

**Minutes of
Regular Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, December 15, 2020**

As per Executive Order N-29-20 from Governor Newsom, the Tracy Unified School District Board of Education meetings moved to a virtual/teleconferencing environment using Microsoft Teams. The Governor's executive order on March 12, 2020, waived the requirement for a majority of board members to physically participate in a public board meeting at the same location. The intent is not to limit public participation, but rather to protect public health by following the Governor's Stay at Home executive order. (Public Comments were available by online submission).

5:30 PM: **1-3.** Superintendent Stephens called the meeting to order and adjourned to closed session.

Roll Call: **4.** Board: S. Abercrombie, A. Alexander, A. Blanco, N. Erskine, Z. Hoffert, S. Kaur, L. Souza
Staff: B. Stephens, R. Pecot, T. Jalique, J. Stocking, B. Etcheverry

7:22 PM **5.** Superintendent Stephens called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.

Oath of Office **6. Administer Oath of Office:** San Joaquin County Superintendent of Schools, James Mousalimas, gave the oath of office to new board members, Ana Blanco, Nathalia Hughes Erskine and Zachary Hoffert.

Board Organization: **7.1** Elect Officers: President: Simran Kaur; Vice President: Steve Abercrombie; Clerk: Ana Blanco.

Action: Motion made by Hoffert for Kaur to be President, Seconded by Blanco.

Vote: Yes-6; No-1(Alexander)

Action: Motion made by Souza for Abercrombie to be Vice President, Seconded by Erskine.

Vote: Yes-4(Abercrombie, Erskine, Kaur, Souza); No-3(Alexander, Blanco, Hoffert)

Action: Motion made by Hoffert for Blanco to be Clerk, Seconded by Kaur.

Vote: Yes-4(Blanco, Erskine, Hoffert, Kaur); No-3(Abercrombie, Alexander, Souza)

7.2 Appoint Representatives to the following committees:

Budget: Alexander, Erskine, Kaur, Alternate: Blanco

Charter Schools: Abercrombie, Alexander, Souza

City Schools Liaison: Abercrombie, Alexander, Blanco, Alternate: Erskine

District Attendance Area: Abercrombie, Souza

Facilities Advisory: Abercrombie, Hoffert, Kaur, Alternate: Erskine

Facility Use Policy Review: Abercrombie, Erskine, Kaur, Alternate: Hoffert

Special Ed: Erskine, Hoffert, Souza

Tracy Learning Center/Ad Hoc Board Member: Abercrombie

Tracy Parks: Souza, Alternate: Blanco

Action: Blanco, Abercrombie. **Vote:** Yes-7 ; No-0.

7.3 Approve Board Meeting Calendar

Action: Abercrombie, Alexander. **Vote:** Yes-7; No-0.

Closed Session:

8a Report Out of Action Taken on Approve Settlement Agreement for
3.2.1 Special Contract Services with Contractor for Compensatory Education
Services and Attorney Fees

Action: **Vote:** Approved. Yes-7; No-0. ____

8b Report Out of Action Taken on Reinstatements: #20-21/#06, #20-
3.2.2 21/#07

Action: **Vote:** Approved. Yes-7; No-0.

8c Report Out of Action Taken on Early Graduation: WHS#10313480
3.2.3

Action: **Vote:** Approved. Yes-7; No-0.

8d Report Out of Action Taken on Approve Resignation Agreement and
3.3.1 Release of All Claims #UC 1166

Action: **Vote:** Approved. Yes-7; No-0.

8e Report Out of Action Taken on Board Action Taken and Potential
3.3.2 Unpaid Suspension Pending Further Resolution Including Potential
Discharge – Classified Employee #UCL-372, School Supervision
Assistant

Action: **Vote:** Approved. **Vote:** Yes-7; No-0.

8f Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.3 for Certificated Employee #UC-1223, Pursuant to Article XX

Action: **Vote:** Approved. Yes-7; No-0. ____

8g Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.4 for Classified Employee #UCL-354, Pursuant to Article XXIII

Action: **Vote:** Approved. Yes-7; No-0. ____

8h Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.5 for Classified Employee #UCL-373, Pursuant to Article XXIII

Action: **Vote:** Approved. Yes-7; No-0.

8i Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.6 for Classified Employee #UCL-374, Pursuant to Article XXIII

Action: **Vote:** Denied. Yes-5; No-2(Blanco, Hoffert)

8j Report Out of Action Taken on Consider Paid and Non-Paid Leave of
3.3.7 Absence for Classified Employee #UCL-375, Pursuant to Article XXIII

Action: **Vote:** Approved. Yes-7; No-0.

