

Santa Barbara School Districts

Board of Education Meeting Minutes

Regular Meeting – Tuesday, January 8, 2008

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

Board Members In Attendance

Laura Malakoff, Board President
Kate Parker, Vice President

Annette Cordero, Member
Nancy Harter, Member
Robert Noël, Member

REGULAR SESSION

A.1 Call to Order

Board president Malakoff called the meeting to order at 6:00 p.m.

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

The board appointed board president Malakoff as the designated representative to meet and confer with the superintendent regarding compensation and benefits for the superintendent's contract.

A.3 Public Comment (related to closed session)

None

CLOSED SESSION

The board adjourned to closed session.

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

Agency designated representative: Board President Malakoff

Unrepresented employee: Superintendent

B.2 Conference with Labor Negotiator (Government Code § 54957.6)

Agency designated representative: Superintendent J. Brian Sarvis

Unrepresented employees: management and confidential employees

B.3 CAHSEE Waiver for Graduation for Students with Disabilities – Consideration

(Education Code § 56101, 60851)

The board reviewed and considered a list of students who qualified for the California High School Exit Exam waiver, and approved each request as appropriate. Pupil names were unspecified and are protected under Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232 (g)); 34 CFR Part 99, Education Code § 49073 et seq.

B.4 Student Discipline (Education Code § 48918)

Expulsion case numbers: 06/07-68, 07/08-12, 07/08-25, 07/08-26, 07/08-33, and 07/08-36

REGULAR SESSION

The board returned to regular session at 7:04 p.m.

C.1 Pledge of Allegiance

Board president Malakoff led the pledge.

C.2 Spanish Translation

Esperanza Villegas was present to provide Spanish translation.

C.3 Headsets for Hearing Impaired

Board president Malakoff announced headsets were available for the hearing impaired.

C.4 Announcement of Closed Session Action

Board president Malakoff announced the following:

Motion made by board member Harter to approve the CAHSEE waivers as listed. Seconded by board vice president Parker.

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

C.5 Introductions, Proclamations, Presentations or Recognitions

Santa Barbara City College's Marilyn Spaventa, Carol Flores, and Jesus Vega reported on the dual enrollment program.

C.6 Superintendent's Report

- Early open enrollment for the 2008-09 school year
- *Board Brief* of December 14, 2007
- January 10, 2008 governor's budget
- USS Ronald Reagan
- Maintenance and operations
- 2007 Teachers Network Curriculum Catalog
- Coming school events

C.7 Student Report

Dos Pueblos High School's Bria Little gave the student report.

C.8 Public Comments

- Johnny Ruiz from Joe's Sun Rise Construction spoke in opposition to the board accepting the cancellation of their contract award.
- Michael Brannon from Smith Electric spoke in favor of the board accepting the cancellation of the contract with Joe's Sun Rise Construction.

CONSENT AGENDA

Board member Noël pulled items D.3, D.6 and D.15 for discussion later in the meeting. Board member Harter pulled item D.16 for discussion later in the meeting.

David Hetynk, director of facilities and operations, reviewed the irregularities in the Joe's Sun Rise Construction contract from item D.16.

Motion made by board member Harter to approve the cancellation of contract award to Joe's Sun Rise Construction, Inc. and uphold the bid protest from Smith Electric Services and approve the award of contract to Brannon, Inc., dba Smith Electric Services, for interior modifications for Santa Barbara Community Academy and La Cumbre Junior High School at the La Cumbre Junior High School site. Seconded by board member Cordero.

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

Motion made by board member Harter to approve all of the consent agenda with the exception of items D.3, D.6, and D.15. Seconded by board member Cordero.

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

D.1 Approval of Minutes – November 27, 2007 and November 30, 2007

D.2 Approval of Staff Travel: Out-of-State Travel and/or Expenses in Excess of \$500, dated December 14, 2007

D.3 Approval of Grant Agreement between the Santa Barbara School Districts' Child Development Program and the Orfaea Family Foundation

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

D.4. Approval of Recommended Personnel Action Items Dated January 8, 2008

D.5 Approval of Commercial Warrant Register Sheets Dated January 3, 2008

D.6 Adoption of Resolution 07/08-15 "Delegation of Governing Board Powers/Duties"

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

D.7 Approval of Purchase Order Report for the Period December 5, 2007 through December 21, 2007

D.8 Approval to Declare Equipment as Surplus to the Needs of the Districts

D.9 Approval of Change Order No. 3, Pavement Rehabilitation at La Colina Junior High School

D.10 Approval of Proposal from Kruger Bensen Ziemer Architects, Inc. for Architectural Services for Portable Classroom Buildings for Santa Barbara Community Academy

D.11 Approval of Proposal from Kruger Bensen Ziemer Architects, Inc. for Architectural Services for Portable Classroom Building Replacement at Santa Barbara High School

