

**KINGSBURG ELEMENTARY CHARTER SCHOOL DISTRICT
GOVERNING BOARD MEETING**

June 15, 2020

**Kingsburg Elementary Professional Development Building
1310 Stroud Avenue
Kingsburg, California 93631**

4:00 p.m.

MINUTES

PUBLIC SESSION AND PUBLIC COMMENT ON AGENDIZED AND NON-AGENDIZED ITEMS

1. Call to Order and Roll Call
Board President, Connie Lunde, called the meeting to order at 4:00 p.m.

Board Members Present:

Connie Lunde, President
Shane Murray, Clerk
Brad Bergstrom, Member
Karyll Smith Quinn, Member
Frank Yanes, Member

District Office Administrators Present:

Wesley Sever, Ed.D., Superintendent
Melanie Sembritzki, Assistant Superintendent
Nick Taylor, Ed.D., CBO

2. Pledge of Allegiance
3. Moment of Contemplative Silence
4. Approval of Agenda

Moved: Mr. Bergstrom; Seconded: Mrs. Smith Quinn, to approve the June 15, 2020, Board agenda as submitted:

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes

Motion Carried: 5-0

DISCUSSION

5. Superintendent's Report
 - 5.1. Communications/Recognitions
 - 5.1.1. Dr. Sever shared celebrations that happened this year prior to the Coronavirus Pandemic.
 - 5.1.2. COVID-19 Update
 - 5.1.2.1. Information is changing every day. Governor Newsom suspended daily instructional minutes and average daily attendance through June 30. Now the legislature is looking to see what next year will look like and if they will continue to relax these two items for 2020-2021. The legislature is looking at ADA and how to fund schools,

how we will take attendance, and possibly averaging the last two years' attendance for funding. We are also waiting for information from the legislature on CBEST and RICA requirements.

5.1.2.2. Dr. Sever has been meeting with the Fresno County Health Department each Thursday along with other superintendents. FEMA is supplying schools with seven temperature guns per school, face shields, sanitizer, and face masks.

5.1.2.3. Dr. Sever discussed an analysis of liability issues related to COVID-19 orders and guidance from Lozano Smith.

○ Are school districts required to follow public health orders and Governor's executive orders ("Executive Orders") as if they carry the force of law? The Executive Orders, issued to address the COVID-19 pandemic, are legal requirements under the California Emergency Services Act. Similarly, county public health orders and state public health directives issued by the California Department of Public Health carry the weight of the law. In contrast, guidance from the California Department of Education ("CDE") is not controlling but could be used to determine if the District's safety measures are reasonable.

○ Are there potential liabilities or financial consequences if a school district does not follow the Executive Orders, public health orders, or CDE guidance for reopening schools? Yes, there are potential liabilities and financial consequences for failure to follow the Executive Orders and public health orders. No court has ever imposed liability upon school districts relating to the spread of COVID-19 or other contagious diseases; however, there is the potential that a court could impose financial liability for not following certain legal requirements, and an increased risk of a potential negligence claim if a student, community member, or staff member was to become sick as a result of the District acting in a manner inconsistent with such orders. In addition, violation of orders from the governor's office or from state/local public health officials could lead to financial penalties. While guidance from CDE or other state, federal, local government entities are not legal requirements, if the District strays from such guidance, it could be used against it if a tort claim arises and/or in the course of financial audits. No case that we are aware of has held a California school district liable based on the transmission of a disease. However, as we have seen this year, there has been an effort to try to minimize the financial impact of COVID-19 on individuals. COVID-19 presents novel issues and California may see an evolution in this area of the law expanding or creating legal theories to impose liability for the transmission of COVID-19. The safest course is to follow Executive Orders and public health orders, and implement CDE, as well as other state, federal, local government entities guidelines to the extent possible.

