Western Placer Unified School District

Regular Meeting of the Board of Trustees

December 7, 2021

Lincoln Crossing Elementary – Multi Purpose Room

635 Groveland Lane, Lincoln, CA 95648

MINUTES

2021-2022 Goals & Objectives (G & 0) for the Management Team: Component I: Quality Student Performance; **Component II:** Curriculum Themes; **Component III:** Special Student Services; **Component IV:** Staff & Community Relations; **Component V:** Facilities/Administration/Budget.

All Open Session Agenda related documents are available to the public for viewing at the Western Placer Unified School District Office located at 600 Sixth Street, Fourth Floor in Lincoln, CA 95648.

Board Members Present:
Kris Wyatt, President
Damian Armitage, Vice President
Criste Freymond, Clerk
Jason Price, Member
April Nitsos, Member

Others Present:
Kerry Callahan, Superintendent
Scott Pickett, Assistant Superintendent of Educational Services
Audrey Kilpatrick, Assistant Superintendent of Business & Operations
Cliff De Graw, Assistant Superintendent of Personnel Services
Maria Gonzalez, Administrative Assistant to the Superintendent
Emily Ortiz, MTSS Coordinator
Ariana Dolan, Student Advisory LHS

Per Placer County Public Health's (PCPH) and California Department of Public Health's (CDPH) recent health warning, **masks are required indoors** for all individuals, regardless of vaccination status, in K-12 school settings. Therefore, **masks will be required by all** in order to enter the School Board Meeting.

ANNOUNCEMENT: Should this Board Meeting encounter any security breech or inappropriate issues, the meeting will be ended immediately.

5:30 P.M. START

1. **CALL TO ORDER/ROLL CALL** – Lincoln Crossing Elementary – Multi Purpose room

2. **COMMUNICATION FROM THE PUBLIC**
   There was no communication from the public

5:35 P.M.

3. CLOSED SESSION – Lincoln Crossing Elementary – Office Conference Room

3.1 CONFERENCE WITH LABOR NEGOTIATOR
Bargaining groups: WPTA & CSEA Negotiations
Agency Negotiators:
~Kerry Callahan, Superintendent
~Scott Pickett, Assistant Superintendent of Educational Services
~Cliff De Graw, Assistant Superintendent of Personnel Services
~Audrey Kilpatrick, Assistant Superintendent of Business and Operations

3.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -
Legal counsel pursuant to government code section 54956.9- anticipated litigation regarding COVID-19

3.3 PERSONNEL
Employee Employment/Discipline/Dismissal/Release

3.4 STUDENT DISCIPLINE/EXPULSION PURSUANT TO E.C. 48918
a. Student Discipline – Stipulated Expulsion Student #21-22-B
b. Student Discipline – Stipulated Expulsion Student #21-22-C

7:00 P.M.

4. ADJOURN TO OPEN SESSION/PLEDGE OF ALLEGIANCE – ~~Lincoln High School, Performing Arts Theater~~. Lincoln Crossing Elementary Multipurpose Room
The Board of Trustees will disclose any action taken in Closed Session regarding the following items:

4.1 *Page 9* - CONFERENCE WITH LABOR NEGOTIATOR
Bargaining groups: WPTA & CSEA Negotiations
Agency Negotiators:
~Kerry Callahan, Superintendent
~Scott Pickett, Assistant Superintendent of Educational Services
~Cliff De Graw, Assistant Superintendent of Personnel Services
~Audrey Kilpatrick, Assistant Superintendent of Business and Operations

No action taken

4.2 *Page 10* - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Legal counsel pursuant to government code section 54956.9- anticipated litigation regarding COVID-19

No action taken

4.3 *Page 11* - PERSONNEL
Employee Employment/Discipline/Dismissal/Release

No action taken

4.4 *Page 12-13* - **STUDENT DISCIPLINE/EXPULSION PURSUANT TO E.C. 48918**

a. Student Discipline – Stipulated Expulsion Student #21-22-B
b. Student Discipline – Stipulated Expulsion Student #21-22-C

