

# Santa Barbara School Districts

## Board of Education Meeting Minutes

Regular Meeting Tuesday, May 13, 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 5:00 p.m.

#### A.2 Public Comments (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 Legal Council – Existing Litigation (Government Code § 54956.9(a))

Jane Doe and Patricia B. vs. Santa Barbara School Districts, et al.

Santa Barbara County Superior Court Case. No. 1263677

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

Claimant: Raymond Villegas

Agency claimed against: Santa Barbara School Districts

#### B.4 Liability Claim: (Government Code § 54956.95)

Claimant: Amato Recine

Agency claimed against: Santa Barbara School Districts

#### B.5 Liability Claim: (Government Code § 54956.95)

Claimant: Fix Painting Company

Agency claimed against: Santa Barbara School Districts

#### B.6 Conference with Labor Negotiator (Government Code § 54957.6 and 3549.1)

Agency designated representative: Superintendent Brian Sarvis

Unrepresented employees: management and confidential employees

#### B.7 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 and approved each request as appropriate. Pupil names were

unspecified and 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.8 Student Discipline** (Education Code § 48918)

Expulsion case numbers: 07/08-47, 07/08-67, 07/08-69, 07/08-70, 07/08-71 and 07/08-73

**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**

Alma Flores 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 deny the Villegas claim. Seconded by board vice president Parker.

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

Motion made by board member Harter to deny the Recine claim. Seconded by board vice president Parker.

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

Motion made by board member Harter to deny the Fix Painting claim. Seconded by board vice president Parker.

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

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

Motion passed. Vote: 4-0-1 / Ayes: 5 (Harter, Malakoff, Noël, Parker) / Noes: 0 / Absent: 1 (Cordero)

**C.5 Acceptance of Donations**

Motion made by board member Harter to accept with the gratitude the listed donations. Seconded by board member Cordero.

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

**C.6 Introductions, Proclamations, Presentations or Recognitions**

Superintendent Sarvis introduced the National Merit Scholar student award finalists.

**C.7 Superintendent's Report**

- Sally Kingston, Harding Elementary School principal, received the University of California Santa Barbara Distinguished Education Alumni Award.
- *Board Brief* of May 2, 2008
- Home School Santa Barbara
- Dos Pueblos High School Economics Challenge
- Graduation/promotion schedule is posted on the web
- Various coming school events

### **C.8 Student Report**

- Santa Barbara High School's Brian Rowse and Luz Cordoba gave the student report.

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

- Brian Joseff spoke in favor of improving the quality of food in the school cafeterias.

Board member Cordero indicated she was under the impression that vending machines at school sites did not contain unhealthy snacks. Paul Turnbull, assistant superintendent of secondary education, will look into the matter.

- Richard Foster requested the Santa Barbara School Districts comply with the Negative Mitigated Declaration relating to Dos Pueblos High School.

Superintendent Sarvis indicated the Santa Barbara School Districts were in compliance with the Negative Mitigated Declaration. He will follow up with Mr. Foster.

- Kenneth Loch spoke in favor of interdisciplinary education.
- Shereen Khatapiush spoke in favor of the "Measuring-Up Report, Facing the Challenge on Substance Abuse."

## **CONSENT AGENDA**

Board president Malakoff pulled item D.13 for discussion later in the meeting. Board member Harter pulled items D.5, and D.11 for discussion later in the meeting. Board member Noël pulled items D.3, D.10, and D.13 for discussion later in the meeting.

Motion made by board member Harter to approve all items on the consent agenda, with the exception of items D.3, D.5, D.10, D.11, and D.13. Seconded by board member Cordero.

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

**D.1 Approval of Minutes – February 26, 2008, and April 17, 2008**

**D.2 Approval of Additional Fundraising for 2007-08 for Dos Pueblos High School**

**D.3 Approval of Staff Travel: Out-of-State Travel and/or Expenses in Excess of \$500, dated May 6, 2008**

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

**D.4. Adoption of Resolution No. 07/08-38, Santa Barbara School Districts Ordering Governing Board Member Elections**

**D.5 Adoption of Resolution No. 07/08-39, Santa Barbara School Districts Policies Regarding Candidates' Statements in Elections for the Board of Education**

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

**D.6 Delegation of Authority to Postpone an Expulsion Hearing to Superintendent and his Designees**

**D.7 Approval of Independent Contract Agreement with Dr. Carren Stika, (Contract No. 2007/2008-117) to Provide Assessments for a Special Education Student as Per Mediation Agreement**

