish Translation**

Vivian Rodriguez was present to provide Spanish translation.

### **C.3 Headset for Hearing Impaired**

Board president Harter announced that headsets were available for the hearing impaired.

### **C.4 Announcement of Closed Session Action**

Motion made by board vice president Malakoff to reject the Wendy Lynch claim. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

Motion made by board vice president Malakoff to reject the Wendy Grim claim. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

Motion made by board vice president Malakoff to grant the CAHSEE waivers. Seconded by board member Cordero.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **C.5 Acceptance of Donations**

Motion made by board member Cordero to approve with gratitude the listed donations. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **C.6 Introduction, Proclamations, Presentations and Recognitions**

Superintendent Sarvis announced the winners of the 2007 California Science Fair.

### **C.7 Student Report**

Jacki Zupsic, Santa Barbara High School student, gave the student report.

### **C.8 Superintendent's Report**

- Reasons for Denial of the American Charter High School petition
- McKinley Elementary School receives \$193,793 in Quality Education Investment Act fund monies
- Star testing soon to be completed
- Goleta Valley Junior High School placed 11<sup>th</sup> in state Math Counts competitions
- Jose Marquez recognized as an exceptional teacher by the Santa Barbara Rotary
- Summer school dates and sites
- Registration for Child Development's free Universal Preschool are now open
- Richard Ramos anti-gang presentations
- Upcoming events

### **C.9 Public Comments:**

- Gabe Cano and Glen Hodges announced their fundraising efforts for the Santa Barbara School Districts.
- Laura Baker spoke in opposition to moving Santa Barbara Community Academy (SBCA) to La Cumbre Junior High School (LCuJrH).
- Michael Cheng thanked the board of education for offering Mandarin Chinese to students next school year.

## CONSENT AGENDA

Superintendent Sarvis pulled the February 13, 2007 board minutes due to a number of errors. Board vice president Malakoff pulled the February 20, 2007 board minutes.

Motion made by board member Cordero to approve the entire consent agenda, with the exception of D.1. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **D.1 Approval of Minutes – February 13, 2007 and February 20, 2007**

Item pulled.

### **D.2 Approval of Additional Fundraising for 2006-07 for Santa Barbara Junior High School, Dos Pueblos High School, San Marcos High School, and Santa Barbara High School**

### **D.3 Approval of Student Field Trip for Santa Barbara High School**

### **D.4 Approval of Staff Travel – Out-of-State Travel and/or Expenses in Excess of \$500 dated April 24, 2007**

### **D.5 Approval for the Child Development Program to Apply for the 2006-07 Application for Facilities Renovation and Repair Grant through the California Department of Education**

### **D.6. Approval of Contract between Los Padres Council, Learning for Life, and Santa Barbara Elementary School District for 2007-08 School Year**

### **D.7 Approval of Proposal for Just Communities Central Coast to Offer Diversity Training Services to La Cuesta High School**

### **D.8 Approval of La Cumbre Junior High School Discretionary Block Grant Plan**

### **D.9 Approval of Career Technical Education Equipment Grant, Grades 7-12**

### **D.10 Approval of Recommended Personnel Action Items Dated May 8, 2007**

### **D.11 Approval of California School Employees Association (CSEA) 2007-08 Initial Bargaining Proposal**

### **D.12 Approval of Commercial Warrant Register Sheets for the Period April 24, 2007 through May 4, 2007**

### **D.13 Approval of Purchase Order Report for the Period April 18, 2007 through May 1, 2007**

### **D.14 Approval of Contract Award to Coastal Construction for Sewer Lateral Replacement at La Cumbre Junior High School**

### **D.15 Approval of Change Order Number 5 – Santa Barbara High School, Campus Modernization Phase II, Bid Package A**

### **D.16 Denial of Bid Protest by Schock Contracting Corporation and Approval of Contract Award to Brannon Inc., DBA Smith Electric for Theater ADA Upgrades at Santa Barbara High School**

## ACTION AGENDA

### **E.1 Third Reading of Board Policy and Administrative Regulation 6142.7, “Physical Education”**

Jan Zettel, assistant superintendent of secondary education, indicated it was his recommendation that the board approve the adoption of Board Policy (BP) 6142.7 and Administrative Regulation (AR) 6142.7. He

explained that in approving the BP and AR the district would resolve the California Department of Education's (CDE) Categorical Program Monitoring findings. Mr. Zettel read the AR's recommended wording to the board members. Board member Cordero suggested changing the word "expected" to "required" so that the sentence reads "alternate credit physical education (PE) course instructors are required to collaborate...."

