

**BOARD OF EDUCATION
MEETING**
San Marino Unified School District
**1665 West Drive
San Marino, CA 91108**

Tuesday, February 13, 2018
**Board of Education
Closed Session – 5:30 p.m.
Regular Session – 7:30 p.m.**

MINUTES

1. **OPEN SESSION** 5:30 p.m.

2. **PUBLIC HEARING SECTION - CLOSED SESSION**

3. **CLOSED SESSION** 5:30 p.m.

- a. Education Code Sections 35146, 48900 et seq., 48912(b), and 49060 et seq., and 20 U.S.C. Section 1232g Student Discipline or Other Confidential Student Matters
- b. Conference with Legal Counsel – Anticipated Litigation (Govt. Code 54956.9)
- c. Conference with Legal Counsel - Existing Litigation (Govt. Code 54956.9) - Claim #013-000160
- d. Final Settlement and Release Agreement for Student XXXXXX9238

4. **REPORT OF CLOSED SESSION**

In closed session, the Board took action to unanimously approve the Final Release Agreement on behalf of Student XXXXXX3151.

The roll call vote was as follows:

Mr. C. Joseph Chang	Aye
Mrs. Nam Jack	Aye
Mrs. Lisa Link	Aye
Mr. Chris Norgaard	Aye
Mrs. Shelley Ryan	Aye

Ayes: 5, Noes: 0

In closed session, the Board took action to unanimously approve the Final Settlement Agreement and General Release on behalf of Student XXXXXX9238.

The roll call vote was as follows:

Mr. C. Joseph Chang	Aye
Mrs. Nam Jack	Aye
Mrs. Lisa Link	Aye
Mr. Chris Norgaard	Aye
Mrs. Shelley Ryan	Aye

Ayes: 5, Noes: 0

5. **REGULAR OPEN SESSION** 7:30 p.m.

6. **CALL TO ORDER**

Board members present were Mr. C. Joseph Chang, Mrs. Nam Jack, Mrs. Lisa Link, Mr. Chris Norgaard, Mrs. Shelley Ryan, and Student Board Member Alyssa Escamilla. Administrators present were Dr. Alex Cherniss, Mrs. Julie Boucher, Mr. Stephen Choi, and Mrs. Linda de la Torre.

a. Pledge of Allegiance

b. Approval of Agenda

Moved for approval by Mr. Norgaard, seconded by Mrs. Link

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

c. Approval of Minutes

January 16, 2018

Moved for approval by Mr. Chang, seconded by Mrs. Jack

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

January 23, 2018

Moved for approval by Mrs. Link, seconded by Mr. Norgaard

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

7. **PUBLIC HEARING SECTION**

a. Communications from the audience concerning matters on the agenda

The Board made a motion to extend the Public Hearing Section to accommodate nine speakers at three minutes each.

Moved for approval by Mrs. Link, seconded by Mr. Chang

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

Mr. William Gardner presented his comment in opposition of the proposed bond measure. He indicated that SMHS held a phenomenal production of Fiddler on the Roof in existing facilities and asked why it would be necessary to build a new facility when students could do what they did with the resources and structure we already have. He stated that he views the items on the proposed bond as being more wishes than needs.

Mrs. Liz Kneier presented her comment in support of the proposed bond measure. She stated that she is proud of the Board and Administration for taking the positive steps required toward maintaining and updating the school facilities. She recognizes the positive impact on property values and believes that the District needs to be competitive with surrounding districts. She offered her support 100%.

Mr. Dennis Kneier presented his comment in support of the proposed bond measure. He stated that he is not going to second guess the top-notch staff and Board that has

been elected to oversee the District. He addressed the emotion component behind the bond and how people feel about the City and noted that consideration needs to be about doing what is best for the community, for property values, for students, schools and staff. He said that if San Marino really is a first class community, it takes an investment to make and keep it the best it can possibly be. He indicated that the District, Board and Administration has his full support.

Ms. Stephanie Duncan presented her comment in support of the proposed bond measure and of the Administration and the Board. She stated that she was very disappointed in the behavior and attack by community members at the town hall meeting on Monday, February 11. She felt that regardless of the emotions and differences of opinion, the behavior was uncalled for and unsettling. She reiterated her support and gratitude to the Board and Administration.