**D.8 Approval of Memorandum of Understanding between the Santa Barbara School Districts and the Santa Barbara County Education Office, Migrant Education Program, Region XVIII**

**D.9 Approval of the Memorandum of Understanding between the Santa Barbara School Districts and the Santa Barbara County Education Office regarding APPLECORPS Personnel at Goleta Valley Junior High School for the School Year 2008-09**

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

**D.10 Approval of the Memorandum of Understanding between the Santa Barbara School Districts and the Council on Alcoholism and Drug Abuse for the Youth Service Program on the Secondary Campuses for the School Year 2008-09**

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

**D.11 Approval of the Extension of the Supplemental Education Service Contracts**

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

**D.12 Second Reading and Adoption of Board Policy and Administrative Regulation 5141, "Health Care and Emergencies" and Automated External Defibrillator Implementation Plan**

**D.13 Approval of Recommended Personnel Action Items Dated May 13, 2008**

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

**D.14 Approval of Request for Sabbatical Leave for the 2008-09 School Year**

**D.15 Approval of Initial Proposal to Open 2008-09 Negotiations with the California School Employees Association**

**D.16 Approval of Commercial Warrant Register Sheets Dated April 17, 2008 through May 9, 2008**

**D.17 Approval of Purchase Order Report for the Period April 16, 2008 through May 6, 2008**

**D.18 Approval of Proposal from Simpson Land Surveying Company for Engineering Services for Pavement Maintenance at Adams Elementary School**

**D.19 Approval of Contract Award to C. T. Georgio Painting Co. for Painting Upgrades at McKinley Elementary School**

**D.20 Approval of Contract Award to JPL Electric for Interim Classroom Relocations at Washington Elementary School**

**D.21 Approval of Contract Award to Sansone Company, Inc. for Portable Classroom Buildings at La Cumbre Junior High School for Santa Barbara Community Academy**

**D.22 Approval of Agreement with Prime Time Band Regarding Storage and Use of a Band Shell at San Marcos High School**

**D.23 Denial of Bid Protest by EJS Construction and Approval of Contract Award to Avaco Construction, Inc. for Library American Disability Act Improvements at San Marcos High School**

**D.24 Approval of Contract Award to Gold Coast General Engineering for Site American Disability Act Improvements at Santa Barbara High School**

**D.25 Approval of Withdrawal of Bid by EJS Construction Inc. and Contract Award to Brannon Inc., DBA Smith Electric Service for American Disability Act Upgrades at Franklin Elementary School Children's Center Building**

## ACTION AGENDA

### E.1 Third Reading of Proposed Santa Barbara School Districts' Discipline Guidelines and Dress Code

Michael Gonzalez, director of compliance and categorical programs, presented the proposed discipline guidelines and dress code. Board member Harter and vice president Parker agreed that academic integrity, item 29 in the discipline guidelines, would need further study before taking a vote. Board member Cordero requested the wording in item 18 of the discipline guidelines be clarified; and inquired if the districts had requested staff input for item 29. Mr. Gonzalez will work with the California School Employees Association president to query staff for consequences relating to item 29. Board member Cordero indicated she was under the impression the cell phone policy did not apply during lunch time. Mr. Gonzalez stated principals did not want the use of cell phones at all, except during emergencies. Board member Noël indicated items 1 and 27 in the discipline guidelines merited an expulsion, not a possible expulsion. Board member Cordero disagreed and suggested adding instead "possible recommendation of expulsion after the first offense." Board Cordero indicated she was concerned about a proposed dress code policy that might apply to some students and not to others. She requested more specificity as to whether the listed items applied to both girls and boys and what was considered a gang color. Mr. Gonzalez will consult with the school resource officers and add more detail. Board vice president Parker requested a word more specific than "haircuts" under the general description of the proposed dress code policy and to add the word "boys" to item two in the list of not permitted items.

#### Public Comment:

- Jennifer Archer spoke in favor of promoting a behavioral change and in opposition to the dress code.
- Kate Moore spoke in favor of giving the students a second chance when it came to alcohol offenses and not expelling them after the second offense.
- Keith Terry spoke in opposition to the two-strike rule and in favor of more intervention.

Motion made by board member Harter to remove items 1, 7, 18, 27, and 29, from the discipline guidelines and approve all others items.

Board member Cordero requested she amend the motion to include the removal of the footnotes and approve them separately. Board member Harter agreed.

Seconded by board vice president Parker.