○ May a school district require parents to sign a waiver and release the District from liability if the student contracts COVID-19 while at school? Since public education is compulsory, it is highly unlikely that requiring a parent to sign a waiver of liability to send their student to school would be enforceable; however, seeking a waiver is not unlawful. Since a waiver is likely unenforceable and may lead to animosity from parents, it seems unlikely that it would provide a benefit to the District. If the District desires to communicate the risk to parents, it may be more beneficial to send a parent notice that explains the procedures the District is taking to address COVID-19, educational options, and that, despite the District's best efforts, it cannot guarantee the health of all students or that an individual would not come in contact with COVID-19.

5.1.3. Mrs. Bray reported classified contracts and employment notices will be mailed out this week. Daily schedules and duties may look different than in years past. Once the district decides on the re-opening plan, principals and supervisors will develop work schedules which they will share with classified staff in August. Dr. Sever thanked the classified staff for their patience during this uncertain time.

5.1.4. Dr. Sever read several positive emails from parents regarding the end of the school year and Rafer Promotion.

- 5.1.5. The City of Kingsburg will be running a 10-week Summer Recreation Program on the Washington School campus. This year's program has been altered due to COVID-19 and city staff has developed a plan to ensure the health and safety of students and staff to the best of their ability. For more information, contact the City of Kingsburg.
6. Assistant Superintendent's Report
 - 6.1. EL Summer School will begin July 13 and run through July 31, Monday through Friday. Title III funding will be used which is very restricted and must be used on English learner students. This program is for incoming 1st-8th grade eligible students. Mrs. Sembritzki will be recruiting teachers and inviting families soon. The program will be held at Lincoln School with Mrs. Regier as acting administrator. Transportation will not be provided this year.
 7. Chief Business Official's Report
 - 7.1. Projects
 - 7.1.1. The Washington Preschool Project has been released to us from the contractor. There is one last item to be done for the project which is a custom storage shed placed on the concrete.
 - 7.1.2. The Lincoln HVAC project is complete. There was an underground leak found near the staff parking lot and a contractor is coming out this week to investigate.
 - 7.1.3. The Lincoln shade structure will hopefully be completed this summer. Part of the funding used was a grant from the Kingsburg Tri-County Health Care District.
 - 7.2. As Dr. Sever noted, FEMA is sending supplies to school districts. The district has already purchased some of these supplies for all school sites to be prepared should we not receive assistance from the government.
 - 7.3. Right now, transportation is a huge challenge. All of the re-opening plans require more transportation. With current social distancing requirements for buses, we are only able to accommodate 14 students on a bus or more if family members sit together. We are hoping to see these guidelines change in the coming weeks.
 - 7.4. In the schools, many classrooms have tables. With social distancing, we may need to purchase desks and store the tables and any extra furniture. A quote should be received this week.
 8. Board Member Reports
 - 8.1. Mrs. Lunde reported the Board loved the virtual graduation ceremony for Rafer Johnson Jr. High and Kingsburg High School.

ACTION

9. Consent Agenda
 - 9.1. Consider Approval of Minutes – June 1, 2020 Board Meeting
 - 9.2. Consider Approval of Cash Balances
 - 9.3. Consider Approval of Budget Report
 - 9.4. Consider Approval of Accounts Payable Report
 - 9.5. Consider Approval of Surplus Equipment
 - 9.6. Consider Approval of Adaptive Physical Education Services Agreement with Fresno County Office of Education for the 2020-2021 School Year
 - 9.7. Consider Approval of Annual Contract Renewal with Goodfellow Occupational Therapy Services for Students for the 2020-2021 School Year
 - 9.8. Consider Approval of Agreement with Ellevation, Inc. for Data and Implementation Services

Items 9.1. – 9.8.:

Moved: Mr. Yanes; Seconded: Mr. Murray

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;

Mr. Yanes – Yes
Motion Carried: 5-0

BUSINESS SERVICES

10. Consider Adoption of Proposed 2020-2021 Budget and Operations Written Report Regarding COVID-19 Response

Moved: Mr. Yanes; Seconded: Mrs. Smith Quinn

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

11. Consider Adoption of Resolution No. 20-19 to Establish Temporary Interfund Transfers of Special or Restricted Fund Moneys

