

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, DECEMBER 14, 2020, 6:30 P.M.
Oakdale Joint Unified School District Office
Technology & Staff Development Center
331 Hinkley Avenue, Oakdale, CA

ATTENDANCE WAS LIMITED TO ESSENTIAL PARTICIPANTS WHICH INCLUDED BOARD MEMBERS AND CABINET MEMBERS
On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 related to the COVID-19 pandemic. The Executive Order allows state bodies covered by the Bagley-Keene Open Meeting Act to hold public meetings covered by the Act via web and/or audio teleconferencing. As such, the December OJUSD Board meeting was held as an audio/video teleconference with a live webcast :

<https://www.youtube.com/channel/UCZdB-OF9xQSDVe3Csc84K0w>

The meeting held at the OJUSD Technology & Staff Development Center was closed to the public.

THIS MEETING WAS WEBCAST LIVE : <https://www.youtube.com/channel/UCZdB-OF9xQSDVe3Csc84K0w>

PUBLIC COMMENTS WERE ABLE TO BE TAKEN VIA PHONE BY CALLING (209) 848-4205, Ext. 106
Members of the public were able to view the live-stream of the meeting and call in during public comments.

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| CALL TO ORDER | 1.1 | The meeting was called to order at 6:30 P.M. by Board President Diane Gilbert. |
| TRUSTEES PRESENT | 1.2 | Larry Betschart, Diane Gilbert, Mike House, Tina Shatswell, and Barbara Shook. |
| TRUSTEES ABSENT | 1.3 | None |
| VISITORS PRESENT | 1.4 | None |
| CLOSED SESSION | 2.0 | There was no Closed Session. |
| PLEDGE OF ALLEGIANCE | 3.0 | Trustee Mike House led the pledge of allegiance. |
| OATH OF OFFICE | 12.1 | President Diane Gilbert administered the Oath of Office to Larry Betschart and Tina Shatswell who were inducted to serve a four-year term which expires November 30, 2024. |
| ELECTION OF BOARD OFFICERS | 12.2 | As required each year, the annual organizational meeting of the Board was held, which included election of school board officers and a trustee representative to vote for members of the County Committee on School District Organization. |

It was **M/S/C (Shatswell/Betschart)** to nominate Barbara Shook for President and the nomination was accepted. Motion passed unanimously.

It was **M/S/C (House/Shook)** to nominate Tina Shatswell for Clerk and the nomination was accepted. Motion passed unanimously.

It was **M/S/C (Shook/Shatswell)** to nominate Diane Gilbert as Trustee Representative to vote for members of the County Committee on School District Organization. The nomination was accepted and motion passed unanimously.

AUTHORIZATION OF SIGNATURES	12.3	<p>The Board was asked to designate District Office employees authorized to sign orders and warrants in the name of the district, and designate an authorized representative of the district as:</p> <ul style="list-style-type: none"> - Superintendent Marc Malone - Deputy Superintendent Dave Kline - Assistant Superintendent Kristi Rapinchuk - Assistant Superintendent Larry Mendonca - Chief Business Officer Kassandra Booth - Director of State and Federal Programs, Armida Colon <p>It was M/S/C (Shook/Shatswell) to designate District Office employees named above as authorized to sign orders and warrants in the name of the district, and designate Superintendent Marc Malone as the authorized agent of the district. Passed unanimously.</p>
ACTION FROM CLOSED SESSION	4.0	None
APPROVE ORDER OF AGENDA	5.0	It was M/S/C (House/Shatswell) to approve the order of agenda items for this meeting. Passed unanimously.
ANNOUNCEMENTS	6.0	None
ORGANIZATION REPORT, OTA	7.1	Deputy Superintendent Dave Kline reported that OTA President Lisa Greenhow notified him that she had nothing to report.
ORGANIZATION REPORT, CSEA	7.2	<p>Jake Cox, CSEA President, called in to report that during these unprecedented times he has seen classified staff rise to the calling and helping to create a healthy and safe learning environment for our students, whether it is bouncing around to different sites to help out where needed, or standing out in inclement weather to hand out lunches to students, or custodial staff going above and beyond with cleaning protocols to make sure everything is clean and sanitized. Not only classified staff, but certificated and administrative staff have also risen to the calling to try to keep students engaged while on a distance learning or hybrid learning schedule, administration making adjustments for staff to keep them safe and healthy; everyone doing this while in the back of their minds wondering if they are putting their families' health at risk, and if they are doing enough to keep their families, fellow coworkers, students and community safe, and wanted to point out how great all staff are doing for their fellow coworkers, students and community and thanked everyone for what they are doing.</p>
ORGANIZATION REPORT, STUDENT	7.3	Superintendent Malone reported that student representative Caroline Krum notified him that she would not have a report tonight.
PUBLIC COMMENTS	8.0	President Shook opened the Public Comments portion of the agenda at 6:42 p.m.
ELENE ZAGORITES		Elene Zagorites called in to say she is a 3 rd grade teacher at Cloverland elementary. She stated that for the past 8 weeks elementary students and teachers have been in person on respective campus 4 days a week.

