



# Palisades Charter High School

More Than 50 Years of Innovation and Excellence



## BOARD OF TRUSTEES

### SPECIAL BOARD MEETING MINUTES

June 29, 2015

#### I. PRELIMINARY

- A. CALL TO ORDER: 5:41 PM
- B. ROLL CALL: 5:41PM

	Present	Absent		Present	Absent
Mark Epstein	X		Jeanne Saiza	X	
Allison Holdorff Polhill	X		Kimberley Allen	X	
Monica Iannessa		X	Leslie Woolley	X	
Emilie Larew	X		Mystic Thompson	X	
Greg Nepomuceno	X		Michael Stryer	X	
James Pasto		X			

#### NON-VOTING MEMBERS

	Present	Absent
Ben Safvati		X

#### PCHS MANAGEMENT/STAFF

	Present	Absent
Pamela Magee	X	
Greg Wood	X	

## **II. PUBLIC COMMENT**

*Non-agenda items: No individual presentation shall be for more than two (2) minutes and the total time for this purpose shall not exceed sixteen (16) minutes. Board members will not respond to presentations and no action can be taken. However, the Board may give direction to staff following a presentation. Speakers may choose to speak during the public comment segment and/or at the time an agenda item is presented.*

Susan Frank, a member of the community, commented that the new Charter would take effect on 7/1/15 and there was no need for the Board to approve of newly elected Board members because there was no requirement in the old Charter for such an action. Ms. Frank recalled that when she served on the Board, they never formally approved new Board members. She also suggested that the Board refuse to hear the Report of the Ad Hoc Committee on Election Complaint. She also alleged there was a lack of Board transparency. She referenced a letter sent from the District Attorney's Office to the Board, and questioned why the Board had not made public the letter. Chair Allison Holdorff Polhill noted that the Board approving new members was a past precedent. In addition, since 2012, when the Board elections were moved to May, new Board members have taken their seat starting July 1st of each year.

Newly (student) elected Board member and PCHS teacher Alex Shuhgalter read a letter in which he described his recent election to the Board. He alleged that, after his successful election, the Board used a student petition to launch an investigation against him and other teachers in the false hope that teachers were involved in the petition. He disagreed with the Board having to certify new Board members. He denied taking any improper and unlawful actions during the campaign. He accused the Board of attempting to prevent the will of PCHS students from being carried out. Mr. Shuhgalter notified the Board that he wants all allegations against him to be discussed in open session.

Dara Williams stated that the new Charter is not in effect until 7/1/15 and the current Charter and by-laws do not speak to approving of the candidates. Under the old Charter, the candidates should be seated at the 6/16/15 meeting. Even if operating under the new Charter, Williams questioned, why there was a delay in certifying the election results. She proposed that any investigation into electioneering could be conducted while new members are seated on the Board.

## **III. PRESENTATION**

There were no presentations.

## **IV. DISCUSSION ITEMS**

Report of Ad Hoc Committee on Election Complaint – Emilie Larew

Emilie Larew reported on behalf of the Ad Hoc Committee. She reviewed recent developments: On June 23, 2015, the Election Committee was forwarded a letter to the Board from a PCHS parent. The letter alleged that Alex Shuhgalter "spent numerous instructional minutes over several class sessions talking about the school board election and his views about everything that was wrong with Palisades Charter High School including his disdain for Dr. Pamela Magee and members of the Board of Trustees." The letter also stated, "I question the validity of his election based on the fact that he was speaking to a captive audience and there was no one there to counteract his skewed views of the school."

There was lengthy discussion about Board authority and responsibilities, the need for Board certification of new members in the existing charter, precedence of approving/certifying new Board members, charter language regarding Board elections, what specific violations had occurred, possible Board actions, and possible ramifications for PCHS students and PCHS morale. Mark Epstein stated that the only body eligible to determine the validity of the election is the Board of Trustees.

Mark Epstein and Michael Stryer pointed out that any teacher using instructional time for campaigning or forcing their political agenda on their students would be acting inappropriately. Mike Stryer stated that such conduct would not fall under freedom of speech or academic freedom. Mark Epstein stated that students are in class as a matter of operation of law and teachers should use instructional time for the subjects they are contracted to teach. Mike Stryer added that it was important for students to form their own viewpoints. He emphasized that Pali cannot continue to have adults use students for their own political gain. He noted that it was not about "academic freedom."

Steve Klima suggested that there are no rules regarding the electioneering in question or what happens when an election is challenged. He, and Dave Suarez, proposed that it would be an administrative function to deal with employees who have violated rules regarding instructional minutes. Mr. Klima stated that the California Education Code includes an Academic Freedom clause, which, depending on the circumstance, may allow for teachers to have political conversations in their classrooms.

Mr. Shuhgalter addressed the Board and said while he disagreed with Dr. Magee's ideas and style, he denied that he ever used derogatory words in his class. He said that he answered student questions during breaks in class and that he never really promoted himself. He said, "I never insisted I was the best candidate." Mr. Shuhgalter said that PCHS teacher Ms. Saxon (who also ran for the student-elected Board seat) discussed the Board election in her classroom. He said when students asked him about the proposed bell schedule, he merely answered their questions.

Mystic Thompson pointed out if the Board did not seat the student-elected candidate, it would likely have a negative impact on PCHS student body morale as previous student body elections had been invalidated. She also pointed out that the Election Committee and the Board needed to address the serious allegations.

