

Misinformation and Misleading Statements contained in Letters to the Editor.

Tom Bakaly, City Manager, City of Hermosa Beach

Old School Schooling by Tom Bakaly, Letters to the Editor 10/09/14, Easy Reader News:

...“The City of Hermosa Beach owns the Community Center and fully utilizes the space for community activities, including hosting at-risk teen programs, disabled adult programs and various other recreational activities.”

See Competing Information #1

“As we have stated publicly, the City of Hermosa Beach and the Hermosa Beach City School District (HBCSD) have united efforts to alleviate the issue of overcrowding within school facilities.”

See Competing Information #2

“Together with the Governing Board of the HBCSD, we have determined that the Community Center site does not satisfy California state legal requirements to be used as a school.”

See Correct Information #3

...“but upon further review current properties once considered as viable options for school resources and additional office space are challenged by state laws and regulations, some of which include Exchange of Properties: Education Code 17536, Education Section 17537 and Title 5 – California Department of Education Code of Regulations. In summary these laws prevent the use of the buildings for school purposes.”

See Correct Information #4

DISCUSSION AND FACTS

Misinformation and Misleading Statements contained in Letters to the Editor.

Tom Bakaly, City Manager, City of Hermosa Beach

Letters to the Editor 10/09/14, Easy Reader News:

...“The City of Hermosa Beach owns the Community Center and fully utilizes the space for community activities, including hosting at-risk teen programs, disabled adult programs and various other recreational activities.”

COMPETING INFORMATION #1:

Tom Bakaly’s statement above is MISLEADING.

It does not matter if the City of Hermosa Beach “fully” utilizes the Community Center. HBCSD has valid priority, contractual rights to use the Community Center for students according to the Memorandum of Understanding, Article 4 of Exhibit G.

There is a lot of evidence that would support the opposite argument, that the Community Center is NOT fully utilized daily. Please see [email from Julie Nunez to the City of Hermosa Beach, dated 2014](#).

According to the [Arbitration Agreement Exhibit D of the Agreement, Article 4.d](#):

"It is the intent of the parties that Hermosa Beach residents and property owners shall be given priority in the use of the facilities."

Most of the current occupants using the Community Center classrooms are NOT from Hermosa Beach.

There are four classrooms in the south wing that are leased out to adults with disabilities. It is believed that most of the adults with disabilities who use the Community Center are NOT from Hermosa Beach. The ARC organization can find another location in the South Bay for its programs for disabled adults. These four rooms are each approximately 920 square feet. The CDE recommends that newly built classrooms be 930 square feet.

According to the [Recreation & Enrichment Programming guide for Sept. 5, 2022 to March 19, 2023](#) Community Center classes are: **Tuesdays ONLY**: Baby Wearing Barre, Mom & Me, Toddle Time (ages 13-24 months) and Little Wigglers (ages 2-3 years). Other classroom uses for older children are after school classes that could still be held at the Community Center after school. HBCSD would use certain classrooms and parking at the Community Center from 8am to 4:00pm during the weekdays only. The city could still hold classes and events after 4pm Monday thru Friday and all day on Saturdays and Sundays.

At its most congested, HBCSD campuses would have benefited from moving 150 students to the Community Center. **150 students would likely require six classrooms.**

The **four classrooms in the South wing** that are leased out to adults with disabilities are 920 square feet each. The CDE recommends that newly built classrooms be 930 square feet.

There were originally **10 classrooms in the North wing** and space for lockers in the central hallway. Current Community Center classrooms #4, #5 and #9 (with non-structural walls temporarily removed) are 780 sq ft. each, room #7 is 1,152 sq ft., and room #10 and the Green Room are 786 sq ft. each. Any non-structural partitions that have been erected in existing classrooms could be removed and reinstalled after the district could move students to North School. The Community Center classrooms could temporarily accommodate any grade of middle school students (5th grade through 8th grade) to relieve overcrowding on Valley or View campuses.

"As we have stated publicly, the City of Hermosa Beach and the Hermosa Beach City School District (HBCSD) have united efforts to alleviate the issue of overcrowding within school facilities."