During this time, they worked under the auspices of the waiver created months ago under a very different set of health risk factors than we are seeing now. She asked the Board to consider the high positivity rates and minimal hospital bed availability currently in our county and region and contemplate a temporary in-person closure until positivity rates lower. She noted her job as an educator is to protect children in her classroom the past 34 years, and respectfully asked the board to help her protect students as best possible as infection rates rise.

Public Comments closed at 6:46 p.m.

REMOVE ITEMS FROM CONSENT CALENDAR	9.1	Trustee Shatswell requested Item 9.6.2 be removed from the Consent Calendar.
ADOPT CONSENT CALENDAR	9.2	It was M/S/C (Betschart/House) to adopt the Consent Calendar as amended. Passed unanimously.
ADOPT MINUTES OF 11/9/20 AS PRESENTED	9.3.1	On adoption of the Consent Calendar, the board adopted minutes of its regularly scheduled meeting held Monday, November 9, 2020, as presented.
APPROVE SELPA MOU	9.3.2	On adoption of the Consent Calendar, the board approved Memorandum of Understanding, Special Education Local Plan Area (SELPA), as presented.
APPROVE INTERDISTRICT & ALLEN BILL REQUESTS	9.4.1	On adoption of the Consent Calendar, the board approved interdistrict attendance or Allen Bill transfer requests, 2020-21 or 2021-22 school year, as presented.
APPROVE WARRANTS THRU 11/25/20, CYCLE I & II PAYROLL FOR NOVEMBER 2020	9.5.1	On adoption of the Consent Calendar, the board approved district warrants prepared for payment through November 25, 202-, and Cycle I and II Payroll for November 2020, as presented.
APPROVE CONSULTANT AGREEMENTS	9.5.2	On adoption of the Consent Calendar, the Board approved Consultant Agreements, as presented.
APPROVE ASB ACCOUNTS, OHS, NOVEMBER 2020	9.5.3	On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale High School, November 2020, as presented.
APPROVE ASB ACCOUNTS, OJHS, NOVEMBER 2020	9.5.5	On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale Junior High School, November 2020, as presented.
ACCEPT RESIGNATION	9.6.1	On adoption of the Consent Calendar, the board accepted resignation, as presented: Roberta Cross, Noon Yard Duty Aide, FO, eff. 12/31/2020 Jamie Sailer, Yard Duty Aide, CLOV, eff. 12/1/2020
APPROVE EMPLOYMENT	9.6.3	On adoption of the Consent Calendar, the board approved employment, as presented: Virginia Tanner, Health Clerk, Sierra View, eff. 12/4/2020

