

MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION OF THE ELK GROVE UNIFIED SCHOOL DISTRICT, SEPTEMBER 19, 2023

Adopted

Members Present: Nancy Chaires Espinoza, President; Beth Albiani, Carmine Forcina, Gina Jamerson, Michael Vargas, Sean Yang; **Absent:** Anthony Perez, Board Member and Isabella Sigal, Student Board Member

Others Present: Christopher R. Hoffman, Superintendent; Mark Cerutti and Kristen Coates, Deputy Superintendents; David Reilly, Associate Superintendent; Bindy Grewal and Chad Sweitzer, Assistant Superintendents; Amreek Singh, Chief Human Resources Officer; Amari Watkins, Chief Financial Officer; Steve Mate, Chief Information Officer; Jenifer Avey and Lisa Levasseur, Executive Directors

CLOSED SESSION: The meeting was called to order at 5:00 p.m. in the Board Room of the Education Center. Ms. Chaires Espinoza announced that the Board would meet in closed session to address the items on the agenda and called for public comment on these items; there were no public comments.

- I. Government Code Section 54956.9 Subdivision (d) Paragraph (1):** Conference with Legal Counsel – Existing Litigation: In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and JUUL Labs Product Cases, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles
- II. Government Code Section 54957:** Public Employee Discipline/Dismissal/Release/Complaint
- III. Government Code Section 54957.6:** Conference with Labor Negotiators
Agency designated representatives: Christopher R. Hoffman, Karen Rezendes
David Reilly, Amreek Singh, Mark Cerutti, Kristen Coates, Amari Watkins
Unrepresented Employees: Unrepresented Management Employees

OPEN SESSION: Ms. Chaires Espinoza called the meeting to order at 6:01 p.m. and announced that the Board met in closed session and the following action was taken.

- I. Government Code Section 54956.9 Subdivision (d) Paragraph (1):** Conference with Legal Counsel – Existing Litigation: In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and JUUL Labs Product Cases, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles

During closed session the Board took action to unanimously approve a settlement with defendant Altria in In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and JUUL Labs Product Cases, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles.
Ayes: Albiani, Chaires Espinoza, Forcina, Jamerson, Vargas, and Yang; Nays: None;
Absent: Perez

Ms. Chaires Espinoza provided a welcome and announced that live streaming of the board meeting is made available via the Zoom platform and meetings are recorded (video and audio) and will be made available on the Elk Grove Unified School District's YouTube channel at www.youtube.com/user/elkgroveunified

- I. Pledge of Allegiance** – Ms. Elvi Solis led the pledge of allegiance and was recognized by the Board of Education for her generous contributions to the students and staff at Florin Elementary School.

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II. Presentations/Recognitions

- 1. Student Regional Report - Laguna Creek Region:** Students from Laguna Creek High School, Harriet Eddy Middle School, Elitha Donner, John Ehrhardt, Foulks Ranch, Marion Mix and Joseph Sims Elementary Schools reported on academics and activities at their schools.
- 2. 2022-2023 Employees of the Year Recognition** – The Board of Education recognized Elk Grove Unified School District’s Employees of the Year.

Public Comment: Chris Chaves expressed his gratitude for the recognition of employees.

III. Resolutions

- 1. Land Acknowledgement** – Motion No. 29, 2023-24, Motion by Mr. Forcina, seconded by Mr. Yang and carried unanimously by an affirmative vote of all board members present that Resolution No. 18, Elk Grove Unified School District Land Acknowledgement be approved. This acknowledgement will be read out loud before every board meeting and all high school graduations. *Mr. Matt Franklin expressed his appreciation for the resolution and he and the Wilton Council presented Board President Chaires Espinoza with a gift.*
- 2. Week of the School Administrator** – Motion No. 30, 2023-24, Motion by Ms. Jamerson, seconded by Ms. Albiani and carried unanimously by an affirmative vote of all board members present that Resolution No. 21, recognizing the week of October 8 - 14, 2023 as the Week of the School Administrator in the Elk Grove Unified School District be approved.
- 3. United Way Campaign** – Motion No. 31, 2023-24, Motion by Mr. Yang, seconded by Mr. Forcina and carried unanimously by an affirmative vote of all board members present that Resolution No. 20, which proclaims the period of October 2 through October 31, 2023, as the United Way Campaign be adopted.
- 4. Walk & Roll to School Day** – Motion No. 32, 2023-24, Motion by Ms. Jamerson, seconded by Mr. Forcina and carried unanimously by an affirmative vote of all board members present that Resolution No. 16, designating October 4, 2023, as Walk & Roll to School Day be approved.
- 5. National Bullying Prevention Month** – Motion No. 33, 2023-24, Motion by Mr. Yang, seconded by Ms. Albiani and carried unanimously by an affirmative vote of all board members present that Resolution No. 19, designating October 2023 as Bullying Prevention Month be adopted.