Mr. Peter Koh presented his comment giving his unequivocal support of the proposed bond measure and said it defines what the community is about. He said that the community needs the courage to do the right thing in giving of time and money. He indicated that supporting the bond is important for many reasons including: the protection of property values, his belief in Dr. Cherniss and his vision for the District, borrowing now is cheap, and great facilities create great learning environments. He said that the schools are the crown jewel of San Marino and that the community needs to ensure their success.

Ms. Kathryn Oliveros presented her comment in support of the proposed bond measure. She stated that the District modernization and expansion of facilities should not be put off any longer. She encouraged the focus to be on figuring out the reasons to move forward and not just listing reasons why to stop. She urged the Board and Administration to move forward presenting information with patience and transparency, and urged the community to stay open minded and respectful and to remember that it all boils down to the kids, and what can be done to benefit the students now and for many years ahead.

Mr. John Chou presented his comment regarding the proposed bond measure, commending the Board and Dr. Cherniss for taking on this challenging task. He stated that he is glad that there would be a citizens oversight committee to provide a check and balance system. He noted that SMUSD receives only \$7,500 per student from the State versus the \$12,000 that LAUSD receives. He is concerned about resources and does not want to see funds from the general budget allocated to deferred maintenance at the sacrifice of programs. He stated that the schools belong to the community, and the community needs to ask themselves what kind of schools they want and if they are willing to support what it takes to have them.

Mr. Richard Patlan presented his comment regarding the proposed bond measure stating that he wholeheartedly supports the Board and the modernization of the District facilities. He said that San Marino has a top notch school system, and he strongly believes that with a good education comes good facilities and that quality facilities will provide more incentive to achieve at higher standards. He applauds the efforts and urged the Board to place the measure on the ballot so that ultimately the community can decide.

Ms. Christina Pink presented her comment in support of the proposed bond measure. She stated that with the passing of the bond, safety and security would be greatly increased. She also noted that top universities are looking for well rounded students and that courses offered by SMHS could be expanded with new facilities and allow them to remain competitive with other high performing schools. She congratulated the District

on the new STEM class and urged the Board not to abandon the bond. She expressed appreciation to the Board for their dedication time and talent, and thanked them for donating their salary back to the district.

Ms. Stacy Brightman presented her comment regarding deferred maintenance. She asked that the San Marino construction fee be investigated as a resource for deferred maintenance. The construction fee is a per square foot renovation fee that goes to the school District. In San Marino there are no fees unless renovations go over 500 square feet, she proposed that perhaps the 500 square foot threshold could be taken down as an option for additional resources.

b. Communications from the audience regarding matters not on the agenda

No comments were presented.

8. **CONSENT AGENDA**

- a. Certificated Personnel Document
- b. Classified Personnel Document
- c. Consolidated Executive Summary 2017-18 Winter Data Collection and Application for ESSA Title IV Funds
- d. Contracts and Agreements Report 2017-18 #10
- e. Donations Report 2017-18 #5
- f. HMS Wind Ensemble Heritage Music Festival, Universal Studios, Hollywood, California, April 13-14, 2018
- g. Memorandum of Agreement between Pacific Oaks College and San Marino Unified School District for Student Teaching
- h. SMHS Robotics Team Competition, Las Vegas, Nevada, March 21-24, 2018
- i. Williams Settlement Quarterly Report - 2nd Quarter

Moved for approval by Mrs. Jack, seconded by Mr. Norgaard

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

9. **COMMUNICATION SECTION**

a. Communications from the Board

Following is a list of events attended by the Board members:

- 1/24 PFA - Balancing Two Worlds by Larry Wong (Chang)
- 1/24 SMUSD Safety Committee Meeting (Chang)
- 1/24 Meet with District Staff - Board Policy Review (Link)
- 1/24 SMHS - Dr. Gates (Link)
- 1/25 Titan Wellness Center Committee Meeting (Chang)
- 1/25 Tour El Monte Rosemead Adult School (Norgaard)
- 1/26 SMHS - Dr. Gates (Norgaard)
- 1/27 Crowell Library Celebration (Chang, Norgaard)
- 1/27 SMHS Fiddler on the Roof (Chang)
- 1/29 Sportsmanship and Grievance Meeting (Jack)
- 1/30 HMS 5th Grade Parent Night (Chang)
- 2/01 SMSF Major Donor Party (Chang)
- 2/03 Chinese School Lunar New Year Celebration (Chang)
- 2/05 SMHS Active Shooter Training (Chang)
- 2/05 PCC Symposium (Ryan)
- 2/06 PTA Council Meeting (Chang)