- APPROVE PROMOTION 9.6.4 On adoption of the Consent Calendar, the board approved employment, as presented:
Jesus Rios-Santiago, from Groundswoker
to Custodian III 7-12, eff. 12/7/20
Katherine Songer, from Bus Driver
to Bus Driver Trainer, eff. 1/16/20
- DISPOSITION OF ITEMS REMOVED FROM CONSENT, 9.6.2, ACCEPT RETIREMENTS, B. DENYS & U. OBERMEYER 10.0 Trustee Shatswell asked this item be removed from Consent because she wanted to acknowledge both these employees in their retirements, noting they had been employees at sites where her now-adult children had attended school.
- It was **M/S/C (Shatswell/Betschart)** to accept retirements, effective 12/30/2020, as presented:
Barb Denys, Library Technician, OJHS
Ute Obermeyer, Secretary II, Fair Oaks
Passed unanimously.
- FIRST READING: BP/AR 5145.7, SEXUAL HARASSMENT, AR 5147.71, TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES 11.1 Assistant Superintendent Larry Mendonca presented for first reading, noting BP/AR has been extensively revised to comply with new federal regulations that have come about, clarification of definitions, further detailed descriptions of procedures to prevent and process Sexual harassment complaints, and the designation of the employees responsible for coordinating the district's compliance efforts. This will come back to the next meeting for 2nd reading and approval.
- Trustee House had a question about Page 2, Item 5: *"A clear message that, regardless of complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students."*
- Mr. Mendonca explained that if there is an allegation it should be investigated; that is the law. We have a certain timeline in policy that if there is an incident that occurs, we have timelines set that it will come forward to us, in investigation we still have to investigate to see if there is a finding, whether the district can follow through on the finding or provide some kind of response to the finding, it may not be within our jurisdiction or our ability to move forward, but the law states we still have to investigate it to determine if the incident happened. It is basically a compliance assurance to see that all of the procedures were in place, and in the investigation process if something came to our attention we have to investigate. Processing the investigation is incumbent on us. If we were to receive a complaint after the timeline, we still have to investigate to see if our procedures were in place, and we followed our procedures.

Superintendent Malone noted when we get an allegation we have to investigate it. If they don't meet the timeline they may forfeit some of their legal proceedings, if they want to file other legal proceedings because they didn't file within the timeline, those more than likely would be revoked through the legal process, but the initial allegation would still need to be investigated and determine if the allegation was founded or not. In response to a question from Trustee House about whether it is something they can still bring forward even if they don't meet the timeline, Superintendent Malone said they may forfeit some of the legal proceedings and some of their recourse legally because they didn't meet the timeline.

REPORT,
CALIFORNIA BLUERINT
FOR A SAFER ECONOMY

- 11.2 Superintendent Malone presented an update on California Blueprint for a Safer Economy. He addressed tonight's public comment that this Board and this district has made statement that we would follow the advice of the Stanislaus County Public Health Officer; we have done that throughout this process, without fail. The waiver that was mentioned was written so these schools could stay open while we are in the Purple Tier, which we are in now. The waiver, while it was written some time ago by California Department of Public Health, it was written with the understanding that should we move back, when we begin to toggle between Purple and Red Tiers, we can still function our TK-6 elementary schools as long as we follow the protocols outlined in the waiver. As we sit here today, we are still being advised from County Public Health as well as California Department of Public Health that schools are safe to open and we are still in the safe zone for TK-6. That changes for grades 7-12 and he will address this.

