

MINUTES OF THE VIRTUAL REGULAR MEETING OF THE BOARD OF EDUCATION OF THE ELK GROVE UNIFIED SCHOOL DISTRICT, September 1, 2020

Adopted

Members Present via Zoom Webinar: Beth Albiani, President; Crystal Martinez-Alire, Clerk; Carmine Forcina, Chet Madison, Sr., Anthony Perez, and Bobbie Singh-Allen; Absent: Nancy Chaires Espinoza

Others Present via Zoom Webinar: Christopher R. Hoffman, Superintendent; Robert Pierce and Mark Cerutti, Deputy Superintendents; David Reilly, Associate Superintendent; Bindy Grewal and Craig Murray, Assistant Superintendents; Shannon Hayes, Chief Financial Officer; Steve Mate, Chief Technology Officer, Susan Larson, Executive Director; Xanthi Pinkerton, Director of Communications

CLOSED SESSION VIA ZOOM: The meeting was called to order by Ms. Albiani at 5:00 p.m. to address items 1 through 5 on the closed session portion of the agenda.

I. Government Code Section 54956.9 Subdivision (d) Paragraph (1): Conference with Legal Counsel – Existing Litigation

II. Government Code Section 54956.9 Subdivision (d) Paragraph (2): Conference with Legal Counsel - Anticipated Litigation Significant Exposure to Litigation

III. Government Code Section 54957: Public Employee Discipline/Dismissal/Release/Complaint

IV. Government Code Section 54957.6: Conference with Labor Negotiators

Agency designated representatives: Christopher R. Hoffman, David Reilly, Robert Pierce, Karen Rezendes

Employee Organizations: All Elk Grove Unified School District Bargaining Units and Unrepresented Employees

V. Government Code Section 54957: Public Employee Appointment/Employment; Director, PreK-6 Education

OPEN SESSION VIA ZOOM: Ms. Albiani called the regular meeting to order, via Zoom, at 6:00 p.m. and announced that the Board met in closed session via zoom and the following action was taken:

Item V – Public Employee Appointment/Employment – The Board took action and unanimously approved the appointment of the following administrator:

- Elizabeth Rueda, Director of PreK-6 Education

Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

Ms. Albiani provided a welcome to Elk Grove Unified School District’s virtual board meeting through the Zoom Webinar platform.

Ms. Albiani informed everyone that Legislative Bodies including School Districts are now permitted to hold board meetings telephonically or by other electronic means because on March 17, 2020, the Governor issued Executive Order N-29-20, suspending certain provisions of the California Ralph M. Brown Act. In addition, consistent with the March 19, 2020 Statewide Shelter in Place Order issued by the Governor, Executive Order N-33-20, the Sacramento County Shelter at Home Orders issued on March 19, 2020 and April 7, 2020, and the Center for Disease Control’s (CDC’s) social distancing guidelines which discourage public gatherings, this Board meeting was conducted via the Zoom Webinar platform.

I. Pledge of Allegiance – Mark Cerutti, Deputy Superintendent of Education Services and Schools, led the pledge of allegiance.

II. Presentations/Recognitions

1. 2021 Sacramento County Teacher of the Year - Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item; there were none.

The Board recognized Ms. Lynda Bettencourt for being named one of two Sacramento County Teachers of the Year for 2021.

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III. Resolutions

- 1. Constitution Day** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item; there were none.

Motion No. 16, 2020-21 - Motion by Ms. Singh-Allen, seconded by Mr. Madison and carried unanimously by an affirmative vote of all Board members present that Resolution No. 11, that designates September 17, 2020 as Constitution Day, be adopted. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- 2. Hispanic Heritage Month** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item; there were none.

Motion No. 17, 2020-21 - Motion by Mr. Madison, seconded by Mr. Perez and carried unanimously by an affirmative vote of all Board members present that Resolution No. 12, that designates September 15 through October 15, 2020 as Hispanic Heritage Month, be adopted. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- 3. High School Voter Education Weeks Resolution** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item; there were none.

Motion No. 18, 2020-21 - Motion by Mr. Forcina, seconded by Ms. Singh-Allen and carried unanimously by an affirmative vote of all Board members present that Resolution No. 15, which proclaims the period from September 14-25, 2020, as High School Voter Education Weeks, be adopted. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

IV. Student Expulsion/Involuntary Transfer Recommendations

- 1. Request for Return from Student Expulsion** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item; there were none.

Motion No. 19, 2020-21 – Motion by Dr. Martinez-Alire, seconded by Mr. Forcina and carried unanimously by an affirmative vote of all Board members present that the Readmission Committee’s recommendations regarding a student’s request for permission to return to the District be approved. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- V. Public Comment** - Ms. Albiani called on Xanthi Pinkerton to read public comments that were submitted through the District’s Google Public Comment Form. Public comments that were received for non-agenda items are captured below. Public comments related to an agenda item have been recorded in corresponding sections.

