

**SANTEE SCHOOL DISTRICT
REGULAR MEETING
OF THE BOARD OF EDUCATION**

September 2, 2008

MINUTES

Douglas E. Giles
Educational Resource Center
9619 Cuyamaca Street
Santee, California

A. OPENING PROCEDURES

1. Call to Order and Welcome
President Bartholomew called the meeting to order at 7:06 p.m. and read the District Mission Statement.
Members present:
 Dan Bartholomew, President
 Dianne El-Hajj, Vice President
 Dustin Burns, Clerk
 Barbara Ryan, Member
 Allen Carlisle, Member
Administration present:
 Dr. Lisbeth Johnson, Superintendent and Secretary to the Board
 Bill Clark, Assistant Superintendent, Business Services
 Emily Andrade, Assistant Superintendent, Educational Services
 Minnie Malin, Director, Human Resources
 Linda Vail, Executive Assistant and Recording Secretary
2. President Bartholomew invited Trevor O'Niele, a 4th grade student at Rio Seco, to lead the members, staff and audience in the Pledge of Allegiance.
3. Approval of Agenda
It was moved and seconded to approve the agenda.

Motion: Ryan Second: El-Hajj Vote: 5-0

B. REPORTS AND PRESENTATIONS

1. **Superintendent's Report**
 - 1.1. Developer Fees Collection Report
 - 1.2. Use of Facilities Report
 - 1.3. Enrollment Report
 - 1.4. Schedule of Upcoming Events and Back to School Nights
 - 1.5. Update on Modernization/CIP and Opening of School

Minnie Malin provided an update on student enrollment. She reported only 66 less students who actually attended the first day than were enrolled and approximately 20 additional students enrolled today. Current enrollment is 112 students over 2007 CBEDs.

Dr. Johnson asked the Board about the Chamber of Commerce's annual award ceremony and member Ryan recommended purchasing a table to attend.

Dr. Johnson provided an update on modernization and the opening of school. It was a great opening day and was exciting to visit Phase 1 schools and see the response of parents to our modernized classrooms. There were a few problems that are being dealt with promptly and a couple of issues will be brought to the facilities workshop. Teachers at the Phase 1 schools have expressed their thanks to the Board for the gifts. President Bartholomew was amazed at the readiness of the schools for the start of school today versus 2 weeks ago. Dr. Johnson and the Board wished to give special thanks to Ted Doughty and Cathy Abel for helping to make the schools ready for children. Member Burns said the excitement of the students for the first day of school is always refreshing.

Member Ryan said teachers told her how appreciative they were of all of the help and support provided to the teachers at Phase 1 schools.

2. Extended Year and Intervention Summer Academy Report

Emily Andrade shared there were 290 students enrolled in the intervention academy this summer and 144 students attending Extended Year. She thanked Tammy Reese for the work she did as an administrative intern. She introduced Ms. Reese and Bonner Montler to share pre- and post-data for the students in the intervention program.

Tammy Reese thanked Food 4 Less, Golden Spoon Yogurt, and Claim Jumper for their generous donations for attendance incentives. The Summer Success Academy used curriculum by Great Source, designed specifically for summer school programs. There was great student improvement in Mathematics. Reading Plus was used for grades 4, 5, and 6 and students showed good gains in reading comprehension. The upper grades showed lower growth in reading and Mrs. Andrade explained the air conditioning was not working during the post test for the upper grades, and she believes that it had a strong impact on student performance.

President Bartholomew thanked all of the teachers who gave up part of their summer to work summer school.

3. State Budget Update

A news article was provided to the Board showing history being made with a State budget that was not yet signed

C. PUBLIC COMMUNICATION

President Bartholomew invited members of the audience to address the Board about any item not on the agenda. *There were no public comments.*

D. CONSENT ITEMS

Items listed under Consent are considered to be routine and are all acted on by the Board with one single motion. President Bartholomew invited comments from the public on any item listed under Consent.

1.1. Approval of Minutes

2.1. Approval/Ratification of Travel Requests

2.2. Approval/Ratification of Revolving Cash Report

2.3. Acceptance of Donations

Adoption of Resolution #0809-12 to Certify 2007-08 Gann Limit Appropriations Recalculation and an Estimated Limit for 2008-09.

3.1. Approval of Builders Risk Insurance Provided by John Burnham & Associates for the Ten Classroom Additions at Carlton Hills, Rio Seco, and Carton Oaks Schools

3.2. Approval of Revised Energy Performance Award for Modernized Schools

4.1. (Pulled for separate consideration.)

5.1. Personnel, Regular

5.2. Granting Tenure to Eligible Certificated Employees

It was moved and seconded to approve Consent Items with the exception of item D.4.1., which was pulled for separate consideration.

