



HBCSD ~ Board Highlights

PATRICIA ESCALANTE
SUPERINTENDENT



Special Edition



MAY 2014
VOLUME 1 NUMBER 10



District



Valley



North



View

(renderings represent
current sites)

Board of Trustees

Patti Ackerman, Pres.

Lisa Claypoole, Clerk

Carleen Beste

Maggie Bove-LaMonica

Mary Campbell

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Joint City Council/Board of Trustees Study Session Facilities

On May 28, 2014, the Hermosa Beach Board of Trustees and the Hermosa Beach City Council held a joint study session regarding the overcrowding of district facilities. The architectural firm *gkkworks* gave a presentation on the development of the Long Range Facilities Master Plan. The presentation focused on numerous modernization/construction options for the Board to consider at View, Valley, and North Schools.

Ongoing collaboration efforts of the City/School Compact Committee have focused on the issue of significant overcrowding and facilities needs of the District (both short and long term) and are united to address these issues. Joint planning efforts will continue in support of the City goal for the maintenance of Top Quality Schools in the City of Hermosa Beach.

Thorough research and examination of the current City properties available for use by the District, have been carefully vetted. The greatest short term District need is additional classroom space at the Valley School site where the District Administrative Offices are currently located. The District has requested assistance from the City to relocate the District offices off the Valley campus and into available space owned by the City. Currently, there are 4 classrooms located at South Park that are being used for separate City and District after school programs. The relocation of the District program to the View School site would make available three rooms for the District offices. The Council indicated support for this request and staff from the District and the City will work together on recommendations for approval.

During the public comment section of the meeting, several residents asked the City Council and Board to consider the use of the Community Center (formerly Pier Ave. School) to house school children. For over a year, this suggestion has been investigated by the City, District and State agencies, and eliminated as a viable option for the following reasons:

Existing Data/Facts:

- **October 8, 2013 – City Staff report was unanimously approved and filed that states:** The Community Center is the property of the City and is not for sale; the deed restriction states that programmed activities must be for recreational purposes; the Center does not currently meet TITLE 5 requirements.
- **Office of Public School Construction Report, March 2014 re: Community Center School Facility Program (SFP) Regulation Section 1859.22** requires that if a school district is to receive modernization or new construction funding, the property must be owned by the district or have a 30 or 40 year lease and that there are no other educationally adequate sites for new construction available under a 40 year lease
- **Office of Public School Construction – Title 5, California Code Requirements** The Center does not presently comply with TITLE 5 requirements
- **Education Code 17536/17537 – Exchange of Properties**
The governing board of a school district may exchange any of its real property for real property only of another person or private business firm.

For additional information, please visit hbcسد.org or to voice a comment, please visit speakuphermosaschools.org. The next Board meeting will be on June 11, 2014 in the Hermosa Beach Council Chamber.

Subject: Board Highlights - City/Board Joint Meeting

Dear Families and Community Members,

On May 22, the City Council and School Board held a joint meeting to discuss the District need to explore the moving of the District offices from Valley School to South Park and the long-range planning options for the development of District properties (View, Valley, and North Schools). Valley and View schools are experiencing extreme overcrowding conditions. Last summer 6 portable classrooms were added to District campuses. Last year, the multipurpose rooms at both school sites were used for classrooms. This year a third grade class continues to be held on the stage at Valley School.

The attached Board Highlights will provide more information regarding the short and long term options to address the overcrowding issues in the District. **Please take a minute to learn about the facts associated with this issue. It is a priority for the Board and myself, to ensure that our families have the information they need to be informed.** On June 11 and 16, the Board will be discussing a draft of the Long-Range Facilities Master Plan and approval of a plan.

If you have any questions, please contact me at pescalante@hbcsd.org.

Thank you,

Pat Escalante, Superintendent

Hermosa Beach City Elementary School District would like to continue connecting with you via email. If you prefer to be removed from our list, please contact Hermosa Beach City Elementary School District directly. To stop receiving all email messages distributed through our SchoolMessenger service, follow this link and confirm: [Unsubscribe](#)
SchoolMessenger is a notification service used by the nation's leading school systems to connect with parents, students and staff through voice, SMS text, email, and social media.

Unethical behavior and corruption perpetrated by Superintendent Pat Escalante (September 2012 – June 2020); seemingly condoned by the HBCSD Board of Trustees.

Misinformation intentionally given to parents in the May 2014 Board Highlights.

In the May 2014 Board Highlights sent to parents, Superintendent Pat Escalante made multiple untrue statements regarding the district's possible use of Pier Avenue School and other facility options. These statements were easily fact checked and were left uncorrected after being exposed to school board members and Pat Escalante. Therefore, the misinformation is assumed to have been intentional on the part of Pat Escalante and school board members.

Why it Matters: Misinformation was continually sent from trusted sources to the community years prior to a bond vote. The misinformation acted to support the district's \$54M (Measure Q) and \$59M (Measure S) bond offerings.

The Details:

1. **HBCSD Board Highlights misleading statement:** *"October 8, 2013 – City Staff report was unanimously approved and filed that states: The Community Center is the property of the City and **is not for sale**;"*

The Truth: This is a misleading statement. The Community Center did NOT need to be **sold** to the district. There was no reason to include this portion of the statement unless HBCSD was trying to mislead the community into thinking that the Community Center needed to be purchased from the city in order for HBCSD to use the facility. See also transcripts from the [joint city and school district meeting of June 2014](#).