2/06 HMS Spelling Bee (Chang)
 2/05 SCTA Meeting and Banquet (Jack)
 2/05 PCC Symposium (Ryan)
 2/07 Caltech Associates Trustee Meeting (Chang)
 2/09 Carver Chinese New Year Celebration (Chang)
 2/09 NextGen Science Training with UCLA (Ryan)
 2/10 HMS Parent Party (Norgaard)
 2/11 East Meets West Chinese New Year Event (Norgaard, Ryan)
 2/11 Presentation of Proposed Chinese Garden Phase II at The Huntington (Chang)
 2/12 SMHS AP Night (Chang)
 2/13 Valentine Lunar New Year Celebration (Chang, Link)
 1/24-2/13 Alumni Interviews for Brown University (Jack)
 1/24-2/13 Meet with Community Members Regarding Proposed Bond (Ryan)

b. Communications from the Superintendent

Dr. Cherniss gave an overview of the new Caltech STEM Research Course that will be offered at SMHS that included the following highlights:

- Caltech was ranked #1 in the world in 2016
- The course has been three years in the making
- The course will be a blended learning course similar to the Honors Humanities Program
- Three Caltech professors have been secured and one more is in progress
- The course will take 20-25 students that will be broken up into four research groups consisting of 4-6 students per group, and each group will be assigned to a professor
- Two SMHS teachers, Daniel Lee and Keiko Hiranaka, will be co-teaching the course
- Students will go to Caltech twice per month - commitment and flexibility will be required as 70% of SMHS students participate in afterschool activities and they want to maintain that access
- The Caltech professors will be at SMHS on February 20 to present the work of their labs and allow students to pick up applications.

Dr. Cherniss extended his thanks to Caltech Administration, Dr. Greer, Dr. Umans, Dr. Stoltz, and coordinator Mitch Aiken. He thanked Board members, Joseph Chang and Chris Norgaard for their efforts and contributions in this process. Dr. Cherniss also thanked the Board for their willingness to allow himself and the staff to innovate and do new things, and stated that there is no other high school in the country that will have a class like this, only SMHS.

Dr. Cherniss congratulated Carver Principal Dr. Michael Lin on successfully defending his dissertation.

Dr. Cherniss thanked the Board for approving the schedule this year to accommodate the District's Chinese families and wished all celebrating a Happy Chinese New Year. He also thanked the Chinese Club for the incredible carnival and their consistent support of the schools financially and for being there and present for SMUSD students and families.

The Board thanked Dr. Cherniss for his leadership and vision. They also thanked Doug Berry and Dr. Issaic Gates for their efforts in bringing the STEM course to pass,

as well as Joseph Chang and Chris Norgaard for leading the charge and congratulations to all.

c. Communications from the Student Board Member

Student Board Member Alyssa Escamilla reported the following events.

1/26 SMHS Winter Spirit Assembly
2/02 HMS ASB Game Night
2/06 HMS 6th Grade Spelling Bee
2/07 HMS Non Time Fun
2/07 SMHS Freshman Fitness Testing
2/09 SMHS Choir "Love Notes"
2/09 Carver Lunar New Year Celebration
2/09-11 YASC - Ms. Escamilla elected as State Vice-President
2/10 HMS Parent Party
2/10 SMHS Junior and Senior Yosemite Trip
2/12 HMS Beginning of Career Week
2/14 Valentine Lunar New Year Celebration & Assembly

10. **DISTRICT GENERAL**

a. Capital Facilities Needs Assessment

Dr. Cherniss opened up a question and answer period for the Board regarding the proposed bond. He indicated that if the bond is not placed for a Second Reading at the next Board meeting and approved, the next options will be November 2018 or March 2020.

The Board suggested that a detailed timeline with alternative scenarios based on various start dates of construction be prepared, including what is recommended to be done regarding deferred maintenance with an indication of the cost and consequence if not done.