Moved: Mr. Yanes; Seconded: Mr. Bergstrom

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

12. Consider Adoption of Resolution No. 20-20 Authorizing Designated Personnel to Sign Documents for Child Development Services

Moved: Mrs. Smith Quinn; Seconded: Mr. Murray

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

13. Consider Approval of Change Order for EMCOR to Refund Unused Retention on Lincoln HVAC Project

Moved: Mr. Yanes; Seconded: Mrs. Smith Quinn

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

CURRICULUM AND INSTRUCTION

14. Consider Approval of Next Generation Science Standards (NGSS) Curriculum Adoption

Moved: Mr. Bergstrom; Seconded: Mr. Murray

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

ADMINISTRATIVE SERVICES

15. Consider Approval of Board Policies/Administrative Regulations/Exhibits

- 15.1. BP 3471: Parcel Taxes
- 15.2. BP/AR 3551: Food Service Operations/Cafeteria Fund
- 15.3. BP 4112.2: Certification
- 15.4. BP/AR 5141.52: Suicide Prevention
- 15.5. BP/AR 5144.1: Suspension and Expulsion/Due Process
- 15.6. BP 6157: Distance Learning

Moved: Mr. Yanes; Seconded: Mr. Murray

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes
Motion Carried: 5-0

PUBLIC COMMENT

- 16. Public Comment on Agendized and Non-Agendized Items
Sam Sullivan, parent/guardian, addressed the Board.
- 17. Set Date, Time, and Location of Next Regularly Scheduled Board Meeting: Monday, July 20, 2020, 4:00 p.m., Professional Development Building

CLOSED SESSION

- 18. Public Employee Discipline/Dismissal/Release/Complaint (Government Code Section 54957)
- 19. Anticipated Litigation (Government Code Section 54956.9(b))
- 20. Public Employee Employment
 - 20.1. Certificated Personnel
 - 20.1.1. Consider Acceptance of Resignation: Elementary School Counselor, Grades K-6 – Student Services
 - 20.1.2. Consider Acceptance of Resignation for the Purposes of Retirement: Paraprofessional-EL/Paraprofessional- RSP – Lincoln Elementary School/Special Education
- 21. Pupil Personnel
 - 21.1. Consider Interdistrict Transfer Requests (Pursuant to Education Code 48204, 35146)
 - 21.1.1. Consider Approval of 2020-21 New Attendance Requests – Site-Based Program
 - 21.1.2. Consider Approval of 2020-21 Renewal Attendance Requests – Site-Based Program
 - 21.1.3. Consider Approval of 2020-21New Attendance Requests – Central Valley Home School
 - 21.1.4. Consider Approval of 2020-21 Renewal Attendance Requests – Central Valley Home School

RECONVENE PUBLIC SESSION

ACTION

- 22. Report of Actions Taken in Closed Session

Action taken on agenda items 20.1.1. – 20.1.2.

Moved: Mr. Yanes; Seconded: Mrs. Smith Quinn, to take the following action:

- Accepted Resignation: Stephanie Marriott, Elementary School Counselor, Grades K-6 – Student Services

- Accepted Resignation for the Purposes of Retirement: Valerie Yerger, Paraprofessional-EL/Paraprofessional- RSP – Lincoln Elementary School/Special Education

Action taken on agenda items 21.1.1. – 21.1.4.:

Moved: Mr. Bergstrom; Seconded: Mrs. Smith Quinn, to take the following action:

- 2020-21 New Attendance Requests – Site-Based Program – Approved all requests.
- 2020-21 Renewal Attendance Requests – Site-Based Program – Approved all requests.
- 2020-21 New Attendance Requests – Central Valley Home School – Approved all requests.
- 2020-21 Renewal Attendance Requests – Central Valley Home School – Approved all requests.

Approved: Mr. Bergstrom – Yes; Mrs. Lunde – Yes; Mr. Murray – Yes; Mrs. Smith Quinn – Yes;
Mr. Yanes – Yes

Motion Carried: 5-0

23. Adjourn

Meeting was adjourned at 5:58 p.m.