[The Agreement for the Sale and Purchase of Pier Avenue School, Memorandum of Understanding \(MOU\)](#) stipulated **priority use** of classrooms, office and storage in the Community Center when district enrollment exceeded 1,266 students. District enrollment exceeded 1,266 students in September 2010.

2. **HBCSD Board Highlights incorrect statement:** *"the deed restriction states that programmed **activities must be for recreational purposes**..."*

The Truth: The pertinent legal use for **EDUCATIONAL purposes** of the Community Center was omitted from this statement. It is assumed that this omission was intentional. The obvious omission by the city in their October 8, 2013 staff report seems to have been condoned by school board members and Superintendent Pat Escalante in the fact that they chose to broadcast this misleading information with parents and the public.

The Truth: [The Grant Deed, Exhibit C, for Pier Avenue School in the lease agreement states:](#)

*"The property granted herein shall not be used for any purpose other than for park, recreational, open space, **educational** or other community purposes."*

The Truth: [The Agreement for Sale and Purchase of Real Property \(aka Pier Avenue School\); Article 9, Future Use of Property, paragraph 9.02 states:](#)

*"The City agrees and promises that future use of the property shall be restricted as follows: its use shall not be for any purpose other than parks, recreation, open space, **educational**, or other community purposes."*

The Truth: Article 6 of the lease agreement, [Arbitration](#), paragraph 6.01 and 6.02 states:

*"If there is any controversy, dispute or disputes that arise as to the District's right to use or its use of the property... The procedure set forth in the Arbitration Agreement will be followed in addition to the following guidelines which the arbitrators shall use as factors in making their decisions: **a. The City's refusal to grant the usage set forth herein shall not be arbitrary or capricious**, **b. The City's refusal to grant usage to the District upon consolidation of the District may be permitted if such usage will not be of direct and substantial benefit to students residing in the City of Hermosa Beach.**"*

3. **HBCSD Board Highlights misleading statement:** *"Office of Public School Construction Report, March 2014 re: Community Center: School Facility Program (SFP) Regulation Section 1859.22 requires that if a school district is to receive modernization or new construction funding, the property must be owned by the district or have a 30 to 40 year lease and that there are no other educationally adequate sites for new construction available under a 40 year lease."*

The Truth: The Sale and Purchase of Real Property (Pier Avenue School) between the city and the school district is an ongoing agreement that it dependent only on district enrollment over 1,266 students. There is no expiration to the provision for the district leasing of classrooms. Therefore, it could meet the 30 to 40 year lease requirement to receive modernization funding according to Section 1859.22.

The Truth: What is the other educationally adequate sites for new construction available under a 40 year lease in Hermosa Beach that would create an issue for HBCSD to use the Community Center?

4. **HBCSD Board Highlights misleading statement:** *"Office of Public School Construction – Title 5, California Code Requirements: The [Community] Center does not presently comply with Title 5 requirements."*

The Truth: The [Office of Public School Construction Report of March 2014](#) WAS supposedly a Title 5 evaluation of the Community Center and North School. The report made no mention of any Title 5 issues between the two campuses.

The Truth: North School also has potential Title 5 issues such as lot size, lot configuration, safety issues, etc. HBCSD has no problem violating Title 5 Code Requirements when it suits them. Putting kindergarten students in classrooms sized for 3rd and 4th graders in 2021 violated Title 5 recommendations. Designing North School for 510 students on only 2.5 acres was a violation of Title 5 standards. See [letter to HBCSD from California Department of Education April 2019](#). Keeping students in overcrowded conditions at Valley and View schools was a violation of Title 5 standards. Creating two classrooms in the Multipurpose rooms at Valley and View schools was also a violation of Title 5 standards.

The Truth: Title 5 Regulations are recommendations; they are not absolutes and need not disqualify either the Community Center or North School for use by the district. [Title 5 Regulations, item u of Article 2](#) states:

"At the request of the governing board of a school district (i.e. HBCSD School Board members), the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific circumstances overrides a standard without compromising a safe and supportive school environment."

In April 2019, a Title 5 exemption was granted in the case of North School. HBCSD was granted a waiver allowing it to house students in a campus that was only 27% the recommended site size for 425 students. Even though the capacity for North School was actually designed to accommodate 510 students in only 2.5 acres NOT 425 students! Did HBCSD misinform the CDE about the capacity of the rebuilt North School in order to get the waiver?

5. **HBCSD Board Highlights incorrect and misleading statements:** *"Education Code 17536/17537 – Exchange of Properties: The governing board of a school district may exchange any of its real property for real property only of another person or private business firm."*

The Truth: The word **ONLY** was added to Ed Code 17536 as written in this Board Highlights statement which changed the meaning of the provision.

The true text of **Ed Code 17536** states:

"The governing board of a school district may exchange any of its real property for real property of another person or private business firm..."

It is assumed that School Board members and Superintendent Pat Escalante thought that adding the word '**ONLY**' to '**of another person or private business firm**' to Ed Code 17536 would act to assume disqualification of the City in the exchange of properties.

There is no provision that would prevent the City of Hermosa Beach from exchanging property with the school district. In fact the city and the school district have often exchanged properties in Hermosa Beach over the years. An example is the exchange of property in Valley Park between the district and the city.

The Truth: There is nothing in Ed Code 17537 that would prevent the district from exchanging property with the city (i.e. in regards to the Community Center).

Education Code 17537 states:

"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."