The Board requested another study session and suggested the formation of a Facilities Advisory Committee to provide assistance with analysis and communication.

The Board stated that they have asked on several occasions if there are other ways to finance facility needs and each time has gotten a different but basically "no" answer. They expressed confusion over the conflict of information when also reading in the Tribune that there may be an option similar to what La Canada used. The Board asked for clarity on the tax extension bond. Mr. Chet Wang of Keygent responded that there is a bond anticipation note that could be used as a form of interim financing to serve as a bridge. He stated that it would only apply if, and only if, the bond was moved to 2020 as it has a limited 5 year term according to California Government Code. If the bond was passed in 2020, the taxpayer would not pay more taxes between 2020 and 2025. After the existing bonds are paid off, the taxpayer would then pay on the new bond beginning in 2026.

The Board asked if there is any way to go out for a bond prior to 2020 with the consideration that interest rates and construction costs may rise. Would there be a way to finance before 2020 if needed? Mr. Wang referred to the Capital Appreciation Bond. The board acknowledged that these types of bonds are discouraged and that they are expensive. The minimum term is one year and the maximum is up to 25 years.

The Board asked what happens if interest rates increase between now and 2020, and 2020 and 2025. Mr. Wang stated that there are many moving variables with any bond program, and any variable could change. If interest rates rise the tax term may go longer. The offset is that assessed valuation in the District is very strong.

The Board asked what happens if assessed valuation grows over the next two years. Mr. Wang replied that the numbers would be rerun and could result in more proceeds, a lower tax rate, or shorter term.

The Board asked for clarification regarding the statutory formula that determines how much the District can borrow for facilities and construction, as there has been community concern that by borrowing \$148M the District would be tapped out on resources. Mr. Wang responded that statutory bonding capacity has nothing to do with tax rate or the general fund. He said that as assessed valuation goes up, so does the amount available to borrow. Bonding capacity is not a debt limitation.

The Board asked about the bond and its use for deferred maintenance. Mr. Wang stated that the funds may only be used for capital projects, however, some deferred maintenance projects can be classified as capital projects. He said these projects should be vetted with a District attorney and the community oversight committee.

Student Board Member, Alyssa Escamilla relayed her experiences as a student in relation to facility needs. She spoke about some of the discomforts and disruptions related to facilities that need upgrading.

Mr. Chang stated that as elected officers they need to think of both current and future situations. The District needs to stay competitive with surrounding districts that are aggressive and growing. The District also needs to consider ADA requirements and meeting that criteria, and they need to look ahead to answer what will be the priority reason to choose SMUSD.

Mrs. Jack acknowledged that there is a need to modernize and move forward in order to compete with surrounding districts that are moving forward with their updates and modernization. She said if the District doesn't keep up there will be consequences to the community in property values, etc. She recognizes that the Board has not done a good enough job communicating what needs to be done and would like a better view of the community perspective on the needs and a poll done to gain the pulse of the entire community. She indicated that she does not believe the bond should be placed on the June 2018 ballot, and the focus placed instead on improved communication and looking at what needs to be done. She added that the results of a poll will not be the only deciding factor in any future decision making, as members of a Board are elected to make decisions. A poll would only be one factor of many. She stated that ignoring the needs of the District would be irresponsible, and she would like to ensure the passage of a future bond.

Mr. Norgaard requested that the Board have another study session and that a facilities advisory committee be formed that could be extended to several aspects similar to the Athletics Advisory Committee. He said that he is hopeful that some of the items that are not prioritized in the bond would be funded through other means. He added that in his opinion, those things viewed as wishes are needs and that the District doesn't have the luxury of just getting by if they want to stay competitive. He said that the legal threshold to pass a bond is 55%, and he would like to see

collegiality in the community and more support than a narrow win. He said there are many moving parts that need to be managed flexibly and with as much adaptation as possible.