- 8k** Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.8 for Classified Employee #UCL-376, Pursuant to Article XXIII
Action: **Vote:** Approved. Yes-7; No-0. ____
- 8l** Report Out of Action Taken on Consider Non-Paid Leave of Absence
3.3.9 for Classified Employee #UCL-377, Pursuant to Article XXIII
Action: **Vote:** Denied. Yes-5____; No-2(Blanco, Hoffert)_
- 8m** Report Out of Action Taken on Consider Paid Leave of Absence for
3.3.10 Classified Employee #UCL-378, Pursuant to Article XXIII
Action: **Vote:** Denied. Yes-6; No-1(Hoffert)

Minutes

9. Approve Regular Minutes of November 10, 2020.

Action: Abercrombie, Alexander. **Vote:** Yes-7; No-0.

Trustees Abercrombie, Alexander and Souza attended the entire board meeting of November 10, 2020 and verified that the minutes were correct. All members voted on this verification.

Student Rep Reports:

10. None.

Recognition & Presentations:

11. None.

Information & Discussion Items:

12.1 **Administrative & Business Services:** None.

12.2 **Educational Services:**

12.2.1 San Joaquin County COVID 19 Update

Associate Superintendent of Educational Services, Julianna Stocking, presented a power point which showed that there are 85 new cases in our county as of yesterday. Currently, we are still in the purple tier. Tracy cases are currently 3,066 and our rate per 100,000 is 319.6. As a district have communicated to all of our families last Friday that beginning Jan.4 we will continue to stay in distance learning. Should anything change from our Governor then we will reassess. As of now district continues DL. This will not impact our SDC students in pre k-5, as well as TYAP and West High SH program. We will continue to monitor closely and will continue moving into phase 2 and 3 should it be safe to do so. We have communicated to all of our families that we will be on the Hybrid bell schedules starting January 4th. They are on all of our websites along with our safety plans. Our Phase 1 refers to Tk-5, TYAP, and West High SH classes. Phase 2 includes 6-8 middle school grades for SDC and Phase 3 will be 9-12 SDC. We will reassess initial plans. It is recommended from state and county to phase in bringing groups back to campus.

We are continuing to provide services to our SPED students during distance learning and we are still adhering to the service minutes. They are case by case basis. Each are aligned to the students learning disability. Students receiving resources are doing so in a virtual model via distance learning. We have case managers that oversee students'

IEPs and work directly with the sites. They discuss needs during IEPs and teachers have ongoing dialog. Special Education funds are separate through the SEPLA as well as our general funds when it comes to funding. Our COVID mitigation funds were used primarily to buy devices and you can see in our LCP plan. IEP services are paid for as a district and did not receive additional support for that.

Hearing of Delegations

13. Vice President, Steve Abercrombie, read the following comments submitted online:

Michael Bunch: Good Evening Trustees of Tracy Unified School District, My name is Michael Bunch, and I am the current principal at George Kelly Elementary School, as well as President of the Tracy Schools Management Association. On behalf of TSMA, representing central office and school site administrators, classified confidential employees, school secretaries, school counselors, psychologists, and Speech and Language Pathologists, we would like to welcome all new trustees to the TUSD board, and thank all trustees for their service to our district, students, staff, and community. During these challenging times, TSMA would like to offer partnership with the board as our district continues to offer high quality instructional programs, fiscal oversight and responsibility, and safe educational environments for all students and staff to thrive. Again, thank you for your service.

Michael Bunch, Ed. D.

Principal

George Kelly Elementary School

Brandi Hoffert: I would like it documented in the public record that Dr. Stephens has not responded to a request I made in an email dated November 19. Dr. Stephens has repeatedly stated that the district's lawyers do not find that Trustee Souza violated any board bylaws when she posted disrespectful and inappropriate comments on Facebook. I have sent him all of Ms. Souza's Facebook posts along with the specific bylaws that were violated. I requested that President Pekari discuss my complaint against Lori Souza with the district lawyers and receive written proof from the lawyers that no bylaws were violated. I have not received this proof and I am therefore again requesting this written proof as I believe that Trustee Souza has broken at least 2 bylaws and needs to be held accountable for her poor judgement and lack of self-control.

Emily Winter: If TUSD cares about the safety of their employees why are teachers being mandated to work on site as employee COVID positive tests increase. South West Park staff were sent home today because positive numbers increased among employees. This is PROOF the sanitation and cleaning being done isn't enough. It will only be worse once students are on campus. Our unions both don't care about us and represent our best interests. CSEA is too busy trying to be more important than TEA to give a damn. TEA keeps referring to CTA which does nothing. Both presidents are a joke. Who do we turn to when our unions don't care? Our Principal's and management staff have tied hands because they don't have unions and risk retaliation. Who actually cares about us and our family?