No action taken

5. *Page 15-102* - **CONSENT AGENDA**

5.1 Certificated Personnel Report
5.2 Classified Personnel Report
5.3 Approval of Minutes for: November 2, 15 & 16 2021
5.4 Approval of Warrants
5.5 Approve Assignment between Sequoia Union High School District and Western Placer Unified School District
5.6 Ratification of Contracts with Wellness Together, Inc.
5.7 Student Discipline – Stipulated Expulsion Student #21-22-B
5.8 Student Discipline – Stipulated Expulsion Student #21-22-C

Motion by Mr. Armitage, seconded by Mr. Freymond and passed by a 5-0 *(**Ayes:** Nitsos Price, Armitage, Freymond, Wyatt **No:** None)* roll call vote to approve consent agenda as presented.

6. REPORTS & COMMUNICATION

➢Lincoln High School Student Advisory – Ariana Dolan shared the following

- All students preoccupied getting ready for finals
- Leadership class working with college and career counselor to find ways to the new college and career center.

Twelve Bridges High School Student Advisory – Kylie Linthicum was not present

➢Western Placer Teacher's Association – Tim Allen introduced himself and his position at Lincoln High school. He is the president of the Western Placer Unified Teachers Association. Mr. Allen spoke regarding the sunshine negotiations. Mr. Allen read the following letter: Dear Board of Trustees, At the regular meeting of the Representative Council of the Western Placer Teachers Association ("WPTA") on December 1st, 2021, a motion was unanimously passed to draft a letter in support of our School Board. As the President of and spokesperson for WPTA, it is my duty and honor to relate this message. Kris, Damian, April, Criste, and Jason, thank you for your ongoing service to this community. With over 330 members of WPTA--classroom teachers, counselors, nurses and speech and language pathologists--we appreciate your dedication and steady leadership during this most extraordinary and trying time. Sincerely, Tim Allen, WPTA President On behalf of the WPTA Representative Council

➢Western Placer Classified Employee Association – Gus Nevarez stated no report

➢Superintendent – Kerry Callahan

- Thanked the Board for their support and allowing her to sign the letter that was sent to Governor Newsom on November 18 from Superintendent Garbolino-Mojica, Placer County Office of Education, advocating for parental choice, for vaccines and local control over mitigating COVID. The letter was signed by 14 other Placer County Superintendents.

- Superintendents met with Capital Advisors which is an organization that provides legislative advocacy at the state level.
- Attended the Annual CSBA conference from December 1, 2021 to December 4, 2021 in San Diego.
- Early release next week as part of finals for the high schools and accounting for last week prior to winter break.

7. ♦ACTION ♦DISCUSSION ♦INFORMATION

7.1 Information/ Discussion ***Page 104*** **–PRESENTATION FROM WPUSD LEGAL COUNSEL REGARDING COVID-19 RELATED MANDATES IN SCHOOL SEETINGS – Callahan** *(21-22 G & O Component I, II, III, IV, V)*

Kerry Callahan stated that as the Board requested we have Lozano Smith here to discuss COVID 19 related mandates in school settings. Megan Macy from Lozano Smith is here to update the Board. Mrs. Callahan stated that there are public comment forms regarding COVID 19, so public comment regarding this board item were addressed first.

Members of the public, community members, teachers, students and parents shared in person verbal comments and concerns including the following: mask mandates and the COVID vaccine. Members of the public stated statistics, and stories regarding their concerns with the vaccine and masking students. Speakers stated that masking and COVID vaccines are harmful to their children and that it should be the parent's choice to make those type of decision for their children. Speakers included a parent who read a letter from an attorney who discussed opposition to any forced Covid-19 vaccine for children. Speakers also thanked the board for their continued work and requested more action against the orders/mandates. A public figure who is a member of the Board of Equalization, Ted Gaines, spoke and shared the story of the reaction his daughter had to a vaccine as a child. He spoke regarding parent's choice and stated he has been fighting for parental rights for 20 years in politics to ensure that parents have the right to make decisions for their children. There were also parents who spoke in support of the masking and vaccine to assist with the health and safety of students and staff on campus. Also mentioned was the disappointment in the letter sent to the governor by the board. These parents also stated statistic and data regarding COVID, vaccines and masking. The following made public comments: Valerie A. Baker, Brian Hutchison, Michael Maldonado,Kyndall Van Dusen, Gus Murphy, Adrian Garcia, Adriana Ellis, Marc Moran, Allegra Stratton, Marjorie Proffitt, Angela Smith , Alisha DeNoyer, Ted Gaines, Chris Baldwin, Amber Faddis, Tyler Coats, Susan Martineau, Amber Crayten, Justin Havey, Yasmin Allazani , Amanda Dixon, Amy Ridgeway.