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

Motion made by board vice president Parker to have item 18 in the discipline guideline read: harassments, threats, or intimidation including via electronic transmissions. Seconded by board member Harter.

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

Motion made by board member Noël to adopt item number one in the discipline guideline and remove the word "possible" in the offense column. Seconded by board vice president Parker.

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

Motion made by board member Noël to approve number 27 of the discipline guideline with the same wording as in just approved item number one. Seconded by board member Harter.

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

Motion made by board member Harter to shift consequences forward in number 27 so that the first offense includes the current list and possible removal from class, and the second offense, include all the same consequences and a possible recommendation for expulsion or involuntary transfer, and the Additional Offenses column will remain as a recommendation for involuntary transfer or possible recommendation for expulsion. Seconded by board vice president Parker.

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

Motion made by board member Harter to approve the footnotes. Seconded by board Noël.  
Motion passed. Vote: 3-2 / Ayes: 3 (Harter, Noël, Parker) / Noes: 2 (Cordero, Malakoff)

Board president Malakoff indicated the proposed dress code policy would be brought to a future board meeting.

## **E.2 Approval of Facilities Master Plan Implementation – Las Alturas/La Cuesta Implementation Plan**

Mr. Turnbull indicated he was seeking the board's approval for phase one of the La Cuesta High School consolidation plan and clarified that all subsequent phases would require a report to the board and board approval. Kathy Abney, La Cuesta High School principal, shared the details of the consolidation plan.

### **Public Comment:**

- Keith Terry spoke in favor of the consolidation of La Cuesta High School.

Board president Malakoff indicated it was necessary to hear item F.1 prior to taking action on the Facilities Master Plan implementation.

## **F.1 Report on Feasibility of Moving District Office and Rental of District Office Site, and Feasibility of Rental of Ortega Street School Site**

Eric D. Smith, deputy superintendent, indicated if the potential Ortega site tenant used the property as is the property could possibly be rented at \$1.97, per square foot. This would generate an approximate annual income of \$401,000. If the potential tenant needed to convert the property back to office space then the rent would be approximately \$1.44 per square foot. Mr. Smith indicated it would take approximately 18 months to rent the Ortega site. The district administration building could be rented for approximately \$4 per square foot.

David Hetyonk, director of facilities and operations, noted the agenda item mentions the removal of the Santa Barbara Community Academy equipment, the word "equipment" should be replaced with "surface." He indicated the playground equipment was being relocated with elementary developer fees. The districts' cost is the removal of the depressed area and filling it with asphalt.

The board moved on to item E.2.

## **E.2 Approval of Facilities Master Plan Implementation – Las Alturas/La Cuesta Implementation Plan**

Motion made by board member Harter to move forward with stage one of the La Cuesta High School consolidation, which includes moving Las Alturas and La Cuesta High School to the Ortega site. Seconded by board vice president Parker.

Board vice president Parker requested board member Harter consider removing "stage one" from her motion. Board member Harter and board president Malakoff agreed.

Board member Cordero indicated she would have to vote against it because she needed further information of where the district administration site would be relocated to.

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

*The board adjourned for a break.*

## **E.3 Approval of Development of Request For Proposals for District Properties**

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

## **E.4 Board Action on Student Expulsion Case Numbers 07/08-47, 07/08-67, 07/08-69, 07/08-70, 07/08-71, and 07/08-73**

In the case of 07/08-47, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board president Malakoff.  
Motion passed. Vote: 3-2 / Ayes: 3 (Cordero, Malakoff, Noël,) / Noes: 2 (Harter, Parker)  
In the case of 07/08-67, a motion was made by board member Harter to adopt the stipulated agreement. Seconded by board vice president Parker.  
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

In the case of 07/08-69, a motion was made by board member Harter to adopt the stipulated agreement. Seconded by board member Cordero.  
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

In the case of 07/08-70, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board member Cordero.  
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

In the case of 07/08-71, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board member Cordero.  
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

In the case of 07/08-73, a motion was made by board member Harter to approve the findings and recommendations of the hearing panel. Seconded by board member Cordero.  
Motion passed. Vote: 5-0 / Ayes: 5 (Cordero, Harter, Malakoff, Noël, Parker) / Noes: 0

## CONFERENCE AGENDA

### **F.1 Report on Feasibility of Moving District Office and Rental of District Office Site, and Feasibility of Rental of Ortega Street School Site**

Item was previously covered.

The board directed Superintendent Sarvis to return with the entire item and a recommendation.