Mark Graham, Melissa Buijten, Diane Saetern shared their concerns about the City of Elk Grove’s placement of cell towers near schools and asked the District to ask the City of Elk Grove to not issue permits for new 4G and 5G cell antennas near schools. Mr. Graham asked that he be granted his request to be on the agenda of a regular board meeting.

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Charles Le Nguyen requested that the district consider installing cameras outside of all schools due to recent reports of harassment and for the safety of students and their families.

MT Vang, Lee Xiong, Khao Chia Lao, James Khan, Firdos Sheikh, Marie, Marilyn Forestor, Mia Foster, Michelle, Sadi Fang, Sai Vang, Shoua, anonymous (3) shared concerns about the impact generalized statements made by a board member about the Hmong culture will have on the Hmong community and requested that action be taken against this board member.

Linda Vu, Lezlie Cannon, Christina Garcia, A.J., Benedict Velasquez, Bushra Bashir, Davinder Sufi, Gillian Hames, IA, Jax Cheung, K. S., Kalwinder Kaur, Kelly, Keneth Cheung, Lee Xiong, Mimi deVille, Paul Lindsay, Sarah Beth Daniel, Trena Burt, Twlia Laster, anonymous (4) submitted comments in support of a board member who has been singled out by some members of the community.

Dr. Kenneth Cheung expressed concerns about his wife, who is a victim of harassment, and asked the board to condemn harassment and bullying.

Christina Garcia expressed empathy for two female board members who are being harassed by supporters of the Mayor. Ms. Garcia asked that the board stand up for the women who are being bullied and harassed and to set policies in schools that deal with bullying and harassment.

VI. Consent Agenda - Action - Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District's Google Public Comment Form related to the consent agenda; there were none.

Item No. 7 was pulled by Mr. Perez.

Motion No. 20, 2020-21 - Motion by Ms. Singh-Allen, seconded by Dr. Martinez-Alire and carried unanimously by an affirmative vote of all Board members present that items 1 through 11, except for item 7, on the consent agenda be approved. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

Motion No. 21, 2020-21 - Motion by Mr. Forcina, seconded by Dr. Martinez-Alire and carried unanimously by an affirmative vote of all Board members present that item 7, on the consent agenda be approved. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- 1. Approval of Policy** – Approved Board Policy 6020 - Parent/Guardian and Family Engagement Policy as aligned with the California School Boards Association (CSBA).
- 2. Approval of Minutes** – Approved the minutes from the regular board meeting that was held on August 11, 2020.
- 3. Personnel Actions** - Approved personnel appointments, leaves of absence, rehires, probationary releases, promotions, resignations, retirements, and returns from reemployment lists as submitted.
- 4. Approval of 2020-21 Additional Funding Priorities** – Approved approve the recommended Tier II Funding Priorities.
- 5. Warrant Register No. 1** – Approved Warrant Register No. 1 – Warrant Numbers 073088-073950, 409009-409529. All Funds: July 1, 2020 through July 31, 2020.

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- 6. Ratification of Contracts for Services** - Approved contracts signed by authorized staff in accordance with Board Policy 3312 as submitted.
- 7. Ratification of Grant Contracts/Agreements for Funding** - Approved grant contracts and agreements signed by authorized staff as submitted.
- 8. Quarterly Investment Report** – The Board received a quarterly report of investments. As of June 30, 2020, the District has \$250,043,788 from all funds, in addition Mello-Roos Investment proceeds of \$16,167,042 and General Obligation Bond Investment proceeds of \$21,521,808 for a total of \$287,732,638 cash in the County Treasurer’s pool. This is 6.40% of the total county pooled assets of \$4,493,782,290.
- 9. Approval of 2021 Medical Benefit Carriers** – Approved the selection of medical benefit carriers for the 2021 calendar year and authorize staff to execute necessary agreements.
- 10. Approval of Purchase Order Encumbrance Modification History** – Approved purchase order encumbrance modifications from July 28 – August 11, 2020.
- 11. College Board Contract** – Approved a contract with College Board in the amount of \$115,569 to fund the PSAT Early Participation Program (PSAT for All) for students in grades 8 and 10.

VII. LCAP Update – None

VIII. Race and Educational Equity – None

IX. Budget Update – None

X. Facilities Update – None

XI. Bargaining Units – None

XII. Reports

- 1. Learning Continuity and Attendance Plan Update** - Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form related to this item:

Keisha Thornton asked that the District focus on the needs of black students in the district before allocating any money.

The Board received an update on the Learning Continuity and Attendance Plan (LCP) from Mark Cerutti. The report included information as it relates to stakeholder feedback and proposed actions and expenditures.

The Board provided feedback and thanked Mr. Cerruti for the work he and staff have done.

XIII. Public Hearing/Action Items

- 1. Education Code section 17556, et seq.: Consideration of Resolution to Grant Permanent Water Pipeline Easement to the Florin Resource Conservation District for the Joseph Kerr Middle School Project** - Ms. Albiani opened the public hearing and called on Xanthi Pinkerton to read public comments that were submitted through the District’s Google Public Comment Form; there were none.