Meghan Macy with Lozano Smith stated that the board had requested a legal update on the current status of the vaccine mandate. Ms. Macy stated that currently we have a verbal announcement from the governor that he intends, through his executive authority to direct CDPH to mandate vaccines for students after the full FDA approval. What that means is that the mandate from CDPH would not take effect until July 1, 2022. The second piece is if this is through an executive order, under the current law, vaccine mandates resulting from executive order must allow for personal and religious belief exemptions and medical exemptions. What that means

if the vaccine is through and executive order, then there will be an element of parental choice in terms of that vaccine mandate. There has been a lot of talk about legislation and when that might happen. What they are hearing from lobbyist at the State level, is that legislation is unlikely to go into effect until 2023-2024 school year if legislature takes action. She stated what is not known about any potential legislative action, is if the personal belief or the religious exemptions may go away. There are some immunizations that are like that, but not all of them. Under those circumstances, we don't know what the legislature is going to do and there is a lot of advocacy going on, on both sides of the issue. She recapped the timeline: July 1, 2022 will be the earliest that any vaccine mandate would go into effect. There would be personal belief/religious exemptions and medical exemptions. We wouldn't be dealing with any legislative vaccine mandate until 2023-2021 school year.

Jason Price stated from the way he understand there are three paths, the executive order, there is legislation that would add COVID vaccine as the 11th mandatory vaccine, which would likely remove exemptions. He also asked about the recent court case in the news.

Mrs. Macy talked about the three paths. The first is executive order by the governor saying there is a vaccine mandate. Under that circumstance it would maintain personal belief and religious exemptions and medical exemptions. The second path is if it has made it through regulation through CDPH, in that circumstance those same exemptions apply. The only circumstance under which there is a possibility those exemptions would not exist is if the Legislature by statute adopting a mandatory vaccine policy for COVID. Mrs. Macy also spoke regarding mandates and guidance. She stated that mandates hold the weight of law and that is to be distinguished from guidance. What we have learned from the Let them Breath court case (regarding mask mandate), what the court in that case said was that the way that the CDPH addressed the issue about mask in schools, that piece was a mandate. The mask mandate was enforceable and carried the weight of the law. Other pieces of the CDPH information, guidance, that were more flexible and discretionary at the local level, like the way the quarantine rules were enforced.

April Nitsos asked if we expect any limitations to the personal belief exemptions.

Mrs. Macy stated that the personal belief exemptions would be applied as they have been in the past. She does not see any changes to that. Mrs. Macy also spoke regarding liability. She shared when it comes to mandates which carry the weight of the law, there are certain aspects of the claims act that the board should be aware of. When we are doing things like tort liability, like the slip and fall case, an injury if you are waling

7.2 Information/ ***Page 105*** **– <u>EDUCATOR EFFECTIVENESS BLOCK GRANT PLAN</u> – Pickett** *(21-22 G & O Component I, II, III, IV, V)*

Scott Pickett stated recently, Western Placer Unified School District was allocated restricted, one –time Educator Effectiveness Funds (EFF) by the California Department of Education. These EEF Funds, in coordination with federal Tittle II funds, are intended to support professional learning for certificated teachers, administrators, paraprofessional educators, and other certificated staff, EFF funds must be expended by June 30, 2026. As a requirement to receive these funds, WPUSD must prepare a local written plan. That plan must be publicly presented to the board of trustees before its adoption at a subsequent board meeting. The local written plan must be adopted no later than December 30, 2021.

