Beverly Hills Unified School District Minutes

Regular Board of Education Meeting
November 17, 2015, 7:00 PM
STC/Jon Cherney Lecture Hall
Beverly Hills High School
Beverly Hills, CA 90212
CLOSED SESSION - Administrative Building
OPEN SESSION - STC/Jon Cherney Lecture Hall at Beverly Hills High School

Attendance Taken at 7:00 PM:

Present:
Shawn Ahdout
Dr. Brian Goldberg
Howard Goldstein
Lewis Hall
Lisa Korbatov
Noah Margo

I. OPEN SESSION-5:00 P.M.

II. PUBLIC COMMENT

III. CLOSED SESSION-5:00 P.M.

III.a. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) & (d)(2) of Section 54956.9:
(4 Cases)

III.b. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision (d)(1) of Section 54956.9): Ricks v. Beverly Hills USD (Case No: SC122476)

III.c. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision (d)(1) of Section 54956.9): Beverly Hills Unified School District v. Federal Transit Administration, et al., USDC Case No. CV 12-9861-GW(SS)

III.d. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision (d)(1) of Section 54956.9): Beverly Hills Unified School District v. Los Angeles County Metropolitan Transportation Authority (LASC Case No. BS 137606)

III.e. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision (d)(1) of Section 54956.9): Karen Christiansen v. Beverly Hills Unified School District Case No. BC 420456 Claim of Strategic Concepts and Karen Christiansen

III.f. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision (d)(1) of Section 54956.9): Amy Golden v. The Beverly Hills Unified School District, a public school district, Brian Goldberg, an individual; Lisa Korbatov, an individual (Case No. BC573853)
III.g. CONFERENCE WITH LABOR NEGOTIATORS

III.h. EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

III.i. PUBLIC EMPLOYEE APPOINTMENT

III.i.1. Certificated Personnel Report-Revised
III.i.2. Classified Personnel Report-Revised

IV. OPEN SESSION-CALL TO ORDER-FLAG SALUTE-7:00 P.M.

Minutes:
Board President Dr. Goldberg called the meeting to order at 7:05 p.m. and asked Ari Goldberg
to lead the audience in the Pledge of Allegiance.

V. APPROVAL OF THE AGENDA

Motion Passed: A motion was made to approve the Agenda. Passed with a motion by Noah
Margo and a second by Howard Goldstein.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Absent Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo

VI. REPORT OF CLOSED SESSION ACTION

Minutes:
Superintendent Kessler reported that no action was taken in Closed Session.

VII. AGENDA HEARING PERIOD/ADDRESSING THE BOARD

Minutes:
No one addressed the Board.

VIII. ACCOMMODATIONS AND RECOGNITION

VIII.a. Presentation of Resolution #2015-2016-007 and Outgoing Gavel to Board
President

Motion Passed: A motion was made to approve Resolution #2015-2016-007. Mr.
Goldstein read the resolution to Dr. Goldberg.
A roll call vote was taken. Passed with a motion by Lewis Hall and a second by Noah
Margo.

Yes Shawn Ahdout
Abstain Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Minutes:
Dr. Goldberg thanked the Board and gave his good-bye speech.

VIII.b. Presentation to Retiring Board Member-Lewis Hall

Minutes:
Mr. Hall was presented with a Certificate of Appreciation. He thanked the Board and gave a good-bye speech.

IX. CONSENT CALENDAR*

Motion Passed: A motion was made to approve the Consent Calendar minus items b.1., b.2., f. and g. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Absent Lisa Korbataov
Yes Noah Margo

IX.a. Approval Board Meeting Minutes

IX.a.1. Regular Board Meeting-10-29-2015

IX.b. Personnel Reports

IX.b.1. Certificated Personnel Report-Revised

Motion Passed: A motion was made to approve the Certificated Personnel Report-Revised. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Absent Lisa Korbataov
Yes Noah Margo

IX.b.2. Classified Personnel Report-Revised

Motion Passed: A motion was made to approve the Classified Personnel Report-Revised. Passed with a motion by Noah Margo and a second by Howard Goldstein.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbataov
Yes Noah Margo
IX.c. Approval-Professional Services Agreement - Lynne Hall