Lorena Sanchez: Merriam-Webster defines grace as being "a special favor, disposition to or an act or instance of kindness, courtesy, or clemency". During

Covid, we teachers have repeatedly been asked to give grace to our students, and I know that we have tried to do just that. However, as teachers, when do we get this grace given to us? As a teacher of over 20 years, I have given a lot of grace to my students, and to the district. I have worked tirelessly, and have tried to learn along the way to become an extraordinary teacher. This year, the health of a loved one does not allow me to teach from the classroom, but I know I could teach my students from home if given the chance. However, I was not given grace from the district to do so. As a result, my students have been taught by substitutes who cannot have the mastery I've earned over twenty years. I have been financially and emotionally impacted, but the district has no grace to allow me to work from home. Even though schools are closing because of staff being infected, the district does not give us grace to stay home and do our jobs safely. I guess I need to look up a different definition for that word, or finally realize that there is just no grace for me from the district I've been with for so long.

Public Hearing:

14.1 Administrative & Business Services: None.

Consent Items:

15. Board approval of any agenda item requiring insurance is conditioned upon acceptance of appropriate insurance accepted by Tracy Unified.

Action: 15.3.1 as amended, pulling 15.3.3. Abercrombie, Kaur.

Vote: Yes-7; No-0.

15.1 Administrative & Business Services:

15.1.1 Approve Accounts Payable Warrants (October, 2020)
(Separate Cover Item)

15.1.2 Ratify Routine Agreements, Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

15.1.3 Accept the Generous Donations from the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed Herein with Thanks and Appreciation from the Staff and Students of the Tracy Unified School District

15.1.4 Accept and Review the Status of School Connected Organization/Booster Club Applications Submitted for the 2020/21 School Year

15.1.5 Approve Payroll Reports (August 2020)

15.1.6 Approve Revolving Cash Fund Reports (August 2020)

15.2 Educational Services:

15.2.1 Approve Agreement for Special Contract Services with CalFresh Healthy Living, San Joaquin County Public Health, for the 2020-2021 School Year

15.2.2 Approve Revised TUSD Master Plan for Services to English Learners (Separate Cover Item)

15.2.3 Approve all Out of State, Overnight, and Out of District Travel for Tracy High AG/FFA Teachers and Students for the 2020-2021 School Year

15.3 Human Resources:

15.3.1 As amended: Accept the Resignations/Retirements/Leaves of Absence for Certificated, Classified and/or Management Employees

This item was approved as amended.

- 15.3.2 Approve Classified, Certificated and/or Management Employment
- 15.3.3 Approve a Variable Term Waiver for Single Subject Math Teacher-Waive Basic Skills Requirement

This item was pulled from the agenda.

Action Items:

16.1 Administrative & Business Services:

- 16.1.1 Certify 2020-2021 Fiscal Year First Interim Report (Separate Cover Item)

Associate Superintendent of Business Services, Dr. Rob Pecot presented a power point, based on our unrestricted budget. We do this twice a year. He reviewed revenues, which is based on our ADA. We have just over 14,000 students. There is a calculation projected is \$145.7 million. This is from LCFF, a very small fraction of it comes from the lottery.

This year because of COVID we will get cash deferrals in the amount of about \$26,000,000. Approximately 87% of our budget is spent on personnel. Approximately \$18.4 million gets put into Special Education, as these costs are rising. The state under funds Special Education. State requires us to put in 3% for routine repairs/maintenance. We do consider this to be a balanced budget. State aid will be deferred which is almost \$26 million in deferrals, so we will use our reserves to pay our obligations. We have projected \$36.7 million in our reserves and in Fund 17 there is almost \$11 million which is equal to 1 month's payroll.

The state is taking 65% of our reserves which puts districts in a tough position. A lot of the districts are having to borrow money and pay interest because they do not have enough money in their reserves. Because of the fiscal responsibility of TUSD we are able to meet those obligations.

Things to consider is that the \$3 million reserve represents a balanced budget. If we have an open position and we do not fill it for a month, it is a savings to the district. A school site does not spend all of their money each year and that goes back to the district. Historically we know that that will represent a balanced budget. We have delayed textbook adoption. We are waiting for the state budget in January and then a May revise and could change in the summer. A lot is unknown. We are hearing some positive things about state tax revenue, but we will have to wait until mid-January and hope for the best and be prepared for the worst. COVID 19 is driving a lot of this. We have continued declining enrollment which is about 225 students per year. Graduating classes are larger than the kindergartners coming in.

We are lucky that we have started our Tracy Independent Study Charter School (TISCS) program and offered this alternative option to the Tracy community. There were 55 students when we started and now there are over 200. We hope that it will continue to grow. As far as pension increases. we don't know yet about state finances. Those contributions

will continue to rise.