COMPETING INFORMATION #2:

Tom Bakaly's statement above is MISLEADING.

The city of Hermosa Beach and HBCSD did NOT alleviate overcrowding within school facilities. The city, while ignoring and denying the provisions for district use of classrooms, office and storage space at the Community Center gave the district use of four classrooms at South School for administrative office space. The move gave the district offices more space yet did nothing to alleviate the severe overcrowding at Valley and View campuses.

Why didn't Superintendent Pat Escalante and school board members *insist* on district temporary priority usage of the Community Center according to their 1977-1978 lease agreement with the City of Hermosa Beach to relieve overcrowding at HBCSD campuses for students and staff?

"Together with the Governing Board of the HBCSD*, we have determined that the Community Center site does not satisfy California state legal requirements to be used as a school."

CORRECT INFORMATION #3:

Tom Bakaly's statement above is INCORRECT.

- 1.) What are the "Legal Requirements" that would disqualify the Community Center to be used as a school? Please see [Information and Discussion: Using the Community Center or North School as a public school.](#)

According to the [CDE School Construction/Modernization Design Standards \(Exhibit JM-9a\)](#):

*"Each local educational agency (LEA) [aka school district] has wide discretion in developing school designs that meet the needs of its educational program and community. **Most school construction projects utilize state funds and therefore require approval from the following three key agencies:**"*

- The California Department of Education (CDE)...
- The Division of State Architect (DSA)...
- The Office of Public School Construction (OPSC)...

CORRECT INFORMATION:

- a.) Title 5 Standards only apply to new construction ONLY, not to grand-fathered-in campuses.
 - b.) **If no state funds are used**, using the Community Center for HBCSD students would not require approval from the three agencies named above.
 - c.) **If state funds ARE used, HBCSD should have also contacted the CDE and the DSA** (HBCSD only contacted the Office of Public-School Construction to evaluate the Community Center, see #2 below.) **to also do inspections and make official determination reports of the Community Center for use by public school students. They did not contact the CDE or the DSA for inspections and information regarding district use of the Community Center.** It is not known how Tom Bakaly and HBCSD Superintendent Pat Escalante *"determined that the Community Center site does not satisfy California legal requirements to be used as a school."*
- 2.) The Community Center CAN be used as a school. Superintendent Pat Escalante received a [letter from the Department of General Services \(DGS\), Office of Public School Construction on March 26, 2014](#) that gave no objections for the Community Center to be used as a school. The letter states that

"We [The Office of Public School Construction] visited the North Avenue School and Pier Avenue Community Center. The sites currently do not house enrollment from the Hermosa Beach City Elementary School District. If the District is considering using either of these sites, I have included the site summary information and School Facility Regulations (SFP) that pertain to each site."

"a district may receive SFP (School Facility Program) funds for facilities that are or will be located on real property leased by the district..."

Requirements outlined in the DGS letter to Pat Escalante:

1. The district may use Pier Avenue School for public school students.

2. HBCSD can use rooms at the Community Center without receiving modernization funding* from the State and thus would NOT need to comply with state requirements. *“Most school construction and modernization projects utilize state funds and therefore require approval from the following three key agencies: [CDE, DSA and OPSC].”*
3. In order to receive modernization or new construction funding from the State:
4. The district must be able to lease Pier Avenue School for a term of 30 years from the city to be eligible for additional funding from the state.
 - i. According to the Memorandum of Understanding, Article 4, HBCSD usage of Pier Avenue School is dependent on district enrollment above 1,266 students. There is NO EXPIRATION to this provision. Therefore, the district can lease the Community Center from the city for use by students and receive modernization funding from the State.
 - ii. It is unlikely that HBCSD would need to use the Community Center for the full 30-years. From the instructions listed on the letter from the DGS, HBCSD needs to be able to lease classrooms at the Community Center for 30 years, it doesn't mean that HBCSD needs to actually use classrooms at the Community Center for 30 years. As soon as North School was renovated or enrollment dropped below 1,266 students, HBCSD would vacate the Community Center.
5. There are no other educationally adequate sites for new construction available under a 40-year lease.
 - a.) What are the other educationally adequate sites for new construction available under a 40-year lease in Hermosa Beach?
 - b.) North School is not a lease, it is owned by HBCSD. This provision is considering any new-construction sites for lease.
6. At least 30 years if the lease is for real property owned by a government agency other than the federal government and the district has provided other evidence satisfactory to the Board that a shorter lease term is necessary.