Public Comment: Dustin Noble thanked the Board for the resolution and shared his and his son’s experiences about being bullied.

- 6. Digital Citizenship Week in the Elk Grove Unified School District** – Motion No. 34, 2023-24, Motion by Mr. Forcina, seconded by Ms. Jamerson and carried unanimously by an affirmative vote of all board members present that Resolution No. 8, which proclaims the period from October 16-20, 2023, as Digital Citizenship Week be approved.

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IV. Student Expulsion/Involuntary Transfer Recommendations

- 1. Request for Student Expulsion** - Motion No. 35, 2023-24, Motion by Ms. Jamerson, seconded by Ms. Albiani and carried unanimously by an affirmative vote of all board members present that the recommendations for student expulsions be approved.

V. Public Comment

Charlotte Furtado, Corina Mayorga, Sean Tupa, Rowan R., Anthony Rodgers, Gandy, Amanda H., Stacy, Dean, Jamille, Esteban R., expressed their concerns about the banning of books from school libraries; requested that boundaries be set in board meetings; spoke about parental and student rights; suggested parents opt their children out of accessing materials they are opposed to and spoke in support of the LGBTQ+ community.

Nadia P. spoke about the Mandarin group's student selection process at her child's school and asked that the district look into their process.

Amber Robinson, Kurk, Heidi Moore, Gary Hickman, Amelina, Caroline Soares, Heather Deltz, Brenda Ross, shared their concerns about topics being taught in school; parental rights in school; shared concerns about the purchase and availability of inappropriate books to students and asked that those materials be removed.

Cottina Perry spoke about the bullying her autistic son has endured at Toby Johnson Middle School and the lack of support she has received from site administration.

Courtney Arozena provided an update about the district's Community Advisory and their plans moving forward.

At 8:27 p.m. Ms. Chaires Espinoza called for a break and called the meeting back to order at 8:37 p.m.

- VI. Consent Agenda – Action** – Motion No. 36, 2023-24, Motion by Mr. Forcina, seconded by Mr. Yang and carried unanimously by an affirmative vote of all board members present that items 1 – 21 on the consent agenda be approved.

- 1. Personnel Actions** – Approved personnel appointments, leaves of absence, rehires, probationary releases, promotions, resignations, retirements, and returns from reemployment lists as submitted.
- 2. Certification of Administrator's Competence to Evaluate** – Granted Certification of Administrator's Competence to Evaluate for the following district administrators who have successfully completed the District's training process. Amreek Singh, Human Resources, Kalli Bowles, Pleasant Grove Elementary, Mary L. Ponce, Ed.D., Human Resources, Shea Borges, Human Resources, Stephen Polhemus, Union House Elementary, Timeka Francis, Pleasant Grove High School.
- 3. Contract Approval for Edupreneur** – Approved a contract with Edupreneur.
- 4. Resolution Authorizing the Signing of Contracts and Agreements** – Approved Resolution No. 17, 2023-2024 authorizing district staff to: sign agreements, contracts, and other documents as outlined in this resolution, and to make decisions involving unforeseen circumstances or issues on behalf of the Board of Education on projects funded by the State Allocation Board and the Superintendent of Public Instruction.

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- 5. Classroom Upgrades at Three (3) Sites Lease-Leaseback (LLB) Agreement** – Approved LLB Agreement with XL Construction Corporation for the Classroom Upgrades at Three (3) Sites Project (“Project”); and approved a guaranteed maximum price (GMP) of \$7,499,008.00.
- 6. Electrical Room HVAC at Various Sites Award of Contract** – Approved the award of a contract to Hometown Construction, Inc. for the total base bid of \$207,006.00.
- 7. Arthur C. Butler Elementary School, Roofing 2023 Change Order No. 1** – Approved Change Order No. 1 with American Foam Experts and authorized a district representative to sign the approved change order.
- 8. Arthur C. Butler Elementary School, Roofing 2023 Acceptance and Notice of Completion** – Accepted the construction of the roofing project at Arthur C. Butler Elementary School and authorized the filing of the Notice of Completion.
- 9. Approval to Purchase Maintenance, Repair and Operation Supplies, Parts, Equipment, and Materials** – Authorized the purchase of maintenance, repair and operation supplies, parts, equipment, and materials as needed cooperatively through City of Tucson/Omnia Partners Contract #192163.
- 10. Approval to Purchase Vehicle Lifts, with Garage and Fleet Maintenance Equipment from Snap-On Industrial, A Division of IDSC Holdings LLC** - Authorized the purchasing department to purchase cooperatively through Sourcewell Contract # 013020-SNP.
- 11. Approval to Purchase Bulk Gasoline and Diesel Fuel from Hunt & Sons Inc.** - Authorized the purchase of bulk gasoline and diesel cooperatively through a bid by the County of Placer.
- 12. Approval to Purchase Hewlett-Packard (HP) Computer Equipment: Desktops, Laptops, Tablets, Servers, and Storage, Including Related Peripherals & Services**
- 13. Approval of Purchase Order History** – Approved contracts signed by authorized staff in accordance with Board Policy 3312 as submitted.
- 14. Disposal of Obsolete/Surplus Property** – Authorized the disposal of various obsolete/surplus property as submitted. No income is anticipated to be received by the district for these items. However, any income that is received will go into the General Fund.
- 15. Revision to High School Course** – Approved revisions to the high school course below:
Course Revision: Web Development (Course #12132), The updated Computer Technology course outline does not include content directly related or vital to Web Development, which is an introductory CTE course. Introductory courses are the first in a CTE sequence and should not require prerequisites. Change prerequisites: None.
- 16. Instructional Materials Adoption** – Adopted the following instructional materials:
Course Revision: Web Development (Course #12132), The updated Computer Technology course outline does not include content directly related or vital to Web Development, which is an introductory CTE course. Introductory courses are the first in a CTE sequence and should not require prerequisites. Change prerequisites: None.
- 17. Ratification of Grant Contracts/Agreements for Funding** – Approved grant contracts/agreements signed by authorized staff as submitted.