IX.d. Approval-Professional Services Agreement - Ariella Maman

IX.e. LACOE - BHUSD MOU to Share Foster Youth Data

IX.f. Approval for Administration of the California Healthy Kids Survey

Motion Passed: This item was pulled for further discussion.
A motion was made for Approval for Administration of the California Healthy Kids Survey. Passed with a motion by Noah Margo and a second by Lisa Korbatov.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo

IX.g. Approval of Service Agreement with Literacy Partners LLC to provide Writers Workshop professional development to staff at Harkham Hillel Hebrew Academy via their Title 2 Grant.

IX.h. Approval of Service Agreement with USC Rossier School of Education to provide Differentiated Curriculum and Instruction program for 2015-16 school year.

Motion Passed: This item was pulled for further discussion by Mr. Hall. A motion was made for Approval of Service Agreement with USC Rossier School of Education to provide Differentiated Curriculum and Instruction program for 2015-16 school year.

A friendly amendment was made to approve this agreement contingent upon the receipt of the Conflict of Interest. Passed with a motion by Lewis Hall and a second by Noah Margo.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo

IX.i. BHHS Out-of-County Trip: BHHS Speech and Debate Team - 34th Annual Cypress College HS Invitational Tournament; Cypress, CA; December 11 - 12, 2015

IX.j. BHHS Out-of-County Trip: BHHS Varsity and JV Basketball Tournament; San Louis Obispo, CA; December 18 - 23, 2015

IX.k. Approval-Additional Parents for SELPA Community Advisory Committee
IX.l. Approval of the 2015-16 Local Educational Agency Plan Update

IX.m. Approval to Renew Consulting Agreement with Burnham Benefits Insurance Services - REVISED

IX.n. Approval of Professional Services Agreement with Rachel Oshmiansky

IX.o. Ratification of Purchase Order #9 for 2015/2016


IX.q. Approval of Warrant Report #6 for 2015/2016

IX.r. Approval/Acceptance of Donations Listed Pursuant to Board Policy 3290

IX.s. Approval to Reconcile the Finance Committee Term Limit to that of the Citizens' Oversight Committee term of 3 Consecutive 2 Year Terms

X. REPORTS

X.a. Superintendent's Report

Minutes:
Superintendent Kessler gave the following report:
I have now had the opportunity to visit all of our schools and watch our wonderful students at work in their classrooms. The kindness and respect I have received from our students has at times overwhelmed me with joy.

Many times as I am sitting at my desk our students will walk by on Lasky Dr. and say hello to me. It constantly reminds me of the main reason why we do what we do. Every decision we make should be student driven. I feel so blessed to have taught so many for so long in the BHUSD. I promise to never lose sight of our mission which is to provide a safe and nurturing environment for our kids to thrive. To that end I, along with my administrative staff will stand tall against any threat to our student's safety and self-esteem.

X.b. Student Board Member Report

Minutes:
Student Board Member Shawn Ahdout reported on the various activities going on at the high school:
December 3-Blood Drive
December 4-Visit Albion Street

XI. EDUCATIONAL SERVICES

XI.a. Public Hearing on the Budget Plan Proposal For the Educator Effectiveness Funds

Minutes:
The public hearing on the proposed Educator Effectiveness Funds budget is now open at 10:03 p.m.
Pursuant to Education Code Section 60605.8, 60605.10, and 60605.11, the governing board of the Beverly Hills Unified School District is required to hold a public hearing to adopt the proposed Educator Effectiveness Funds budget. We now invite members of the audience to address the Board of Education on the proposed plan. The Board of Education has heard your comments and we thank you very much for your input. The public hearing is now closed at 10:04 p.m.

Dr. Tedford reported that Step 1 in this process is the Public Hearing and Step 2 will be the final approval.

XII. HUMAN RESOURCES


Motion Failed: A motion was made to approve the 2015-2016 Sunshine Items For Contract Negotiations Between California School Employees Association (CSEA) And The Beverly Hills Unified School District.