D.12 Approval of Proposal from Knowland Construction Services, LLC for Division of State Architect Inspection Services, Exterior Painting of the Main Building and Gym at Santa Barbara High School

D.13 Approval of Change Order No. 5, ADA Upgrades at Harding Elementary School

D.14 Approval of Change Order No. 4, Pavement Rehabilitation at La Colina Junior High School

D.15 Approval of Change Order No. 3, Access to Eddie Mathews Field, Santa Barbara High School

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

D.16 Cancellation of Contract Award to Joe's Sun Rise Construction, Inc., for Interior Modifications for Santa Barbara Community Academy and La Cumbre Junior High School at the La Cumbre Junior High School Site; Uphold the Bid Protest From Smith Electric Service for Interior Modifications for Santa Barbara Community Academy and La Cumbre Junior High School at the La Cumbre Junior High School Site, and Approval of Award of Contract to Brannon, Inc. dba Smith Electric Service, for Interior Modifications for Santa Barbara Community Academy and La Cumbre Junior High School at the La Cumbre Junior High School Site.

D.17 Acceptance of Completed Contract, Re-bid Gymnasium Renovations at San Marcos High School

ACTION AGENDA

E.1 Acceptance of Annual Reports on Statutory School Fees (Developer Fees) for the Santa Barbara Elementary and High School Districts for 2005-06 & 2006-07

Mr. Hetyonk presented the developer fee reports. Board member Harter inquired what the status was regarding the bond refinancing monies. Eric Smith, interim assistant superintendent of business services, will contact the attorney general's (AG) office. Board member Harter indicated it was important to know what the AG's opinion was so that they could begin planning and set priorities for expenditures. Board member Noël stated he would like to see an annual discussion regarding developer fee expenditures.

Public Comments

- Lisa Daniels spoke in favor of the district allocating money from developer fees for the Dos Pueblos High School Engineering Academy.

Motion made by board member Harter to accept the annual reports on developer fees for the Santa Barbara School Districts and requested the 2007-08 secondary expenditures be provided for the board's review after bond refinancing clarification is received. Seconded by board member Noël.

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

E.2 Second Reading of the Tentative Agreement for the Proposed Calendar between the Santa Barbara School Districts and the Santa Barbara Teachers Association

Kris Robertson, director of personnel, indicated the calendars had been ratified by the teachers.

Motion made by board member Harter to accept the proposed calendar between the Santa Barbara School Districts and the Santa Barbara Teachers Association. Seconded by board member Cordero.

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

E.3 Approval of 2007-08 Consolidated Application for Funding Categorical Aid Programs (Part II) for the Santa Barbara Elementary and High School Districts

Michael Gonzalez, director of compliance and categorical programs, presented part two of the Consolidated Application.

Motion made by board member Harter to approve part two of the consolidated application for funding categorical aid programs for the Santa Barbara Elementary and High School Districts. Seconded by board member Cordero.

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

E.4 Approval of Plan to Provide a Longevity Salary Increase for Selected Management Positions

Superintendent Sarvis introduced the item. Board member Noël indicated he believed it inappropriate to discuss increases without knowing what the governor's budget will look like and knowing that larger than anticipated cuts might be necessary. Board member Harter agreed.

No action taken. Item was postponed to a future board meeting.

E.5 Board Action on Student Expulsion Case Numbers 06/07-68, 07/08-25, 07/08-26, 07/08-33, and 07/08-36

In the case of 06/07-68, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel with the exception of the end date to be the end of the first semester. Seconded by board vice president Parker.

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

In the case of 07/08-33, a motion was made by board member Cordero to uphold the findings and recommendations of the hearing panel with the exception that the end date be the end of the current semester. Seconded by board vice president Parker.

Motion passed. Vote: 3-2 / Ayes: 3 (Cordero, Harter, Parker) / Noes: 2 (Malakoff, Noël)

In the case of 07/08-25, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel with the exception of the term of the expulsion to end in June 2008. Seconded by board member Noël.

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

In the case of 07/08-36, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board member Noël.
Motion passed. Vote: 4-1 / Ayes: 4 (Harter, Malakoff, Noël, Parker) / Noes: 1 (Cordero)

In the case of 07/08-26, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board vice president Parker.
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

E.6 Board Action on a Request for a Supplemental Hearing: Student Expulsion Case Number 07/08-12

In the case of 07/08-12, a motion was made by board member Harter to approve the request for a supplementary hearing with the exception that item one on the list of requests from opposing counsel be stricken and the time of the hearing be limited to 30 minutes. Seconded by board member Cordero.
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

The board adjourned for a break.