Ms. Albiani closed the public hearing.

Motion No. 22, 2020-21 - Motion by Mr. Madison, seconded by Mr. Forcina and carried unanimously by an affirmative vote of all Board members present that Resolution No. 6, Granting

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Water Pipeline Easement to the Florin Resource Conservation District for the Joseph Kerr Middle School Project, be adopted. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- 2. Williams' Pupil Textbook and Instructional Materials** – Ms. Albiani opened the public hearing and called on Xanthi Pinkerton to read public comments that were submitted through the District's Google Public Comment Form; there were none.

Ms. Albiani closed the public hearing and announced that this item will be brought back for certification on September 15, 2020.

XIV. Discussion Items

- 1. Adjustment to School Facilities Fees - Developer Fees** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District's Google Public Comment Form related to this item; there were none.

Pursuant to Education Code Section 17620 and Government Code Sections 65995 et seq., the District is required to adopt a School Facilities Needs Analysis ("SFNA") to justify the levy of alternative school fees ("Level 2 Fees" and "Level 3 Fees") on new residential development. Prior to adopting the SFNA, the Board must conduct a public hearing and respond to any comments it receives.

On April 21, 2020, the Board of Education adopted a SFNA which placed the Level 2 fee at \$6.34 per square foot of new residential construction. The law stipulates that a SFNA approval is valid for no more than one year, but it is permissible to update it more often. Because of the timing of Board of Education meetings and the expiration dates of the SFNA, the SFNA adoption dates have invariably been occurring earlier and earlier each year. This has been compounded with the fact that the State updates the construction cost allowances at the end of January each year, and they are an important factor in the SFNA calculation. In future years, it would not be possible to incorporate the new construction cost allowances into the SFNA and still have it approved by the one-year expiration. Therefore, Staff is recommending that the Board adopt an updated SFNA to "reset the calendar." Due to the timing of the aforementioned circumstance this calendar reset is necessary every 5-10 years.

The SFNA prepared by Odell Planning & Research, Inc. in July 2020, demonstrates that the District can impose Level 2 fees of \$6.34 per square foot and Level 3 fees of \$12.69 per square foot on new residential construction. Level 3 fees are only collected in the event that the State Allocation Board (SAB) is no longer apportioning funds for new construction, and the SAB has notified the Secretary of the Senate and Chief Clerk of the Assembly in writing of the determination that such funds are no longer being allocated.

The District's July 2020 SFNA is attached to the agenda online. The study has been sent to all four local Planning Departments on July 31, 2020, and was made available for public review beginning on August 14, 2020, as required by law. In addition to the public noticing required by law, staff contacted a representative from the North State Building Industry Association (BIA) to discuss the fee study.

Ms. Albiani announced that this item will be brought back for public hearing and adoption at the regular board meeting on September 15, 2020.

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XV. Action Items

- 1. Resolution to Eliminate a Classified Position** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form regarding this item; there were none.

Motion No. 23, 2020-21 - Motion by Ms. Singh-Allen, seconded by Mr. Madison and carried unanimously by an affirmative vote of all Board members present that Resolution No. 9, authorizing the Governing Board to eliminate a classified position be adopted. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

- 2. Education Code section 17556, et seq.: Consideration of Resolution of Intent to Convey Electrical Facilities Easement to the Sacramento Municipal Utility District for the Joseph Kerr Middle School Project** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form regarding this item; there were none.

Motion No. 24, 2020-21 - Motion by Mr. Forcina, seconded by Dr. Martinez-Alire and carried unanimously by an affirmative vote of all Board members present that Resolution No. 7, Intention to Convey Electrical Facilities Easements to the Sacramento Municipal Utility District for the Joseph Kerr Middle School project. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

Ms. Albiani announced that this item will be brought back for public hearing at the regular board meeting on September 15, 2020.

- 3. Approval of Proposed New Elementary School Schematic Design Plans** – Ms. Albiani called on Xanthi Pinkerton to read public comments submitted through the District’s Google Public Comment Form regarding this item; there were none.

Motion No. 25, 2020-21 - Motion by Mr. Perez, seconded by Ms. Singh-Allen and carried unanimously by an affirmative vote of all Board members present that the Schematic Design plans be approved and authorized administration to proceed with Design Development, agency approvals and authorized administration to receive bids for the Laguna Ridge East Elementary School. Roll Call Vote: *Ayes – Albiani, Forcina, Madison, Martinez-Alire, Perez and Singh-Allen; Nays – None; Absent – Chaires Espinoza*

XVI. Board Member and Superintendent Reports – Board members reported on organization and Committee meetings and information relative to the District and its operation.

XVII. Information Items

- 1. Other Items from the Floor** – Ms. Singh-Allen gave a statement regarding recent concerns within the community and her feelings about comments made about Mr. Forcina

XVIII. Adjournment – 8:59 p.m.

Submitted by: Christopher R. Hoffman, Superintendent

Approved by: 
Beth Albiani, Board President