Motion: Ryan Second: El-Hajj Vote: 5-0

4.2. Approval of 2009 Early Admittance to Kindergarten (EAK) Program Human Resources (Pulled by Member Burns for separate consideration.)

Member Burns expressed his desire that a standard list of basic items be developed for all new teachers to set up a classroom, including EAK teachers. **Mrs. Andrade will return with a Board item with the cost.**

Motion: Burns Second: Ryan Vote: 5-0

The newly tenured teachers were introduced and President Bartholomew welcomed them.

E. DISCUSSION AND/OR ACTION ITEMS

President Bartholomew invited comments from the public on any item listed under Discussion and/or Action.

1.1. Special Education Board Advisory Committee

Administration mailed letters to all parents of students designated as special education seeking interested parents to serve on the Special Education Board Advisory Committee. Dr. Johnson suggested to continue seeking members now that teachers will have communication with parents.

Member Ryan suggested waiting until additional late applications are received before appointing members. Administration said the first meeting would be in October so appointing members could wait until the annual Board Advisory Committee applications are sent out and returned. Member Ryan said there were two married couples desiring to be on the committee and she would be reluctant to have two members of the same family appointed as members, although any member of the public could attend the meetings. Member Burns agrees about waiting to assure that all disabilities are represented and also a representative is appointed from each school if possible.

President Bartholomew recommends appointment of those presented and continuing to seeking additional school representation. Member Carlisle would like to see the staff members who would be on the committee when it is returned. Following discussion, it was determined by the Board to have this item return with additional applications, having staff members for the committee, and naming Board representatives.

2.1. Proposition R Program Performance Review Report, Fiscal Year 2007-08

Bill Clark introduced Mr. Tony Fulton, of AF Fulton Consultants, who conducted an independent review and prepared a report of the Capital Improvement Program. The ICOC designated six areas of review, the overall program, and progress made to date. Mr. Fulton's report said the District has taken a proactive stance in seeking State funding. District staff is administering the program well. The lease-lease back methodology was an excellent methodology for this District. The Board is very involved in the program and in workshops. Barnhart has progressed well as a construction manager and in value engineering. Barnhart has provided the District with the best value for preconstruction services and overall fees, and is on the lower end of the scale compared to other programs.

The report recommended that cash flows be updated more frequently. Plans will be reused and the District should keep records of corrections so in future bids there would be fewer changes. It was recommended to use a more easily adapted system instead of the COLBI system and to track invoices to keep payments within 30 days, which is a legal requirement. A policy and procedural manual should be developed to define the roles and responsibilities of staff involved and design standards should also be developed. The consultant recommended the District modify their standard architect agreement and consult with legal council before contracting a future architect services agreement. The current architect contract needs to be modified to align with the lease-lease back methodology. There should also be a change order log with defined responsibilities and closing out of any outstanding extra services agreement with the architect, with a continuation of monitoring any extra services. Overall, the program is running smoothly and well managed. Mr. Fulton gave accolades to Bill Clark, Christina Becker, Nancy Stasch and Tory Long who are doing a great job so far.

Member Carlisle asked about renegotiation of the fees because it is not in alignment with a lease-lease back agreement, if it was solely financial or if there were other reasons. President Bartholomew asked for more elaboration. Mr. Fulton said a lease-lease back plan would hire a construction manager for a fee with general conditions with value engineers. The architect's contract says they will do the construction management and value engineering. The construction manager does the estimates and the architectural contract says the architect does the estimates. It is not clear in either contract who is doing what. If both are doing it he wants to see, in an audit, both of them doing it. The cost could be ½ to 1 percent of the cost of the program.

Some Districts have both provide these things and then sit down and negotiate the differences. Santee has included these items in both contracts but only one entity is doing them. The contracts are in conflict. Re-negotiating the contract would provide for a smoother project for the future.

President Bartholomew made mention that several members of the ICOC were in attendance and thanked them for coming.

Mr. Clark provided the District's responses to the report. He shared administration has put in place invoice tracking procedures and prepared a point-by-point response to the reports. There is a need to resolve the Prop. 39 issue on financial review and an evaluation of the program performance. Member El-

Hajj said the mandate for the requirements is a financial audit and she did not expect Mr. Fulton's report to be the end-all, but expected a different picture. She does not believe it meets the mandate of the Prop 39 requirements. Mr. Fulton took his lead from the requests of the ICOC and not the requirements of the law. Bill Clark said our financial auditor will provide the financial audit report Member El-Hajj is referring to.

Member Burns said this review is what he wanted to see and believes it is what the ICOC wished. Bill Clark said the financial auditor will provide the financial end of the performance audit. Mr. Fulton said the financial audit will look at expenditures and that the monies from the bond were not spent outside of the Prop 39 rules. Mr. Fulton provided, not a financial audit, but a look at the program as a whole, and calls it a review, not an audit. Member Carlisle asked about a deadline. Bill Clark said the deadline for the audit is December 15th.