He noted this is the third time we have brought up this Blueprint at a Board meeting. We are more than 7% cases per 100,000 and more than 8% positivity rate. We are in the Purple Tier and when we are in the Purple Tier we cannot open grades 7-12. The waiver provided for TK-6 which was backed by Public Health because they found the infection rate for that grade level is relatively low student to student and student to adult. They are finding the infection rate higher with grades 7-12 and that is why we cannot open 7-12 in Purple Tier. We are currently above 7.0 per 100,000 and above 8%. As we contemplate reopening 7-12, we have to be in Red Tier unless they change the rules. The Blueprint is a change in rules from what we started with in March. We have to be below 7.0 and 8.0 for 2 consecutive weeks before we can move into Red, and one we move in to the Red we have to meet that criteria for 2 consecutive weeks, which is 4.0-7.0 cases per 100,000 and 5.0-8.0% positive tests. As soon as we get below 7.0 cases and below 8.0 positive tests, we are at least a month away from being able to open grades 7-12. As soon as we drop below 7.0 and 8.0, we cannot open up

schools immediately. Once we drop below it takes us 2 weeks to move to Red, then we have to be in Red for 2 weeks before we re-open grades 7-12. Provided they don't change the rules in this process, as we look at current numbers, we are not close to that.

He noted this Board set a potential date of January 4 to open grades 7-12; it is not advised by California Department of Public Health and Stanislaus County Public Health, and for us to open schools against their recommendation would put the district in harm's way. As we move forward and look at these numbers, he would recommend the Board postpone any potential re-opening until we get to our January 11 Board meeting. We are still a month away, as we get to January 11 and look at numbers at that time, if we get below 7.0 and 8.0, we can calculate out 4 weeks and determine a potential date. He noted on map that Stanislaus County is currently 30.9 cases per 100,000 and we need to be below 7.0. Our adjusted number is 32.2 based on an identified multiplier because the county is saying we did not test enough people, which is a long way from 7.0. The Positivity rate we are at is 12.7 and we need to be at 8.0.

At this time, Superintendent Malone recommends the Board make a motion to postpone any potential reopening of grades 7-12 until the January 11 Board meeting. If we get to January 11 and numbers are similar, we are still a month out.

In response to a question from Trustee Betschart about the multiplier, Superintendent Malone explained the state believes our county should be testing at a given rate, if our county doesn't meet that threshold, the number of total tests taken in our county, they take numbers of cases and multiply by a certain number. The State has an expectation that each county will meet a threshold number of tests, and if you don't meet that the multiplier goes up. Trustee Betschart asked if the multiplier is positive and negative scenarios or a real number. Superintendent Malone said 30.9 is a real number, and 32.2 is adjusted number. The State is trying to get everyone to test and meet a threshold of testing, that is why the multiplier kicks in.

It was **M/S/C (Betschart/Shatswell)** to postpone campus instruction for grades 7-12 until the January 11 Board meeting. Passed unanimously.

PUBLIC HEARING, PRESENT
INITIAL PROPOSAL TO MODIFY
OTA AGREEMENT

12.4 Public Hearing opened at 7:06 p.m. Deputy Supt. Dave Kline explained that the district presented their opening proposal at the Board meeting in October and OTA is presenting their initial proposal tonight.

Keith Burns, OTA Lead Negotiator, addressed the Board with a pre-recorded message. He shared that his negotiating team consists of: Omar Salinas (OHS), Dave Schmitt and Erin Benbow (OJHS), Cindy Bellinger, Mike Seefeldt and himself (elementary). He acknowledged Dave Kline and union members for all their challenging but productive negotiations already done this year. He noted that collective bargaining agreements may seem superfluous at this point because of hybrid and digital learning, but we will eventually return to regular school and we will need that collective bargaining agreement. He noted the 2 items they are opening on are major concern for our members: Article 24, Personal Necessity, and Article 37, Class Size. He reported he is looking forward to productive, positive meetings and to working through concerns and issues of the collective bargaining agreement. Public hearing closed at 7:09 p.m.

APPROVAL, FIRST INTERIM
FINANCIAL REPORT 2020-21

- 12.5 Chief Business Officer Cassandra Booth presented an overview of the First Interim Financial Report for 2020-21, which included Budget/Fiscal Cycle, General Fund Revenue, Local Control Funding Formula, General Fund Expenditures, Contributions and Transfers, General Fund Summary and Estimated Ending Fund Balance, General Fund Multi-Year Projection, Future Impacts of Multi-Year Projection, Summary of All Funds, and Next Steps.

