

# Santa Barbara School Districts

## Board of Education Meeting Minutes

Regular Meeting – Tuesday, June 12, 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  
Robert Noël, Member  
Kate Parker, Member

### REGULAR SESSION

#### A.1 Call to Order

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

#### A.2 Public Comment Relating to Closed Session

None

### CLOSED SESSION

The board adjourned to closed session at 5:32 p.m.

#### B.1 Conference with Labor Negotiator (Government Code § 54957.6 and 3549.1)

Agency designated representative: Superintendent Brian Sarvis

Unrepresented employees: management and confidential employees

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

Claimant: Nathan Salmon

Agency claimed against: Santa Barbara School Districts

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

Claimant: Melissa Kurtz

Agency claimed against: Santa Barbara School Districts

#### B.4 CAHSEE Waiver for Graduation for Students 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 (CAHSEE) waiver. Pupil names are 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 CAHSEE Exemption for Graduation for Students with Disabilities – Consideration

(Education Code § 60852.4) The board of education reviewed and considered a list of students who qualify for the California High School Exit Exam (CAHSEE) exemption. Pupil names are 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.6 Student Discipline (Education Code § 48918)

Expulsion cases: Numbers 06/07-55, and 06/07-75

## REGULAR SESSION

The board returned to regular session at 7:03 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 member Cordero to deny the Nathan Salmon claim. Seconded by board vice president Malakoff.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

Motion made by board member Cordero to deny the Melissa Kurtz claim. Seconded by board vice president Malakoff.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

Motion made by board vice president Malakoff to approve the CAHSEE waiver. Seconded by board member Parker.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

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

Motion made by board member Parker to approve with gratitude the listed donations. Seconded by board vice president Malakoff.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

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

Superintendent Sarvis presented awards to the top community service students.

Superintendent Sarvis announced the winners of the 2007 National Hispanic Scholars, the National Merit Program Finalists and Scholars.

Elaine Alvarado, coordinator of classified personnel, presented 30-, 35- and 40-year service pins to various district employees.

### **C.7 Superintendent's Report**

- 1,065 students will receive high school diplomas for 2006-07
- Seventy-six high school seniors have not passed the California High School Exit Exam
- Marilyn Garza recognition as a Santa Barbara County Education Office distinguished educator
- Recognition of 22 retirees
- Summer school calendar
- Update on reduction in force notices
- *Board Brief*, June 1, 2007

### **C.8 Public Comments**

- Frank Anderson spoke in opposition to the elimination of art programs in the Santa Barbara School Districts.
- Les Rose spoke in favor of providing physical education credit for marching band.
- Kenneth Loch spoke in favor of the arts in education.

## CONSENT AGENDA

Board member Noël pulled items D.9, D.10, D.12, and D.14 and board member Parker pulled item D.11 for discussion later in the meeting.

Motion made by board member Cordero to approve the consent agenda, with the exception of D.9, D.10, D.11, D.12 and D.14. Seconded by board vice president Malakoff.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

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

**D.2 Approval of Staff Travel: Out-of-State Travel and/or Expenses in Excess of \$500, dated June 12, 2007**

**D.3 Approval of the Expenditure Responsibility Grant Agreement Between the Volentine Family Foundation and the Santa Barbara School Districts' Child Development Program**

**D.4 Approval of the 2007-08 Santa Barbara School Districts Re-application of the English Language Acquisition Program (ELAP) for Grades 4-8**

**D.5 Approval of Independent Service Agreement with Lindamood-Bell Learning Processes to Provide Services to Student as Specified in Mediated Settlement**

**D.6 Approval to Renew the Non-Public School/Agency/Related Service Master Contract and Individual Service Agreement for 2007-08 with Center for Autism and Related Disorders, Inc. to Provide Services to Student as Specified in Individualized Education Program**

**D.7 Approval of Master Contract and Independent Service Agreement with Ride N' Care to Provide Transportation to Medically Fragile Student**

**D.8 Approval of Special Education Local Plan Area Local Education Agency Assurance Statements**

**D.9 Approval of 2007-08 Consolidated Application for Funding Categorical Aid Programs (Part I) for the Santa Barbara Elementary and High School Districts**

Item pulled by board member Noël for discussion later in the agenda.

**D.10 Approval of Memorandum of Understanding between the Santa Barbara County Education Office and the Santa Barbara High School District for a Three-Year Extension for El Puente Santa Barbara Community School, Commencing with the 2007-08 School Year**

Item pulled by board member Noël for discussion later in the agenda.

**D.11 Rescission of Appointment of Santa Barbara Community Academy Principal**

Item pulled by board member Parker for discussion later in the agenda.

**D.12 Approval of Recommended Personnel Action Items Dated June 12, 2007**

Item pulled by board member Noël for discussion later in the agenda.