Mrs. Link expressed appreciation for the participation of community members at the recent Board meetings and hoped that they would continue to attend all meetings not just those about facility needs. She thanked Dr. Cherniss and staff for bringing District facility needs to their attention and for not settling for mediocrity or being adequate as San Marino students deserve better. She stated that in an ideal world the Board would move forward with the bond resolution at the next meeting and that there are many compelling reasons why it would be a good idea to move forward. However, she said there are still several unanswered questions about the bond, such as whether the State of California will address the \$10K cap on Senate Bill 227. She would also like to know all of the different options with detailed outlines of what each option entails. She requested a study session and the formation of an advisory committee with collective expertise from the community.

b. Barth Athletics Complex Project Update

Assistant Superintendent, Business Services Mrs. Julie Boucher presented an update on the Barth Athletics Complex stating that it remains within the established budget and is on track to be completed in August 2019. Weekly meetings are held with all contractors present. She gave a financial update that included the points below:

- SMUSD has applied for \$2.2M in State matching funds - status pending
- SMUSD committed Capital Funds and Developer Fee Funds of \$3.4M
- Certificate of Participation Funds \$6.5M
- \$4.8M local funding, SMSF and donations
- Applied for a grant from Edison in the amount of \$10,500
- Total \$17M in revenues

Construction Manager Gerald Schober presented a brief review of the project including photos of the construction site and the progression of the project.

Mrs. Boucher, on behalf of the District, thanked Andy and Avery Barth and the community for the generous donations to the Barth Athletic Complex.

The Board asked how the structure will be reinforced for earthquakes. Mr. Schober responded that all school buildings are required to meet standards of the Field Act for earthquake strengthening and all projects must undergo review by DSA specifically for structural safety.

The Board asked if neighbor concerns about the construction have been addressed and alleviated. Mrs. Boucher stated that the District has received a compliment from one of the concerned neighbors that the project has been going smoothly and that disruption and noise has been low. The District provides email or text for those that have signed up to give notice on deliveries, etc. The Board wanted to ensure that all is continuing in a good neighborly manner. Mr. Schober said feedback from Principals at Valentine and HMS has been positive.

The Board asked about changes in cost or change orders. Mr. Schober stated that there has been no weekend work and they don't anticipate overtime work being necessary. Mrs. Boucher indicated that there is a 5% change order contingency.

She said that there have been a couple of changes that have been approved by the Board so far, and they feel the 5% contingency is adequate for the remainder of the project.

Dr. Cherniss stated that fundraising efforts continue and that the actual gym itself still needs a donor.

11. **CURRICULUM AND INSTRUCTION**

a. Board Policy 5111.1 District Residency

Assistant Superintendent, Human Resources Linda de la Torre presented Board Policy 5111.1 District Residency to the Board as First Reading for discussion. She indicated that this policy is being modified in accordance with Assembly Bill 1101.

The Board asked if the language in the policy came from CSBA. Mrs. de la Torre indicated that the language was in part from CSBA, but that the District consulted with Lozano Smith, and Sloan Simmons of that firm provided a draft copy that was modified in accordance with current registration procedures.

The Board asked what the difference is between the version they received in the packet prior to the meeting and the version they received at the Board meeting. Mrs. de la Torre went over the items that were modified.

The Board confirmed that this is a first reading and indicated that there are many changes requested. They asked for clarification regarding the reference to the Superintendent or Designee on the last page. Mrs. de la Torre stated that it has historically been handled by the Designee, typically the Assistant Superintendent, Instructional Services, and all decisions are made in consultation with the Superintendent.

The Policy will be brought to the Board for a Second Reading with recommended revisions and corrections.

12. **BUSINESS SERVICES**

a. Interfund Transfer of \$6,029.72 from the General Fund 01.0 to the Health Benefits Fund 17.0

Assistant Superintendent, Business Services Mrs. Julie Boucher recommended that the Board approve an interfund transfer of \$6,029.72 from the General Fund to the Health Benefits Fund.

Moved for approval by Mr. Norgaard, seconded by Mrs. Jack

Ayes: 5, Noes: 0
Abstention: 0
Preferential: 1

13. **BOARD-SUPERINTENDENT DISCUSSION ITEMS**

The Board requested that a Board Policy be drafted prohibiting cell towers on school property and that it be agendaized for the February 26, 2018 Board meeting under District General.

The Board asked that statistics regarding attendance during this cold and flu

season be made available at the February 26, 2018 Board meeting, including what it is costing the District.

14. **ADJOURNMENT**

There being no need to return to Closed Session, the meeting was adjourned at 9:25 p.m.

Unadopted
Alex Cherniss
Superintendent
Secretary to the
Board