Emilie Larew noted that the Election Committee had communicated the need for additional specifics and language regarding election policies in the by-laws. Emilie Larew stated that the Ad Hoc Election Committee recommended proceeding with the investigation. Dave Suarez questioned whether in the absence of a specific by-law against electioneering the Board could suggest such action was inappropriate. Mark Epstein stated that regardless of whether or not there was such specific language, it was neither fair nor appropriate for a faculty candidate to campaign to a captive audience in class.

Steve Klima commented that calling students over the summer to investigate electioneering would not be the most prudent thing to do. He stated that he had heard there were implications that he and Dave Suarez were involved in the student petition. He suggested that the investigation of the petition is for the next Board to decide. He stated he had been working with other teachers regarding improving morale on campus and he suggested that not seating Mr. Shuhgalter would have a negative impact on morale.

Regarding whether this issue was disciplinary, Allison Holdorff Polhill noted that the Board did not micromanage and therefore the Administration could pursue such actions if they felt it was necessary. Emilie Larew reiterated that seating candidates and proceeding with the investigation are not mutually exclusive.

Leslie Woolley thanked Emilie Larew for chairing the Ad Hoc Committee and handling these election matters. Allison Holdorff Polhill agreed. Mystic Thompson also praised Emilie for necessarily pursuing the initial complaint regarding the election.

**V. ACTION ITEMS**

A. Approval of Newly Elected Board Members – Emilie Larew

The Board voted to certify all newly elected Board members. The Board decided to pause the investigation and leave the question of whether to continue the investigation to the new Board at their July 21st meeting.

**ACTION:** Mystic Thompson moved to approve the 2-Year Common Core Budget and Accounting as submitted.

Seconded the motion: Greg Nepomuceno.

The Board unanimously approved the 2-Year Common Core Budget and Accounting.

	Yes	No	Abs		Yes	No	Abs
Mark Epstein	X			Jeanne Saiza	X		
Allison Holdorff Polhill	X			Kimberley Allen	X		
Monica Iannessa (absent)				Leslie Woolley	X		
Emilie Larew	X			Mystic Thompson	X		
Greg Nepomuceno	X			Mike Stryer	X		
James Pasto (absent)							

B. Authorize the Executive Director/Principal to sign the 2015-16 Consolidated Application due June 30, 2015. Completed application will be presented to the Board at the next regularly scheduled Board meeting – Greg Wood

**ACTION:** Jeanne Saiza moved to authorize the Executive Director/Principal to sign the 2015-16 Consolidated Application.

Seconded the motion: Kimberley Allen.

The Board authorized the Executive Director/Principal to sign the 2015-16 Consolidated Application.

	Yes	No	Abs		Yes	No	Abs
Mark Epstein			X	Jeanne Saiza	X		
Allison Holdorff Polhill	X			Kimberley Allen			X
Monica Iannessa (absent)				Leslie Woolley	X		
Emilie Larew		X		Mystic Thompson			X
Greg Nepomuceno	X			Mike Stryer		X	
James Pasto (absent)							

C. Authorize the Executive Director/Principal to bind the 2015-16 Insurance Policies for PCHS – Greg Wood

Rachelle Aros of A.J. Gallagher reviewed the proposed insurance policy quote for the upcoming school year by phone with the Board. After discussion, the Board authorized the Executive Director/Principal to bind the 2015-16 Insurance Policies between Charter Safe and PCHS.

**ACTION:** Leslie Woolley moved to authorize the Executive Director/Principal to bind the 2015-16 Insurance Policies for PCHS

Seconded the motion: Greg Nepomuceno.

The motion passed.

	Yes	No	Abs		Yes	No	Abs
Mark Epstein	X			Jeanne Saiza			X
Allison Holdorff Polhill	X			Kimberley Allen	X		
Monica Iannessa (absent)				Leslie Woolley	X		
Emilie Larew	X			Mystic Thompson	X		
Greg Nepomuceno	X			Mike Stryer			X
James Pasto (absent)							

D. Approval of Local Control Accountability Plan (LCAP) – Dr. Pam Magee

Dr. Magee reviewed the 2015-16 Local Control Accountability Plan (LCAP). The form is now a living document that the administration can continue to update in future school years.

**ACTION:** Mystic Thompson moved to approve the 2015-16 LCAP.

Seconded the motion: Jeanne Saiza.

The Board unanimously approved the 2015-16 LCAP.

	Yes	No	Abs		Yes	No	Abs
Mark Epstein	X			Jeanne Saiza	X		
Allison Holdorff Polhill	X			Kimberley Allen	X		
Monica Iannessa (absent)				Leslie Woolley	X		
Emilie Larew	X			Mystic Thompson	X		
Greg Nepomuceno	X			Mike Stryer	X		
James Pasto (absent)							

## **VI. CLOSED SESSION**

*Board Chair will report publicly on any closed session action items for which a vote occurred.*

The Board went into closed session at 7:16 pm.

## **VII. ADJOURNMENT**

The Board came out of closed session at 8:32 pm. The meeting was adjourned at 8:32pm.

*(Meeting Materials can be found on the Pali website under Governance, Board of Trustees, Agendas and Minutes, Material for Board Meetings)*