### **F.2 Report on Education Code Section 42141 Workers Compensation Certification**

Mr. Smith indicated that Self Insured Schools of California I, which is the workers compensation joint powers authority that the district belongs to, has confirmed that the districts have no estimated or accrued unfunded liabilities under the workers compensation program.

### **F.3 Report and Discussion of Possible Budget Advisory Committee**

Mr. Smith indicated that in most districts, budget advisory committees (BAC) make budget recommendations to the board. He stated that this could often make it difficult for the fiscal departments to manage their time and to achieve consensus. Board member Cordero stated she would like to see a BAC that would not make recommendations but rather provide clarification and budget awareness. Mr. Smith suggested a fiscal health committee. Board member Cordero requested Mr. Smith return the item to a future board meeting with a recommendation of what constitutes a fiscal health committee. Board member Harter requested the item be returned as an action item.

### **F.4 Report and Discussion of Possible Audit Committee**

Board vice president Parker requested the item be returned to a future board meeting with a recommendation by Mr. Smith on how an audit committee might function. Board member Harter requested the item be returned as an action item.

### **F.5 Report on Annual Latino Achievement Indicators**

Item was postponed to a future board meeting.

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

**D.3 Approval of Staff Travel: Out-of-State Travel and/or Expenses in Excess of \$500, dated May 6, 2008**

Board member Noël inquired of studies demonstrating improvement in student achievement due to the districts' investment in the Advancement Via Individual Determination (AVID) program. Mr. Turnbull indicated there was not yet a graduating AVID senior class nor any current study. He will work with Davis Hayden, director of research, evaluation and technology, and the secondary principals on a report.

Motion made by board Harter to approve the staff travel dated May 6, 2008. Seconded by board member Cordero.

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

**D.5 Adoption of Resolution No. 07/08-39, Santa Barbara School Districts Policies Regarding Candidates' Statements in Elections for the Board of Education**

Board member Harter indicated candidates were required to pay for a full page in the voter's guide, not a quarter page as indicated in the resolution; although candidates can request a reimbursement for the difference.

Motion made by board vice president Parker to adopt resolution number 07/08-39. Seconded by board member Harter.

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

**D.10 Approval of the Memorandum of Understanding between the Santa Barbara School Districts and the Council on Alcoholism and Drug Abuse for the Youth Service Program on the Secondary Campuses for the School Year 2008-09**

Board member Noël requested an external evaluation of the effectiveness of the Youth Service Program. Mr. Turnbull indicated the agreement met the requirements of the Title IV "No Child Left Behind" school safety requirements, which are not funded.

Motion made by board member Harter to approve the memorandum of understanding with the Council on Alcoholism and Drug Abuse. Seconded by board vice president Parker.

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

**D.11 Approval of the Extension of the Supplemental Education Service Contracts**

Board member Harter shared her concern in regard to providers offering their services in the students' homes and inquired what type of liability insurance the providers carried. Board vice president Parker indicated the agencies carried \$1 million per occurrence, as per their contract. Mr. Smith acknowledged this was standard insurance.

Motion made by board member Harter to approve the extension of the Supplemental Education Service contracts. Seconded by board vice president Parker.

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

**D.13 Approval of Recommended Personnel Action Items Dated May 13, 2008**

Board president Malakoff inquired if these were new retirements and if they would receive the districts' retirement incentive. Superintendent Sarvis indicated one of them was and they would not receive the incentive because they were past the deadline. Board member Noël requested confirmation on the various consultants who were not being paid out of the general fund. He also requested, in the future, there be a column added which would indicate the funding source.

Motion made by board member Harter to approve the personnel action items contingent upon confirmation that consultants are not being paid out of the general fund. Seconded by board member Cordero.

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

**H. Coming Events**

Superintendent Sarvis distributed a list of graduation and award ceremonies assignments to board members.  
Special board meeting at 4:00 p.m. on June 17, 2008.

**I. Board Comments and Correspondence**

None.

**J. Future Agenda Items**

- Board member Harter requested a report, through a *Board Brief*, on the number of seniors that have met their A through G requirements and students continuing to four-year institutions. Board member Cordero requested the report be broken down by subgroups.
- Board member Noël requested a report on the budget spending freeze that would demonstrate the amounts of money that have not been spent. Mr. Smith indicated the third interim report would have this information.

**K. Adjournment**

There being no further business, the meeting was adjourned at 11:15 p.m.

Attest:

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Laura Malakoff, President  
Board of Education

Adopted by the Santa Barbara School Districts Board of Education

on September 9, 2008

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