A roll call vote was taken. Failed with a motion by Noah Margo and a second by Howard Goldstein.

Yes     Shawn Ahdout
No      Dr. Brian Goldberg
Yes     Howard Goldstein
No      Lewis Hall
No      Lisa Korbatov
Yes     Noah Margo

Minutes:
The public hearing regarding the proposed sunshine items between the Beverly Hills Unified School District and the California Schools Employee Association (CSEA) Beverly Hills Chapter 328 is now open at 10:07 p.m.

In compliance with the provisions of Government Code Section 3547.5, the Board of Education of the Beverly Hills Unified School District, will receive public input and offers interested parties the ability to ask questions and or make comments on the California School Employees, Beverly Hills Chapter #328 articles that will be Sunshined for the 2015-2016 school year.

We now invite members of the audience to address the Board of Education on the proposed articles.

The Board of Education has heard your comments and concerns and we thank you very much for your input.

The public hearing is now closed at 10:08 p.m.

Motion Failed:  A motion was made to approve the 2015-2016 Management Proposal For Contract to California School Employees Association (CSEA) And The Beverly Hills Unified School District.

A roll call vote was taken. Failed with a motion by Howard Goldstein and a second by Noah Margo.

Yes Shawn Ahdout
No Dr. Brian Goldberg
Yes Howard Goldstein
No Lewis Hall
No Lisa Korbatov
Yes Noah Margo

Minutes:
The public hearing regarding the 2015-2016 Management Proposal for Contract to California School Employees Association (CSEA) and the BHUSD is now open at 10:09 p.m.

In compliance with the provisions of Government Code Section 3547.5, the Board of Education of the Beverly Hills Unified School District, will receive public input and offers interested parties the ability to ask questions and or make comments on the Beverly Hills Unified School District, Management Proposal to California School Employees, Beverly Hills Chapter #328 articles that will be Sunshined for the 2015-2016 school year.

We now invite members of the audience to address the Board of Education on the proposed articles.

The Board of Education has heard your comments and concerns and we thank you very much for your input.

The public hearing is now closed at 10:09 p.m.

XIII. BUSINESS AND FINANCE


Minutes:
This item was pulled from the Agenda.

XIV. PLANNING AND FACILITIES

XIV.a. Approval to Accept the Design Development Phase Work and Proceed into Construction Document Phase of Architectural/Engineering Design Service Provided by HMC Architects for El Rodeo School
Motion Passed: A motion was made for Approval to Accept the Design Development Phase Work and Proceed into Construction Document Phase of Architectural/Engineering Design Service Provided by HMC Architects for El Rodeo School. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
Yes  Noah Margo

XIV.b. Approval to Authorize an Amendment Agreement with HMC Architects for Investigating and Preparing a Report for the Modernization of Historical Features of Cut Stone and Dome at El Rodeo School

Motion Passed: A motion was made for Approval to Authorize an Amendment Agreement with HMC Architects for Investigating and Preparing a Report for the Modernization of Historical Features of Cut Stone and Dome at El Rodeo School. Passed with a motion by Lewis Hall and a second by Noah Margo.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
Yes  Noah Margo

XIV.c. Approval to Accept the Schematic Design Phase Work and Proceed into Design Development Phase of Architectural/Engineering Services Provided by DLR Group for Hawthorne School

Motion Passed: A motion was made for Approval to Accept the Schematic Design Phase Work and Proceed into Design Development Phase of Architectural/Engineering Services Provided by DLR Group for Hawthorne School. Passed with a motion by Lewis Hall and a second by Lisa Korbatov.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
No   Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
No   Noah Margo

XIV.d. Approval to Authorize an Amendment Agreement with DLR Group for Investigating and Preparing a Report for the Modernization of Historical Features Consisting of the Cornices, Cut Stone Decorative Columns, Finials and Lantern and the Tiled Dome at Hawthorne School

Motion Passed: A motion was made for Approval to Authorize an Amendment Agreement with DLR Group for Investigating and Preparing a Report for the Modernization of Historical Features Consisting of the Cornices, Cut Stone Decorative
Columns, Finials and Lantern and the Tiled Dome at Hawthorne School. Passed with a motion by Lewis Hall and a second by Lisa Korbato.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbato
No   Noah Margo