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- 18. Ratification of Contracts, Memorandum of Understanding (MOU's) and Agreements for Services** – Approved contracts signed by authorized staff in accordance with Board Policy 3312 as submitted.
- 19. Approval of Purchase Order Encumbrance Modification History** – Approved purchase order encumbrance modifications from August 29, 2023 – September 8, 2023.
- 20. Warrant Register No. 2** – Approved Warrant Register No. 2 – Warrant Numbers 123338 – 124791, 443703 – 444701. All Funds: August 1, 2023, through August 31, 2023.
- 21. Resolution Authorizing Emergency Contract for Health and Safety Related Restoration at Elitha Donner Elementary School** – Adopted Resolution No. 23, 2023-2024 by a unanimous vote authorizing the Superintendent and/or Deputy Superintendent to enter into contracts without advertising for emergency health and safety restoration work required as a result of water damage causing mold at Elitha Donner Elementary school.

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. Parent Rights and District Responsibilities

Public Comment:

The following expressed their concerns about the item: Vyvian Phan, Jash Dylon, Nandy M., Celine Qin, Andrew, Theo M., Shalimar B., Stephen, Jennifer Rodriguez, Amanda, Ameranta Sarah, Amreet Sandhu, Emily, Megan S., Dustin Noble, Niki A., Jonah D., Kelly Connor, Jaime B., Beth B., Elda Ortiz, Charlotte Johnson, Kurk, Rick Atkinson, Heidi Moore, Gary Hickman, Ally Snyder, Beth B., Rachelle U., Meg, and Patricia.

At the Board's request, Lisa Levasseur, Executive Director, EGUSD School Support and Karen Rezendes, Partner, Lozano Smith, LLP provided a report with a legal update that included information about the Law and Public Schools, Existing Parent Education Rights, Curriculum and Instructional Materials, School Libraries and Opportunities for Family Engagement in the Elk Grove Unified School District.

Board members provided feedback and thanked staff for the presentation.

Motion No. 38, 2023-24, at 9:58 p.m. Ms. Albiani called for a motion to extend the board meeting to 11:00 pm, seconded by Ms. Jamerson and carried unanimously by an affirmative vote of all board members present that the meeting be extended.

XIII. Public Hearing/Action Items – None

XIV. Discussion Items – None

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XV. Action Items

- 1. Resolution for Adoption of Expenditure Limit (GANN) –** Motion No. 39, 2023-24, Motion by Ms. Jamerson, seconded by Ms. Albiani and carried unanimously by an affirmative vote of all board members present that Resolution No. 12, establishing the District’s GANN Limit for the 2023-24 fiscal year and the recalculated 2022-23 appropriation limit be adopted.

- 2. 2022-23 Unaudited Actual Income & Expenditures –** Motion No. 40, 2023-24, Motion by Mr. Forcina, seconded by Mr. Yang and carried unanimously by an affirmative vote of all board members present that the report on the 2022-23 Unaudited Actual Income & Expenditures be adopted.

XVI. Board Member and Superintendent Reports – Board Members and the Superintendent reported on organization and committee meetings and information relative to the district and its operation.

XVII. Consideration of Future Agenda Items - None

XVIII. Adjournment – 11:45 p.m.

Submitted by Christopher R. Hoffman, Superintendent

Approved by: 
Gina Jamerson, Board President