7.3 Action ***Page 110*** **– <u>ESTABLISH ANNUAL ORGANIZATIONAL MEETING</u> – Callahan** *(21-22 G & O Component I, II, III, IV, V)*

•Education Code 35143 and 5017 require the scheduling of an annual organizational meeting in December for selecting board officers. Placer County Office of Education request we take board action on the scheduling of the annual organizational meeting and submit to PCOE.

Kerry Callahan stated this is an annual process of the board and requested the Board of Trustee select an organizational meeting date for 2021.

Damian Armitage stated that he would like to have a discussion during the organizational meeting regarding meeting schedules and times and what works best for the board.

Motion by Mr. Armitage and seconded by Mrs. Freymond and passed by a 5-0 (***Ayes:*** *Armitage, Freymond, Nitsos, Price, Wyatt* ***No****: None*) vote to Establish Annual Organizational Meeting

7.4 Action ***Page 114*** **– <u>ADOPTION OF REVISED/NEW/EXHIBITS/POLICIES/ REGULATIONS</u> – Callahan** **(***21-22 G & O Component I, II, III, IV, V)*

•The District Policy Committee and Management Team have reviewed the following new and revised policies/regulations/exhibits as per CSBA. They are now being presented for adoption by the Board of Trustees.

- BP/AR 6142.8 – Comprehensive Health Education

Kris Wyatt wanted to emphasize that fentanyl needs to be addressed in the health education. Motion by Mr. Armitage and seconded by Mr. Price and passed by a 5-0 (***Ayes:*** *Armitage, Freymond, Nitsos, Price, Wyatt* ***No****: None*) vote to approve the adoption of revised/new exhibits/policies/ regulations.

8. COMMUNICATION FROM THE PUBLIC

Member from the public asked if the district puts any funding into the Glen Edwards art program or if teachers are responsible for paying for supplies. Mr. Picket explained that each school site has site funds that they can use. The following made public comments: Katlyn Hart.

9. BOARD OF TRUSTEES

9.1 FUTURE AGENDA ITEMS

The following are a number of agenda items that the Board of Trustees has been monitoring. They are NOT action items for tonight's meeting, but are noted here for continuing purposes and to ensure that when there are changes or new information they will be called up as Action/Discussion/Information.

- **School Safety**
- **Health**
- Lee (Leland) Basham – naming of theater at LHS

9.2 BOARD MEMBER REPORTS/COMMENTS

April Nitsos stated she met with two constituents, Chris Baldwin and Holly. They discussed mandates and solutions off each other. In Sheridan for Christmas, they have a parade on the 19th with Santa Claus. There is also a beautiful live nativity at a small church that runs the 17th -19th and it is very touching.

Jason Price stated that they do not get paid as a board. He appreciates Meghan speaking at the meeting. He thinks what we are all looking for here is that everyone gets what they want. For those who feel very strongly against vaccinating their kids have a pathway not to do it. He has had a lot of conversations with parents on both sides of this argument. They are all saying the same thing, "don't force me to do what I don't want to do." We are all advocating for that. He knows people are not happy because it is not enough, it is not fast enough, but they are trying to work with the confines of the system, and there is not currently a mask mandate or a vaccine mandate in place for them to oppose. The districts who are saying they are going to defy a mandate, haven't seen it yet. He stated, "This is not us doing nothing. The path to doing this is through the government. Those that serve our community and our country, that don't get those holidays off, thank them." He stated he appreciated everyone for attending.

Damian Armitage stated that he attended the Placer County Committee on school district organization. They met on November 29th and failed to meet the requirements for an election so they met again last night and they approved a resolution approving the County Boards request to implement a single member trustee area boundary map and they changed the elections sequence for the members of their board of education. They also had a public hearing and took action to change Placer Union High School district trustee area. Like one of our public speakers, Senator Gaines, he is concerned with what is happening at the State and Federal level with regards to making decision for our families. He will be making know his own voice with the governor and legislators letting them know that he opposes any mandated experimental vaccine. He stated, "I want to commend my fellow board members during this challenging period, we are being asked to balance our fiduciary responsibility to the district and our moral

responsibility to our students and their families with the plan our over-reaching governor has for this state." He remains optimistic that because of the current political climate that the personal and religious exemptions will remain intact and we will be free as a district to administer those exemptions as benefits to our parents.