**Public Comments:**

- David Holmes spoke in opposition to the wellness policy as presented.
- Monika Peterson spoke in favor of granting PE credit for the performing arts.

Board vice president Malakoff asked about the PE program at San Marcos High School (SMHS). Mr. Zettel explained that SMHS was currently out of compliance with CDE but were working on correcting the problem and should be filing a waiver with the state.

Motion made by board member Parker to approve BP 6142.7 and AR 6142.7, minus item three on the second page of the BP, and making the change in the AR of switching the word "expected" to "required." Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

**E.2 Public Hearing and Adoption of Resolution 06/07-32, "Authorization to Convey Easement," Goleta Water District at Dos Pueblos High School**

David Hetynok, director of facilities and operations, indicated the public hearing to discuss the conveyance was set for 8:00 p.m. May 8, 2007. Notice of the hearing was published in the local newspaper and posted in three public places, as required by Education Code.

Board president Harter officially opened the hearing and stated there were no public comments and no correspondence indicating any kind of objection. Board president Harter closed the hearing.

Motion made by board member Parker to adopt resolution 06/07-32, Authorization to Convey Easement. Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

**E.3 Adoption of the Second Interim Budget Report for 2006-07**

Robert Wolfe, director of fiscal services, presented the second interim budget report. Board president Harter requested an attendance report. She indicated she would like to see a decrease in the utilities costs and asked that staff seek proposals to decrease utilities and include these proposals in future *Board Briefs*. Ed Diaz, assistant superintendent of business services, will follow up on board president Harter's directive.

Motion made by board president Harter to adopt the second interim budget report for 2006-07. Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

**E.4 Approval or Denial of Administrative Law Judge's Decision from Certificated Staff Reduction in Force Hearing Held April 30, 2007**

Dr. Kris Robertson, director of personnel, indicated the judge's ruling arrived May 7, 2007, and copies were available in the back of the board room. Dr. Robertson explained teachers had been notified after confirming appropriate process with the judge and legal counsel. She indicated it was now necessary for the board to either adopt or deny the administrative judge's decision.

**Public Comments:**

- Nicole McKee spoke in opposition to teacher layoffs and expressed concern about her change in lottery number.

Board president Harter requested assurance from Dr. Robertson that she and her staff had followed the appropriate guideline. Dr. Robertson stated they followed the letter of the law.

Motion made by board president Harter to approve the administrative law judge's decision from certificated staff reduction-in-force hearing held on April 30, 2007. Seconded by board vice president Malakoff.

Board president requested permission to rephrase her motion. Secunder accepted.

Motion made by board president Harter to adopt the decision of the administrative law judge and termination of certificated employee's resolution number 06/07-33. Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **E.5 Approval to Establish a Joint City and School District Property Task Group Committee to Consider the Options for School District Properties**

Superintendent Sarvis indicated the district worked with the city of Santa Barbara, as directed by the board of education at the January 19, 2007 joint meeting with the Santa Barbara City Council, and together reached an agreement on the organizational format of the School District Property Task Group. He reviewed the task group's structure and objectives. Board member Cordero shared her concern regarding the lack of "outside representation" on the task group. Superintendent Sarvis indicated the task group's recommendations would be taken to the board of education and at that time would have a more inclusive discussion with the public.

Motion made by board member Parker to approve a joint city and school district property task group committee to consider the options for school district properties within the city limits. Seconded by board vice president Malakoff.

Motion passed. Vote: 3-0-1-1 / Ayes: 3 (Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël) / Abstention: 1 (Cordero)

Board member Cordero requested staff check with legal counsel on the legality of having an alternate board member on the task group committee.

Motion made by board member Cordero to appoint board vice president Malakoff and board member Parker to the joint task group. Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **Public comments:**

- Gary Earle questioned why Supervisor Wolfe was not part of the task group if the Tatum property was within the county of Santa Barbara.