XIV.e. Approval to Request the Division of State Architect to Conduct an Independent Review and Investigation of the Seismic Condition of Existing Buildings at the District

Motion Passed:  A motion was made for Approval to Request the Division of State Architect to Conduct an Independent Review and Investigation of the Seismic Condition of Existing Buildings at the District. Passed with a motion by Lewis Hall and a second by Lisa Korbato.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
No   Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbato
No   Noah Margo

XIV.f. Additional Turf Fill Options, Beverly Hills High School Field Testing, Required Periodic Maintenance and Concerns for Synthetic Turf Field Replacements and Board's approval of Staff Recommendation for the use of Coated SBR

Minutes:
A motion was made to approve Additional Turf Fill Options, Beverly Hills High School Field Testing, Required Periodic Maintenance and Concerns for Synthetic Turf Field Replacements and Board's approval of Staff Recommendation for the use of Coated SBR by Mr. Goldstein and seconded by Mrs. Korbato. After a lengthy discussion the motion was withdrawn and the item was tabled.

XIV.g. Approval to Authorize an Amendment to Agreement with Environmental Audit, Inc., for Clean-up of the Arsenic Containing Soils at the Beverly Hills High School Lacrosse Field

Motion Passed:  A motion was made for Approval to Authorize an Amendment to Agreement with Environmental Audit, Inc., for Clean-up of the Arsenic Containing Soils at the Beverly Hills High School Lacrosse Field. Passed with a motion by Howard Goldstein and a second by Lisa Korbato.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbato
Yes  Noah Margo
XIV.h. Approve an Agreement to the Amendment with Environmental Audit, Inc., for Department of Toxic Substance Control (DTSC) Consulting Services at Beverly Hills High School

Motion Passed: A motion was made to Approve an Agreement to the Amendment with Environmental Audit, Inc., for Department of Toxic Substance Control (DTSC) Consulting Services at Beverly Hills High School. Passed with a motion by Howard Goldstein and a second by Lisa Korbatov.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
Yes  Noah Margo

XIV.i. Approval to enter into an Agreement Amendment with Cumming Corp for Estimating Services for Hardship Related Funding, for Beverly Hills High School Building A

Motion Passed: A motion was made for Approval to enter into an Agreement Amendment with Cumming Corp for Estimating Services for Hardship Related Funding, for Beverly Hills High School Building A. Passed with a motion by Lisa Korbatov and a second by Howard Goldstein.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
No   Noah Margo

XIV.j. Approval to authorize an Amendment to Agreement with DLR Group for Study of Programmatic Options and Concept for BHUSD Annex Building N

Motion Passed: A motion was made for Approval to authorize an Amendment to Agreement with DLR Group for Study of Programmatic Options and Concept for BHUSD Annex Building N. Passed with a motion by Lisa Korbatov and a second by Lewis Hall.

Yes  Shawn Ahdout
Yes  Dr. Brian Goldberg
Yes  Howard Goldstein
Yes  Lewis Hall
Yes  Lisa Korbatov
No   Noah Margo

XIV.k. Approval to Authorize an Amendment Agreement with DLR Group for Design of Offices to Relocate the Attendance Office and House C Vice Principal's Office at Beverly Hills High School as Part of the Interim Housing Project

Motion Passed: A motion was made for Approval to Authorize an Amendment
Agreement with DLR Group for Design of Offices to Relocate the Attendance Office and House C Vice Principal's Office at Beverly Hills High School as Part of the Interim Housing Project. Passed with a motion by Lisa Korbatov and a second by Lewis Hall.

Yes    Shawn Ahdout
Yes    Dr. Brian Goldberg
Yes    Howard Goldstein
Yes    Lewis Hall
Yes    Lisa Korbatov
No     Noah Margo

XIV.l. For Information Only: Change in Schedule for Moving into Interim Housing at Beverly Hills High School

Minutes:
BHHS Principal Dave Jackson asked the Board to support the change in the schedule of moving into the cottages. The Board supported Mr. Jackson's request.