The big picture moving forward is that we are waiting for the governor's budget proposal. On paper we know there will be cash deferrals and they are supposed to pay us back, however in the last recession we didn't get paid back for 4-5 years. We hope this will be on time, but we don't know for sure. Declining enrollment is an issue in over 80% of California school districts. This all impacts us and we can only provide what we have money to purchase.

He certifies that we have a positive 1st interim report and is asking the board to certify this. It states that we will meet our obligations for this year, next year and the year out. It will change based on governor's proposal, but we are in good standing.

He thanked the financial team, Lori Nelson, Reed Call, Tanya Calderon, Sheryl Smith and Dr. Goodall who continues to advise us. He looks forward to working with board.

Action: Abercrombie, Souza. **Vote:** Yes-7; No-0.

16.2 Educational Services:

16.2.1 Approve the District's Budget Overview for Parents for the 2020-2021 School Year

Action: Abercrombie, Souza. **Vote:** Yes-7; No-0.

16.2.2 Approve Revision of the Tracy Unified Mathematics Placement Policy for Student Placement into Seventh and Ninth Grade Math Courses

Action: Souza, Abercrombie. **Vote:** Yes-4; No-3(Blanco, Erskine, Hoffert)

16.2.3 Approve SELPA Local Plan for the 2020-2021 School Year (Separate Cover Item)

San Joaquin County SELPA Director, Brandi Brunni. She presented a power point on Section B of the local plan. It is required that all SELPAs develop a plan conformed to a template provided by the CDE. Due to COVID and other issues, the timeline to approve has been extended to June 30, 2021. We are required to post on website. The CAC reviews the plan and has 30 days to provide input. We are a multi-district SELPA. The last time the plan has been reviewed was in 2006. It is compatibility with the LCAP. There will be a review every 3 years. Ms. Brunni will be attending board meetings for all of the districts. It is interim plan and June 2121 is CDE deadline to approve. She reviewed some of the changes in the plan which include updates related to charter policies, the reporting system, students who are in incarcerated and the funding formula . In June of 2024 we have another 3-year review of the local plan.

Action: Abercrombie, Alexander. **Vote:** Yes-7; No-0.

16.2.4 Approve the Tracy Independent Study Charter School (TISCS) Budget Overview for Parents for the 2020-2021 School Year

Action: Abercrombie, Souza. **Vote:** Yes-6; No-1(Hoffert)

16.2.5 Approve with Conditions, the Charter Renewal Proposal for the Tracy Learning Center's Discovery Charter School (Separate Cover Item)

Action: As amended. Abercrombie, Souza. **Vote:** Yes-7; No-0.

Attorney, Jason Miller, reviewed the amendment and explained the approval process. All concerns have been responded to and recommends approval without conditions.

Board Reports:

Trustee Abercrombie gave a special thank you to Dr. Pecot, Cindy Everhart and staff for help with Brighter Christmas. He asked that people go to the website www.brighterchristmas.org to sign up to help. Trustee Alexander thanked Dr. Pecot for his hard work on the budget and congratulated the new members on the board. He looks forward to working with them. Trustee Blanco thanked the citizens and looks forward to working with the rest of the trustees to meeting in person. She also thanked the administration for answering all of the last-minute questions via email. She appreciates their work. Trustee Erskine thanked Dr. Stephens, Dr. Pecot, Bobbie and all administration and staff in helping her to get information. She is looking forward to working collaboratively. She thanked everyone for the welcome and is looking forward to a strong cohesive board.

Trustee Hoffert read a prepared statement which stated, in part, thank you to Pekari for his example. Believes that people are not content on how the district has operated. He feels that the district has forgotten that character counts. He also thinks that for students and staff to feel supported that the lies must stop and egos must subside. We need to remember that his purpose on the board is to make sure that we are successful, and that students and staff are supported.

Trustee Souza met with Mr. Sean brown today and had a good discussion about Special Education. They have met quarterly. SDC Students that were going to be a part of phase 2 and 3 haven't been able to return yet. It is a major concern but need to think about our rise in COVID cases. He will continue to keep us updated. Also met with Dr. Pecot and other staff and they are planning an event on January 18 for MLK Day. They will have a panel talk with district staff. She thanked the new board members and also Trustees Abercrombie, Kaur and Alexander for their dedicated work over the last 2 years. They will all continue to work hard.

Trustee Kaur welcomed new board members and is excited to work with them. She is honor to be president and thanked everyone.

Superintendent Report:

Dr. Stephens commented that back in March when we closed that we would still not have our students back on campus. Our staff at all sites have done great work including classified, certificated and administrators. He hopes that the vaccine will be coming soon. He welcomed our new board members and wishes everyone a Merry Christmas and enjoy your break.

Adjourn: 8:48

Clerk

Date