

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, DECEMBER 9, 2019, 6:00 P.M.
Oakdale Joint Unified School District Office
Technology & Staff Development Center
331 Hinkley Avenue, Oakdale, CA

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| CALL TO ORDER | 1.1 | The meeting was called to order at 6:00 P.M. by Board President Mike House. |
| TRUSTEES PRESENT | 1.2 | Larry Betschart, Diane Gilbert, Mike House, Tina Shatswell, and Barbara Shook. Student Representative Emily Takaki was present for Open Session. |
| TRUSTEES ABSENT | 1.3 | None |
| VISITORS PRESENT | 1.4 | Lester Jenkins, Robert Pennell |
| CLOSED SESSION | 2.0 | Board President House adjourned the meeting into Closed Session at 6:00 p.m. Open Session reconvened at 6:33 p.m. |
| PLEDGE OF ALLEGIANCE | 3.0 | Trustee Gilbert introduced Sierra View elementary students Maeve Greenlee, Grade 4, Luke Kirkpatrick, Grade 5, and Austin Speiller, Grade 6. These students were presented Certificates of Appreciation for leading the pledge. |
| ELECTION OF BOARD OFFICERS | 12.1 | <p>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.</p> <p>It was M/S/C (Betschart/Shatswell) to nominate Diane Gilbert for President and the nomination was accepted. Motion passed unanimously.</p> <p>It was M/S/C (Gilbert/Betschart) to nominate Tina Shatswell for Clerk and the nomination was accepted. Motion passed unanimously.</p> <p>It was M/S/C (Gilbert/Shatswell) to nominate Barbara Shook as Trustee Representative to vote for members of the County Committee on School District Organization. The nomination was accepted and motion passed unanimously.</p> |
| AUTHORIZATION OF SIGNATURES | 12.2 | <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- Assistant Superintendent Kristi Rapinchuk- Assistant Superintendent Dave Kline- Assistant Superintendent Larry Mendonca- Chief Business Officer Kassandra Booth- Director of State and Federal Programs, Armida Colon |

It was **M/S/C (House/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.

ACTION FROM
CLOSED SESSION

4.0 Board President Gilbert reported that the Board voted (5-0) to approve the stipulated expulsion of student #19-20-04 for violations of Ed Code: 48900 (c), 48900 (k), 48915 (b)(1) and 48915 (b)(2) for Fall 2019 and Spring 2020.

Board President Gilbert reported that the Board also had a conference with Assistant Superintendent Dave Kline and Chief Business Officer Kassandra Booth regarding negotiations with OTA and CSEA; no action was taken.

APPROVE ORDER
OF AGENDA

5.0 It was **M/S/C (Betschart/Shook)** to approve the order of agenda items for this meeting. Passed unanimously.

ANNOUNCEMENTS,
ACCEPT DONATION
FROM OAKDALE
SUNRISE ROTARY

6.1 Assistant Superintendent Kristi Rapinchuk reported that through the annual donation from Oakdale Sunrise Rotary, we are able to provide drivers' education classes at Oakdale High School during summer school. Oakdale Sunrise Rotary members John Machado, Lester Jenkins, Phil Morris, Patrick Mondragon, and Ken Cosner were in attendance. It was noted that this donation has helped support this program for 11 years now. Ms. Rapinchuk accepted their donation of \$7,500, and expressed appreciation for Oakdale Sunrise Rotary's efforts for the safety of our students.

ORGANIZATION
REPORT, OTA

7.1 OTA President Keith Burns thanked all for their support and passion and for making his OTA Presidency such a positive experience. He thanked OTA members for coming to the meeting tonight and supporting the negotiations team. He also thanked Superintendent Marc Malone who he has worked closely with and found to be honest and an excellent Superintendent for our district, as well as the board members for their thoughtful and caring stewardship of the district. He also addressed Assistant Superintendent Dave Kline, noting that during their association the last 2 years he has been impressed by his thoughtful comments, professionalism and candor. He also addressed all administrators throughout the district, thanking them for opening their doors to Keith when needed. He noted that he is in his 33rd year of teaching and this is his last year as Union President, and that like Superintendent Malone, he is thinking about his legacy.

Mr. Burns compared OJUSD to other districts within the county and recognized the superior quality of teaching in our district, noting the district earned the highest test scores in Stanislaus County. He acknowledged Superintendent Malone and Assistant Superintendent Rapinchuk as factors for the accomplishments, with institution of instructional norms, a shared language and understanding which led to shared goals for instruction, student engagement and student outcomes.