She noted restricted CARES Act Funds provided to address needs for COVID related expenditures, the majority of which had to be expended by December 30, with \$2.4 million being spent in 6 months. LCFF Supplemental Grant Unduplicated Pupil Count meal applications came in significantly lower this year because students were not on campus to receive meals, in spite of district efforts to reach out to families; the district still pays staff costs and prepares meals for students to drive through to pick up, but we are not receiving reimbursement as we have in the past and we have seen a drop by \$130,000 or 1%. With Base Grant ADA, we were able to use prior year because the State recognized difficulty of ADA this year. General Fund Expenditures includes 75% towards employee salaries, Step & Column, PERS increase, STRS decrease, 10% reduction to all departments and school site discretionary funds, and one-time CARES Act Funds.

In response to a question from Trustee Betschart, it was noted that Central Kitchen is very good about estimating what needs to be prepared for pick up, that most of the food commodities are sustainable, and we have enough to be able to provide meals if we have more people show up to pick up meals.

She noted Summary of General Funds 2020-21 first interim reserves are projected at 20.23%, and projected reserves are

20.87% in 2020-21 and 18.11% in 2021-22, but this does not reflect any bargaining unit settlements. LCFF COLA projections are 0% in 2021-22 and 2022-23, and Multi-year Projections show Net Surplus/(Deficit) of \$826,204 in 2020-21 to (\$1,495,331) in 2022-23. She noted a 1% salary increase costs \$500,000. Multi-Year Projection Impact includes State Budget & Economy, Minimum Wage Increase to \$14/hour January 1, Retirements, and Future Contract Negotiations. She noted the majority of Fund 63 Other Enterprise is After School Program, and we are still paying employees and working hard to keep kids engaged; we have funds to cover this year and are monitoring the situation for the future.

It was **M/S/C (Shatswell/Betschart)** to approve the First Interim Financial Report, as of October 31, 2020, for fiscal year 2020-21, and certify that the district is able to meet financial obligations. Passed unanimously.

OJUSD BUDGET OVERVIEW FOR PARENTS 12.6 Assistant Superintendent Rapinchuk presented this item, explaining that this year SB98 waived the requirement for an LCAP in the 2020-2021 school year but required the development of a Learning & Continuity Plan and its adoption by Local Boards by September 30. Typically, the Budget Overview for Parents comes to the Board as a section within the LCAP but given the LCAP's one-year hiatus, SB 98 also required that the Budget Overview for Parents come to the Board at the same time as the District's First Interim Financial Report. It has been revised to include CARES Act and budgeted and actual expenditures for High Needs Students.

It was **M/S/C (House/Shatswell)** to approve OJUSD Budget Overview for Parents. Passed unanimously.

CHARTER BUDGET OVERVIEW FOR PARENTS 12.7 Assistant Superintendent Kristi Rapinchuk presented this item, explaining this mirrors the OJUSD Budget Overview for Parents. Upon approval by the Board, both will be submitted to SCOE tomorrow.

It was **M/S/C (Betschart/House)** to approve Oakdale Home Charter Budget Overview for Parents. Passed unanimously.

INFORMATION
 13.1 7-12 Minimum Day / Winter Finals, December 16 & 17
 13.2 K-12 Minimum Day / 7-12 Winter Finals, December 18
 13.3 Winter Break, December 21 – January 1
 13.4 School Resumes, January 4
 13.5 K-12 Minimum Day / Staff Development, January 14
 13.6 Martin Luther King Birthday Holiday, January 18

ITEMS FOR NEXT AGENDA
 14.1 Quarterly Report on Williams Settlement Complaints
 14.2 Authorize Disposal of Obsolete Equipment or Materials

ITEMS FOR FUTURE AGENDA 15.1 Approval of Graduation Dates and Board Assignments

ADJOURNMENT 16.0 The meeting adjourned at 7:27 p.m.