Eid Fakouri, president of the ICOC but speaking as an individual, said the performance audit is a very small piece of the work. He thanked Mr. Fulton for doing the programmatic review using his experience to look at it in a way the ICOC could not. This review is what the ICOC wished to see. He believes there is room to negotiate and really needs to look at cost savings. Each member of the ICOC has received a draft copy of the report. They have not yet received the District's responses.

2.2. Modernization Capital Improvement Program – Contract Services

Patty Sprotte, from Sprotte-Watson Architects, requested time to speak on this item.

Ms. Sprotte asked the Board to take note of page 31 of Mr. Fulton's report regarding architectural fees. Ms. Sprotte said Sprotte-Watson has been negotiating in good faith with District staff for the past four months while continuing to provide contract services. She requested the Board to conduct proper due diligence before taking action affecting the District's capital improvement projects. The architects have had a number of challenges and obstacles. In January 2008 the District began withholding payment without explanation. In May 2008, she met with Christina Becker and Tony Fulton and a contract amendment was suggested instead of a new contract. The current agreement is very similar to other contracts they have entered into. Mr. Fulton did not meet with the architects for information for his review. At a July 17th meeting, they offered to rescind \$600,000 and asked the District to cover \$137,000 of services. They left the meeting feeling coerced by District administration to settle. She believes termination of their contract would be without cause and would delay the projects of Phase 2.

Bill Clark shared administration is bringing forth a recommendation to terminate the current architect contract. The root issue is the District has issues with a non-specific contract which has allowed for misinterpretation. This contract was put into place prior to the District entering into a lease-lease back construction management option. Continuing with that contract would be very unproductive to the success of the project. It is in the best interest of the District to terminate the contract and many of the risks mentioned by Ms. Sprotte have been addressed.

Member Carlisle asked if the District knew that Mr. Fulton did not meet with Barnhart and Sprotte. Bill Clark said he disagrees with the comments that were made. Mr. Fulton reviewed contracts, invoices, and operated within the scope of his work he was hired to do.

Member El-Hajj asked Ms. Sprotte if this contract meets their needs. Ms. Sprotte said the contract could be amended and that would be productive for all. She said District staff never brought suggested amendments. Member El-Hajj asked Ms. Sprotte if she thought it would be advantageous to follow the contract as it currently stands. Ms. Sprotte said it would not be in the best interest of Sprotte-Watson or the District. One of the stipulations of the contract is that it can be renegotiated and she wished to coordinate the contracts with a lease-lease back system. President Bartholomew asked if Sprotte-Watson was willing to sit down and renegotiate their contract. Ms. Sprotte said yes. For Sprotte-Watson to renegotiate with the District they must renegotiate with 11 consultants. An amended contract would be a better solution than a new contract. Member Burns said the current contract is not acceptable to him. The Board also receives input from legal council. It is a serious accusation that they believed they were being coerced. He is concerned that there was a \$45,000 charge for a Board workshop. Member Burns asked how the project could continue with an unhealthy working relationship. Ms. Sprotte said the workshop occurred when all of the projects were already at DSA. Their firm had to stop all their current projects to produce the visual presentations for the workshop. Sprotte-Watson believes they have fulfilled their contract expectations for the District.

Member Ryan said they have done an excellent job. A report from an independent consultant has been received and said there are some inconsistencies and conflicts that need to be resolved. There are issues between Sprotte-Watson and District administration. The Board has been kept informed throughout the process and she believes terminating the contract is the best decision at this time. Sprotte-Watson is welcome to return with a new contract. The public holds the Board accountable for the expenditure of the funds and this relationship has distracted from the work. President Bartholomew does not believe he has had good information through the process. He is concerned about severing an agreement with the architect in the middle of our project due to schedule delays and costs. He believes an amended contract could be renegotiated. Member Carlisle believes it is in the best interest to continue working with Sprotte-Watson and amend the agreement as necessary because of the lease lease-back mechanism. He has strong concerns about delays and cost increases if switching mid-stream. Member Ryan asked how the District would avoid delays and cost over runs. Bill Clark said the current work environment has qualified firms, some larger, that would be very interested in this project and that work with the same sub contractors.

Mr. Clark believes the risks can be effectively mitigated through a quality RFQ. Member El-Hajj believes the Board must trust district personnel. There are some issues that are worrisome. She doesn't believe that with the results of prior negotiations there is a way that the parties can come together. She cannot support continuance of the contract at this time. Member El-Hajj moved approval to discontinue and terminate the current architect agreement, authorize administration to seek contract services which better suit and support the District's lease-lease back modernization Capital Improvement Program, and approve issuing a RFQ as a result and bring applicants who apply back to be interviewed by panel members.