**D.13 Approval of Commercial Warrant Register Sheets for the Period May 18, 2008 through June 8, 2007**

**D.14 Approval of Fixed-Fee Multi-Year Contracts between School Innovations & Advocacy, Inc. and the Santa Barbara Elementary School District and Santa Barbara High School District for the Period 2008-10 for Consulting Services for the Mandated Cost Reimbursement Program**

Item pulled by board member Noël for discussion later in the agenda.

**D.15 Approval of Contract with California School Management (CSM) Group for Services Relating to E-Rate**

**D.16 Rejection of All Bids for Kitchen Renovation at Peabody Charter School Based on a Shortage of Funds to Award the Contract**

**D.17 Approval of Contract Award to Granite Construction Company for Pavement Rehabilitation at Peabody Charter School**

**D.18 Approval of Contract Award to Berry General Engineering Contractors, Incorporated for Pavement Rehabilitation at La Colina Junior School**

**D.19 Approval of Service Agreement with the Santa Barbara Bowl Foundation for Use of Santa Barbara High School Parking Lots**

**D.20 Approval of Change Order No. 13 – Modernization/ADA Upgrades at Cleveland Elementary School**

**D.21 Approval of Change Order No. 14 – Modernization/ADA Upgrades at Cleveland Elementary School**

**D.22 Approval of Change Order No. 15 – Modernization/ADA Upgrades at Cleveland Elementary School**

**D.24 Acceptance of Partial Completed Contract, Franklin Elementary School Fire Alarm and Telecommunication Upgrade Portion of the Franklin Elementary School Library and Classroom Replacement Contract**

**D.25 Approval of Contract Award to Wreck Age Demolition Inc. for Portable Buildings Demolition at La Cumbre Junior High School**

**D.26 Acceptance of Labor Compliance Program Annual Report for the Reporting Period April 1, 2006 through March 31, 2007 and Authorize Submittal to the Department of Industrial Relations**

## **ACTION AGENDA**

### **E.1 Approval of Issuance of Diplomas to End-of-Year High School Graduates**

Jan Zettel, assistant superintendent of secondary education, recommended the issuance of diplomas to 1,065 end-of-year high school graduates.

Motion made by board member Noël to approve the issuance of diplomas to end-of-year high school graduates. Seconded by board member Cordero.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

### **E.2 Approval of Resolution No. 06/07-36 in Support of SB 840 (Kuehl), The California Universal Health Care Act**

Superintendent Sarvis stated the savings to the district could be as high as \$8.5 million.

Motion made by board member Cordero to approve resolution 06/07-36 in support of SB 840 (Kuehl), the California Universal Health Care Act. Seconded by board vice president Malakoff.

### **Public Comments:**

Brian Tanguay spoke in favor of the California Universal Health Care Act.

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

Board member Noël requested it be noted that he abstained primarily because he did not have enough materials or knowledge about the act.

### **E.3 Board Action on Student Expulsion Case Numbers 06/07-55 and 06/07-75**

In the case of 06/07-55, a motion was made by board member Cordero to uphold the findings and recommendation of the hearing panel. Seconded by board member Parker.

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

In the case of 06/07-75, 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: 4-1 / Ayes: 4 (Cordero, Harter, Malakoff, Parker) / Noes: 1 (Noël)

Board moved to item F.1

## **CONFERENCE AGENDA**

### **F.1 Report on a Review of the Consolidated Final Report – “Feasibility Analysis of Santa Barbara School Districts’ Hidden Valley and Tatum Sites”**

Superintendent Sarvis indicated that no decision had been made in regard to the Hidden Valley and Tatum properties. David Hetyonk, director of facilities and operations, summarized the discussions and decisions made to date in relation to the properties. Jim Rabe, Keyser Marston Associates, reported on his company’s review of the feasibility study developed by UniDev.

#### **Public Comment:**

- Gary Earle spoke in opposition to hiring UniDev to conduct the feasibility study.
- Charles Kent spoke in opposition to high density construction.

The board moved back to item E.4.

## **ACTION AGENDA**

### **E.4 Approval of and Public Hearing on the Submission of a General Request Waiver to the State Board of Education for a Waiver of Education Code 51222(a) – Physical Education (PE) on Behalf of San Marcos High School (SMHS)**

Michael Gonzalez, director of compliance and categorical programs, informed the board that during the June 2006 State Categorical Program monitoring visit to the district, SMHS was found to be out of compliance with the PE requirements due to the school’s block schedule. He explained there is a PE waiver for schools on block schedules and SMHS had prepared a waiver. Craig Morgan, SMHS principal, reviewed the details of the waiver.

Motion made by board member Cordero to approve the submission of a general request waiver to the State Board of Education for a waiver of Education Code 5122(a) physical education. Seconded by board member Noël.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

The board returned to item F.1

## **CONFERENCE AGENDA**

### **F.1 Report on a Review of the Consolidated Final Report – “Feasibility Analysis of Santa Barbara School Districts’ Hidden Valley and Tatum Sites”**

Superintendent Sarvis requested the board provide direction to the staff regarding the feasibility analysis of Hidden Valley and Tatum sites. Board member Cordero requested the option of sale of Hidden Valley be removed from the consolidated report. Board president Harter stated she would like feedback from the Joint Property Task Group Committee before removing any item and noted the board was not agendaized to take action. Board member Noël indicated it was important to have a vision on how the proceeds would be spent.