NOTE: Between 2013 and 2015 HBCSD spent more than \$1,149,000.00 on temporary classroom facilities that did NOTHING to relieve overcrowding at Valley or View school campuses.

* **NOTE:** When did these discussions take place? Why weren't they held in a public joint city and school district meeting for residents? Tom Bakaly's letter was published in October 2014 just before the November 4, 2014, Measure Q \$54 million dollar bond vote.

* **NOTE:** On May 31, 2016, one week before the Measure S \$59 million dollar bond vote, HBCSD and the city finally held a presentation regarding HBCSD use of the Community Center and North School. In the meeting HBCSD attorney Terry Tao gives an approximately one-hour presentation filled with misinformation and misleading information. The audience was not allowed to ask questions either during or after his presentation.

* **NOTE:** Why didn't HBCSD allow the members of the Facility Planning and Advisory Committee to investigate the use of the Community Center for district use? See [email from Monique Ehsan to Patti Ackerman and Pat Escalante on October 19, 2014](#).

“At a couple of meetings Pat brought up the Community Center and the fact that we don't own it, but we never had an FPAC discussion about the State rep's tour of the facility, the Title V inadequacies, the MOA [Memorandum of Understanding specifying district use of classrooms, office space and storage space when enrollment exceeds 1,266 students.], etc....”

*...”but upon further review current properties once considered as viable options for school resources and additional office space are challenged by state laws and regulations, some of which include Exchange of Properties: Education Code 17536, Education Section 17537 and Title 5 – California Department of Education Code of Regulations. In summary these laws prevent the use of the buildings for school purposes.”***

Tom Bakaly’s statement above is INCORRECT.

In no way do the Education Codes that Tom Bakaly cite above “prevent the use of the buildings for school purposes”. The actual code information is stated below:

Education Code 17536: *“The governing board of school district may exchange any of its real property for real property of another person or private business firm. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.”* (What does this Ed Code have to do with HBCSD leasing classrooms according to the provisions of the Sale and Purchase Agreement for Pier Avenue School?)

Education Code 17537: *“Before ordering any exchange of real property the board shall adopt, by a two-thirds vote of its members, a resolution declaring its intention to exchange the property. The resolution shall describe the properties to be exchanged in a manner to identify them, and the terms and conditions, not including the price, upon which they will be exchanged.”* (The school district does NOT need to EXCHANGE properties in order to lease classrooms, office and storage space at the Community Center as provided for in the Memorandum of Understanding, part of Exhibit G in the Agreement.)

Title 5 – California Dept of Education Code of Regulations: Title 5 are STANDARDS for school districts. They are NOT requirements. Any of the Title 5 standards can be waived by a school board. See [item u](#).

Doesn’t the fact that HBCSD is holding classes in the multipurpose rooms and on the music stage at Valley School violate Title 5 standards? Would the city and the school district rather keep students in overcrowded conditions at Valley and View campuses?

HBCSD has no problem ignoring Title 5 standards when it suits them. See [North School](#).

NOTE: HBCSD Superintendent Pat Escalante cites in the same education codes in her misinformation contained in the [May 2014 Board Highlights](#) to parents. In the May 2014 Board Highlights Superintendent Escalante misquotes Ed Code #17536 adding the word “ONLY” to change the meaning of the sentence. The [May 2014 Board Highlights](#) read: “The governing board of a school district may exchange any of its real property ONLY of another person or private business firm” which changed the code’s meaning. **This code does not apply to the district leasing classrooms at the Community Center.**

**** NOTE:** It seems that the school district and the city were in cahoots in misinforming residents of Hermosa Beach as to the use of the Community Center for students.