Motion: El-Hajj Second: Ryan Vote: 3-2 (Bartholomew/Carlisle, nos)

2.3. Approval/Ratification of Lease-Leaseback Contract Amendments #7 - #9: Ten Classroom Additions at Carlton Hills, Rio Seco, and Carlton Oaks Schools

The ten-classroom additions at Carlton Hills, Rio Seco, and Carlton Oaks have been taken out to bid and came in underbid because of the competitive environment. They have received a guaranteed maximum price for the three 10 classroom additions as part of the District's \$121.4 M Capital Improvement Program.

Member Carlisle moved to approve Amendments #7, #8 and #9 to the Lease-Leaseback Agreement in order to accomplish the objectives set forth above since the final Guaranteed Maximum Price (GMP) is within the Board-approved Capital Improvement Program budget for these projects.

Motion: Carlisle Second: Burns Vote: 5-0

3.1 Award of Contract for Security Services

Mr. Clark reported that as part of the BAC recommendation to enhance security at schools and for staff the District has sought bids for security services. Administration recommends Santee Security Company based on cost and local experience. Santee Security Company also picks up school site deposits for a savings of \$20,000. Member Burns moved to authorize administration to contract with Santee Security for District security and night-time campus support services.

Motion: Burns Second: Ryan Vote: 4-0 (Carlisle absent)

3.2. Transportation Operations Review

Bill Clark shared there are opportunities for cost savings in the transportation department. Administration would like to have some ideas and possible proposals validated by an outside agency. The cost would be less than \$5,000 and could result in great savings for the District. Member Ryan moved to authorize administration to enter into an agreement to review the District's Transportation operations.

Motion: Ryan Second: Burns Vote: 5-0

4.1. Approval to Convert Automated Sub Calling System from eSchool Solutions to Aesop

Minnie Malin shared administration's recommendation to convert the current substitute calling system to Aesop, a web-based substitute calling and staff attendance tracking system. The new service is maintained by the company requires no manpower from the District. It also provides a much needed

reporting system for staff attendance. Member Ryan moved to approve the conversion from eSchool Solutions to Aesop automated sub calling system.

Motion: Ryan **Second:** Burns **Vote:** 5-0

G. BOARD COMMUNICATION

Member Ryan visited the Santee Success Program today. She asked what is happening with the playgrounds during the modernization of classrooms. She would like to know how students are being accommodated at playgrounds and the fields during modernization. Dr. Johnson will provide the Board with a report for each school. Member Ryan said it seemed like everything went well on the first day. Dr. Johnson said teachers and students were settled in. There were a few little glitches and they are being worked out. Member Ryan shared that she was fortunate to be able to attend the white coat induction ceremony for her son-in-law at UCLA.

Member Carlisle shared they are home schooling their children this year. He said the Smiths, the alternative school teachers, are outstanding. The accomplishments at the schools over the summer were phenomenal and they look great.

Member Burns met with Emily Andrade for an update on the special education workshop. The ERC is using a great deal of their budget on special education this year. He suggested the Board may wish to look at allocating other dollars for the special education needs. Kudos to the schools. Member Burns was concerned about the grass not cut at Cajon Park. He suggested the Board may wish to look at dollars to get the schools ready for the first day of school in the future. Member Burns shared a letter Lakeside Union School District is sending out saying that Lakeside Farms is outperforming Santee's schools, and aggressively asking why they are leaving Lakeside. He also shared he has heard from some in the community that they have been impressed with the way the Board works together whether they agree or disagree.

President Bartholomew said he discovered the Department of Health and Human Services is opening a location in East County and it seems they will have resources for students. He will bring literature about this. Dr. Johnson said she will be certain that Meredith Riffel is aware of this as a possible resource for our students. President Bartholomew said prior to the first day of school, his son spent the Monday holiday organizing a safety patrol for the morning of the first day. He was very excited about the first day. President Bartholomew congratulated Member Carlisle who recently finished his work for his Masters degree.

Dr. Johnson asked if the Board wished to continue with student forums as well as student presentations as proposed by Member Burns last year. Board members would like to continue the Student Forums may have one less than previous years, perhaps in November and February.

H. CLOSED SESSION

President Bartholomew announced that the Board would meet in closed session for:

1. Public Employee Discipline/Dismissal/Release (Govt. Code § 54957)
2. Conference with Legal Counsel- (Govt. Code § 54956.9 subdivision (b): Significant exposure to litigation) (One potential case.)
Legal Representation: Tim Garfield, Attorney at Law

The Board entered closed session at 9:40 p.m.

I. RECONVENE TO PUBLIC SESSION

The Board reconvened to public session at 10:35 p.m. No action was reported.

J. ADJOURNMENT

The September 2, 2008 regular meeting adjourned at 10:35 p.m.

Dustin Burns, Clerk

Lisbeth A. Johnson, Ed.D., Secretary