*The board adjourned for a break.*

## **F.2 2007 General Obligation Bond Refunding**

Ed Diaz, assistant superintendent business services, reviewed the bond refinancing process. Board president Harter noted an address correction was needed on page 36 of attachment JPA 6 and inquired why only a portion of the bonds were being refinanced. Mr. Diaz indicated it had to do with the maturity of the bonds. The bonds that are being considered for refinancing were issued first.

## **F.3 2006-07 Budget Update and Resolution to Provide for Transfers of Funds between Budgets, Funds, and Districts**

Mr. Diaz indicated that there would be no transfer of funds without board approval of a resolution. Board members Cordero and Parker requested the interdistrict transfer section be removed from the resolution. Board member Cordero requested Mr. Diaz return with resolutions for expenditure, budget, and fund transfers only. Mr. Diaz then provided the board with an update on the budget process.

## **G. Return to Consent Items Designated for Discussion**

### **D.9 Approval of 2007-08 Consolidated Application for Funding Categorical Aid Programs (Part I) for the Santa Barbara Elementary and High School Districts**

Board member Noël requested clarification in regard to the Peer Assistance and Review Grant. He asked how much was being spent on referred teacher vs. the amount spent on professional development activities, and how much of the professional development activities money was discretionary. Robin Sawaske, assistant superintendent elementary education, provided clarification.

Motion made by board member Parker to approve the 2007-08 Consolidated Application for funding categorical aid programs for the Santa Elementary and High School Districts. Seconded by board vice president Malakoff.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

### **D.10 Approval of Memorandum of Understanding between the Santa Barbara County Education Office and the Santa Barbara High School District for a Three-Year Extension for El Puente Santa Barbara Community School, Commencing with the 2007-08 School Year**

Board member Cordero requested the word "school" be added to the "high district" in the last sentence of the first paragraph.

Board member Noël asked what the School Safety Grant was and why it was being used to pay the \$35,000 in the agreement. Mr. Zettel will provide this information at a future board meeting.

No action was taken on this item.

### **D.11 Rescission of Appointment of Santa Barbara Community Academy (SBCA) Principal**

Board member Parker requested it be made clear that the board did not approve the SBCA principalship as a 100 percent position, but rather a K-6 position. Superintendent Sarvis indicated it was understood the board had approved a 100 percent position; however, he recognized it was not what the board had said. He indicated staff would be directed to look at student ratio at SBCA.

Motion made by board member Parker to rescind the appointment of fulltime SBCA principal. Seconded by board member Cordero.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

### **D.12 Approval of Recommended Personnel Action Items Dated June 12, 2007**

Board member Noël questioned the funding for the Becoming a Don program at Santa Barbara High School (SBHS), a targeted assistance school. He indicated using Title 1 and EIA monies for this type of program was not appropriate, noting that not all those who sign up for Becoming a Don are English learner students. Mr. Gonzalez agreed with board member Noël and stated SBHS would have to provide

documentation demonstrating that Title 1 funds for Becoming a Don program were used only for targeted assistance students.

Board member Parker questioned the \$285 per hour fee for the teacher, Casey Kilgore, covering for Marjorie Variano, principal of Adams Elementary School. Ms. Sawaske indicated she thought the \$285 was per day and not per hour.

Motion made by board member Noël to approve D.12 with exception of the two Kilgore items that board member Parker brought up, and with exception of all of the Becoming a Don hires charged to EIA and Title 1. No second on motion.

Motion made by board member Cordero to approve D.12 with the two Kilgore items. Seconded by board member Parker.

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

**D.14 Approval of Fixed-Fee Multi-Year Contracts between School Innovations & Advocacy (SIA), Inc. and the Santa Barbara Elementary School District and Santa Barbara High School District for the Period 2008-2010 for Consulting Services for the Mandated Cost Reimbursement Program**

Board president Harter inquired if the district provided mandated cost reimbursement services to the charter schools as part of the districts' administrative services. Superintendent Sarvis indicated this was the case in the past but charter schools have new memorandum of understandings and the situation could be different. He will provide the information to the board.

Motion made by board president Harter to approve the fixed-fee multi-year contracts between (SIA) and the Santa Barbara School Districts, with the exception of the charter schools. Seconded by board member Parker.

Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

**H. Coming Events**

- Graduations

**I.1 Board Correspondence**

None.

**I.2. Board Comments**

Board member Cordero requested information regarding the cost of senior activities at various high schools be included in a future *Board Brief*.

**J. Future Agenda Items**

None.

**K. Adjournment**

There being no further business, the meeting was adjourned at 10:40 p.m.

Attest:

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Nancy Harter, President  
Board of Education

Adopted by the Santa Barbara School Districts Board of Education  
on September 25, 2007

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