XIV.m. Approval of Findings and Resolution No. 2015-2016-008 Regarding Sole Source Procurement for Certain Technology Equipment

Motion Passed: A motion was made for Approval of Findings and Resolution No. 2015-2016-008 Regarding Sole Source Procurement for Certain Technology Equipment. Passed with a motion by Lisa Korbatov and a second by Noah Margo.

Yes    Shawn Ahdout
Yes    Dr. Brian Goldberg
Yes    Howard Goldstein
Yes    Lewis Hall
Yes    Lisa Korbatov
Yes    Noah Margo

XIV.n. Approval of Change Order #28 with ProWest Constructors

Motion Passed: A motion was made for Approval of Change Order #28 with ProWest Constructors. Passed with a motion by Lisa Korbatov and a second by Noah Margo.

Yes    Shawn Ahdout
Yes    Dr. Brian Goldberg
Yes    Howard Goldstein
Yes    Lewis Hall
Yes    Lisa Korbatov
Yes    Noah Margo

XIV.o. Approval to Authorize an Amendment to Agreement for DLR Group for Programming and Furniture Layout Service for Horace Mann Building B

Motion Passed: A motion was made for Approval to Authorize an Amendment to Agreement for DLR Group for Programming and Furniture Layout Service for Horace Mann Building B. Passed with a motion by Lisa Korbatov and a second by Noah Margo.

Yes    Shawn Ahdout
Yes    Dr. Brian Goldberg
XIV.p. Approval for an Amendment Agreement with Leighton Consulting, Inc., for Additional Testing and Inspection Services at Horace Mann School

Motion Passed: A motion was made for Approval for an Amendment Agreement with Leighton Consulting, Inc., for Additional Testing and Inspection Services at Horace Mann School. Passed with a motion by Lisa Korbatov and a second by Noah Margo.

XIV.q. Approval to Negotiate and Enter into an Agreement with GA Technical Services, Inc., for Low Voltage Cabling at Horace Mann School Building B

Motion Passed: A motion was made for Approval to Negotiate and Enter into an Agreement with GA Technical Services, Inc., for Low Voltage Cabling at Horace Mann School Building B. Passed with a motion by Noah Margo and a second by Howard Goldstein.

XIV.r. Approval/Ratification for an Amendment Agreement with Bragg Crane Service for Additional Work for Removal of Finals and Cupola at Hawthorne School

Motion Passed: A motion was made for Approval/Ratification for an Amendment Agreement with Bragg Crane Service for Additional Work for Removal of Finals and Cupola at Hawthorne School. Passed with a motion by Lisa Korbatov and a second by Lewis Hall.

XIV.s. Approval of Resolution 2015-2016-009 in Support of Applications for Seismic Mitigation Program and Facility Hardship Program Funding
Motion Passed: A motion was made for Approval of Resolution 2015-2016-009 in Support of Applications for Seismic Mitigation Program and Facility Hardship Program Funding. Passed with a motion by Lewis Hall and a second by Lisa Korbatov.

Yes Shawn Ahdout
Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo

XV. BOARD POLICIES

XV.a. Board Bylaw 9100 Board Bylaws

Minutes:
District Counsel, Jabari Willis lead a discussion on Board Bylaw 9100. Mr. Willis is recommending that this policy be revised. The Board needs to decide whether they want a rotating process or an election process to determine the President and Vice-President.

XVI. PROFESSIONAL AND OFFICIAL BUSINESS

XVII. COMMUNICATION FROM THE BOARD MEMBERS

XVIII. FUTURE BOARD MEETINGS

XVIII.a. Organizational Board Meeting-Tuesday, December 8, 2015-6:00 PM-STC/Jon Cherney Lecture Hall, Beverly Hills High School

XVIII.b. Regular Board Meeting-Tuesday, January 12, 2016-5:00 PM-STC/Jon Cherney Lecture Hall, Beverly Hills High School

XIX. ADJOURNMENT

Minutes:
Dr. Goldberg announced the Future Board meetings and he adjourned the meeting to Closed Session at 10:30 p.m.