Board president Harter explained that the motion was changed so that the task group would only discuss properties within the city limits.

### **E.6 Approval of Resolution Urging Denial of Petition of Proposed Transfer of Territory to Cold Spring School District**

Superintendent Sarvis indicated the property in question borders the Cold Spring School District and urged the board to approve the resolution.

Motion made by board member Cordero to approve the resolution urging the denial of petition of proposed transfer of territory to Cold Spring School District. Seconded by board vice president Malakoff.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

### **E.7 Board Action on Student Expulsion Case Numbers 06/07-57, 06/07-58, 06/07-59, 06/07-60, 06/07-61, and 06/07-62**

In the case of 06/07-62, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

In the case of 06/07-60, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

In the case of 06/07-57, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

In the case of 06/07-59, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

In the case of 06/07-61, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

In the case of 06/07-58, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel. Seconded by board member Parker.

Motion passed. Vote: 4-0-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 0 / Absent: 1 (Noël)

## CONFERENCE AGENDA

### **F.1 First Reading of Revision of Board Bylaw 9250, "Remuneration, Reimbursement and Other Benefits"**

Board member Parker requested that when discussing board compensation in the future, the discussion be in terms of percentages rather than in dollar amounts.

Superintendent Sarvis noted board agenda item F.3 is listed as F.3 on the agenda, but attachment was listed as F.2, and item F.4 was listed as F.4 on agenda, but attachment was listed as F.3.

### **F.3 First Reading of Science Textbook Adoption and Instructional Material for Grades 7-12**

Mr. Zettel indicated in accordance with the science state textbook adoption cycle, the current adoption involves the science department. The recommended textbooks are on display. Mr. Zettel also requested the board review a list of additional textbook titles. Board member Cordero indicated she would like to see more diversity in the recommended textbooks.

### **F.4 (Time Permitting) First Reading of New Board Policies on Community Relations, Board Policy Series 1000**

Board president Harter read through the suggested new board policies and regulations individually and board members provided their input.

BP 1000, Concepts and Roles  
No input provided.

BP 1100, Communication with the Public  
Board member Cordero recommended the addition of wording suggesting an effort to have Spanish translation of documents to board policies 1110, 1112, and board policy and administrative regulation 1113.

BP 1112, Media Relations  
No input provided.

BP 1113, District and School Web Sites  
AR 1113, District and School Web Sites  
Leave as is.

BP 1160, Political Processes  
No input provided.

BP 1220, Citizen Advisory Committees  
AR 1220, Citizen Advisory Committee  
No input provided.

BP 1240, Volunteer Assistance  
AR 1240, Volunteer Assistance  
Board president Harter requested an update regarding the current fingerprinting process and the legal requirement of fingerprinting.

BP 1250, Visitors/Outsiders  
AR 1250, Visitors/Outsiders  
No input provided.

BP 1260, Educational Foundation  
Board member Parker requested confirmation that the district would not be prevented from doing in-house fundraising.

BP 1321, Solicitation of Funds from and by Students  
AR 1321, Solicitation of Funds from and by Students  
Board member Cordero indicated there was a perception that students were required to fundraise or pay fees for the privilege of playing sports. She and board president Harter requested all staff be reminded that students should not be required to pay any kind of fees.

BP 1340, Access to District Records  
AR 1340, Access to District Records  
Board president Harter requested district staff confirm with legal counsel as to who is responsible for paying the record retrieval fee.

BP 1400, Relations between other Government Agencies and the Schools  
No input provided.

BP 1431, Waivers  
No input provided.

BP 1700, Relations between Private Industry and the Schools  
No input provided.

**G. (If Needed) Return to Consent Items Designated for Discussion**  
None.

**H. Coming Events**  
Reviewed under item C.7

**I.1 Board Correspondence**  
None.

**I.2 Board Comments**  
None.

**J. Future Agenda Items**  
None.

**K. Adjournment**  
There being no further business, the meeting was adjourned at 10:15 p.m.

Attest:

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Nancy Harter, President  
Board of Education

Adopted by the Santa Barbara School Districts Board of Education  
on June 26, 2007

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