Criste Freymond stated she wanted to thank everyone for coming tonight and voicing their opinions because they do matter. She is a mom and she knows how important it is to raise your kids. On Saturday, she attended the Christmas parade downtown and she was able to see some of the school kids. She helping with the Lincoln High School wrestling team with a fundraiser.

Kris Wyatt stated that last Thursday they had the Elite Choir perform for the Lincoln Rotary Club at their annual Christmas Dinner. They will have performances this Thursday and Friday night at LHS and they are talented, their voices are wonderful and they were angelic. She also attended the Lincoln parade and there was an electricity in the air of a town that came together. Everyone was friendly. School Board Presidents are still meeting and she is also attending meetings with School Board Member from across the state via zoom. All school boards are dealing with these issues.

Kerry Callahan stated she wants people to know that she believes in parental choice. It's not just her, doing her job as directed by the board, to send letters or sign her name. She believes in parental choice. People are making assumptions about her and she understands that. She shared a personal story and stated she can relate to Senator Gaines. She had a niece who died in 2013 when she was 13 years old. She was born healthy, and she was vaccinated and the hepatitis B vaccination caused the same issue for her as happened to Senator Gaines child. She could not vaccinate her son for hepatitis B because they have history and these issues in her family. She did not vaccinate him initially, she waited just like Senator Gaines talked about, doing it thoughtfully. She completely understands the need for parental choice and this isn't about her job. She has had a successful career, she can get a job elsewhere. She loves Western Placer and she wants to be in Western Placer and they are advocating. But when their attorney talks about the personal liability, she has three children, she has a husband, she has things that she has worked very hard for. She has the board who has those same things and she has an incredible staff of people. For her to ask them to put their entire personal lively hood on the line, because that is ultimately what is in some regards being asked of them, to defy the law, the they are putting themselves personally in jeopardy, criminally, imprisonment and financially. They will not have any coverage and if they are named in a lawsuit then they are personally liable. She makes good money as superintendent but she does not make millions of dollars to pay for something under her watch because she choose to defy a mandate or a law. As much as she would love to just easily stand up and say were going to do that, it is bigger than that. She wants them to know that they are advocating and they are sending letters and they are talking and they are doing everything in their power to allow for parental choice. She wants that, on the record because at the end of the day people are going to say what they are going to say about her, the board and some of the staff. They have the right to do that, and she gets it, but they are advocating while

also understanding the enormous tool on them in their roles and the effects on their personal lives as well.

Kris Wyatt further stated that when people say that they are not taking this seriously, this is on their minds almost 24/7. It makes her gut ache. She has a headache from it, not from wearing a mask. This is constantly on their minds. Especially since she has a daughter that works in this district and a grandson that goes to our school district. It is not something taken lightly. She is sorry that people feel the way they do.

10. ESTABLISHMENT OF NEXT MEETING(S)

The President will establish the following meeting(s):

➢**December 21, 2021** 7:00 P.M., Annual Organizational Meeting of the Board of Trustees –Lincoln High School Performing Arts Theater, 790 J Street

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:36p.m.

Damian Armitage, President

Criste Freymond, Clerk

Kerry Callahan, Superintendent

Maria Gonzalez, Administrative Assistant to the Superintendent

Adopted: January 18, 2022

Ayes: Nitsos, Wyatt, Freymond, Price, Armitage

Noes:

Absent:

Accommodating Those Individuals with Special Needs:
In compliance with the Americans with Disabilities Act, the Western Placer Unified School District encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the Office of the Superintendent, at (916) 645-6350 at least 48 hours in advance of the meeting you wish to attend so that we may make every reasonable effort to accommodate you, including auxiliary aids or services.