Board member Cordero indicated she misspoke regarding expulsion number 07/08-33.
In the case of 07/08-33, a motion was made by board member Cordero to suspend the expulsion and allow the student to remain in home instruction through the end of the semester and that he return to a comprehensive junior high school at the beginning of the spring semester. Seconded by board vice president Parker.
Motion passed. Vote: 3-2 / Ayes: 3 (Cordero, Harter, Parker) / Noes: 2 (Malakoff, Noël)

CONFERENCE AGENDA

F.1 Board Discussion and Direction on Future Review of the Districts' Mission Statement

Superintendent Sarvis requested direction from the board on how to proceed in regard to the districts' mission statement. Board member Harter indicated she would like to see more linkage between the mission statement and the board focus goals. Board vice president Parker agreed. Board member Harter suggested a strategic plan be included in a future *Board Brief*. Board members will provide input at that time.

Item will return to a future board meeting for further discussion.

F.2 Proposals from Community Opinion Survey Consultant Regarding Viability of a Proposed Parcel Tax

Mr. Smith indicated he contracted three companies; Godbe Research, the Center for Community Opinion, and Berry Campaigns. Two companies submitted proposals; Berry Campaigns did not. Mr. Smith recommended the board form a superintendent sub-committee to interview these firms. Board vice president Parker stated although she was not comfortable with a flat rate parcel tax, she recognized a parcel tax was the only way for a school district to go to the community to ask for money for a particular thing, such as art and music. Board member Noël agreed.

Motion made by board member Cordero to form a sub-committee that would include two board members to interview the above consultants and make a final recommendation regarding the selection, and at that time the committee will also recommend whether to go ahead with a selection. Seconded by board member Harter.

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

F.3 Request to Address the Board of Education by John Dewey Regarding Glen Annie District Housing Opportunity

John Dewey, a Dewey Group representative, presented a proposal to develop a mixed use project for affordable workforce housing for district employees at the Glen Annie Golf Course property, located on Cathedral Oaks, across from Dos Pueblos High School.

Board member Harter indicated she would like to have Superintendent Sarvis, Craig Price, district legal counsel, and Mr. Hetynk continue their discussions with the Dewey Group and keep the board informed. Other board members agreed.

F.4 First Reading of Revisions to Administrative Regulation 1312.4, “Uniform Complaint Procedures” and Exhibits E(1) 1312.4 and E(2)1312.4

Mr. Gonzalez presented revisions to the Uniform Complaint Procedure. He explained the suggested changes include the new language requirements and clean-up language, which allows parents, staff and students to file complaints regarding the deficiencies relating to the California High School Exit Examination. Board member Harter suggested adding the language regarding restrooms to the poster.

G. Return to Consent Items Designated for Discussion

D.3 Approval of Grant Agreement between the Santa Barbara School Districts’ Child Development Program and the Orfalea Family Foundation

Board member Noël inquired if it was also superintendent Sarvis’ recommendation to approve the grant agreement. Superintendent Sarvis concurred.

Motion made by board member Cordero to approve the grant agreement between the Santa Barbara School Districts’ Child Development Program and the Orfalea Family Foundation. Seconded by board member Harter.

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

D.6 Adoption of Resolution 07/08-15 “Delegation of Governing Board Powers/Duties”

Board member Noël requested a change in the resolution language. Superintendent Sarvis indicated the language was provided by the Santa Barbara County Education Office (SBCEO). Board member Noël handed Superintendent Sarvis some suggested language.

No action was taken. Item was postponed to the next board meeting.

D.15 Approval of Change Order No. 3, Access to Eddie Mathews Field, Santa Barbara High School

Board member Noël inquired about the requirement for the construction of a new manhole. Mr. Hetynk explained access to the Eddie Mathews field was a requirement from the Americans with Disabilities Act lawsuit settlement. However, a number of infrastructure conditions have come up, such as the broken manhole of which the district was not aware of, and therefore it was not part of the original plan. As a result, there is a need for this change order.

Motion made by board member Cordero to approve change order number three, access to Eddie Mathews Field at Santa Barbara High School. Seconded by board member Harter.

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

H. Coming Events

Superintendent Sarvis announced a special board meeting scheduled for Tuesday, January 15, 2008, to discuss gang intervention and prevention strategies.

I.1 Board Correspondence

None.

I.2 Board Comments

Board member Cordero shared details of her attendance at the grand opening of the Virtual Enterprise program at Santa Barbara High School in mid-December.

J. Future Agenda Items

- Gang intervention and youth violence on January 15, 2008
- Procedures for management and confidential employees
- Adoption of authorized signatories resolution from SBCEO

K. Adjournment

There being no further business, the meeting was adjourned at 10:07 p.m.

Attest:

Laura Malakoff, President
Board of Education

Adopted by the Santa Barbara School Districts Board of Education
on March 11, 2008

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