Mr. Burns shared OTA's concern that our district teachers are ranked 15th in the county on a pay scale; lack of compensation for class size overage, as well as benefits. He noted that budgeting money is always a matter of finding a balance, acknowledged the board for maintaining fiscal responsibility and the conservative nature in which the budget is maintained, and noted the district's healthy reserve.

Mr. Burns also spoke on clarification of contract benefits; advocating for students and the need to attract and retain employees, especially as a number of the current teachers are nearing retirement age. He noted that when you look at the ages of our teachers you will see that many are at or nearing the age of retirement over the next few years, and the importance of competing for quality new teachers. He supported his concern with a list of tenured salaries from other districts in Stanislaus County including Riverbank, Modesto and Ceres, each with pay higher than Oakdale.

He noted that OJUSD's administration group is very stable with administrators seldom leaving; OJUSD's administrative pay is in the top half of the top ten in the county. Mr. Burns noted that he has had numerous teaching colleagues leave to other schools in the county and every time pay and benefits was a large incentive for them.

Mr. Burns wanted to plant seeds for thought to frame current negotiations and set and share attainable goals for future negotiations to move up to the top 10 in teacher pay in the county. He also noted some positions are very difficult to fill, such as nurses, speech pathologists, special ed, and the need to incentivize positions to fill them. He noted some districts have different pay schedules for these positions, and some offer signing bonuses. He also noted OTA has suggested that we provide teachers additional compensation when class size goes over a certain number. He also noted that test scores benefit by having a reasonable student teacher ratio. In closing, he thanked the board for their time, as well as negotiators for their conversation and dedication.

ORGANIZATION
REPORT, CSEA

- 7.2 CSEA President Adam Uplinger reported CSEA entered negotiations with the district last week and feels encouraged with progress made. They will meet again this week and feel conversations have been good and positive so far.

ORGANIZATION
REPORT, STUDENT

- 7.3 Student representative Emily Takaki reported on activities at OHS which included: Toy Drive and Holiday Week, a new season of sports has started with soccer, basketball, and wrestling had 3 athletes place first at this past weekend's tournament, and Holiday Choir Concert Dec. 11. At other sites: Magnolia Choir Concert Dec. 19, Cloverland Band Concert Dec.

12 and Talent Show Dec. 13, Junior High Choir Concert Dec. 11, Band and Drumline Concert Dec. 12.

PUBLIC COMMENTS	8.0	President House opened the Public Comments portion of the agenda at 7:13 p.m. There being none, Public Comments closed at 7:13 p.m.
REMOVE ITEMS FROM CONSENT CALENDAR	9.1	Trustee House requested Item 9.3.2 be removed from the Consent Calendar.
ADOPT CONSENT CALENDAR	9.2	It was M/S/C (Shatswell/Betschart) to adopt the Consent Calendar as amended. Passed unanimously.
ADOPT MINUTES OF 11/4/19 AS PRESENTED	9.3.1	On adoption of the Consent Calendar, the board adopted minutes of its regularly scheduled meeting held Monday, November 4, 2019, as presented.
APPROVE RESOLUTION #19-20-09 TO EXCUSE BOARD MEMBER ABSENCE	9.3.3	On adoption of the Consent Calendar, the board approved Resolution #19-20-09, to Excuse Absence of Board Member Barbara Shook, 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, 2018-19 or 2019-20 school year, as presented.
ACKNOWLEDGE STUDENT DISCIPLINE REPORT, OCTOBER 2019	9.4.2	On adoption of the Consent Calendar, the board acknowledged the Student Discipline Report for the month of October 2019, and Prior Two-Year Comparison, as presented.
APPROVE OUT OF STATE CONFERENCE, FAIR OAKS STAFF	9.4.3	On adoption of the Consent Calendar, the board approved Out of State Conference for Fair Oaks Administrators and Teachers to attend the School Discipline Conference in Las Vegas, Nevada, July 6-10, 2020, as presented.
APPROVE OUT OF STATE CONFERENCE, MAGNOLIA STAFF	9.4.4	On adoption of the Consent Calendar, the board approved Out of State Conference for Magnolia Administrators and Teachers to attend the Professional Learning Communities at Work Institute in Las Vegas, Nevada, June 9-11, 2020, as presented.
ACCEPT DONATION TO OJHS ATHLETIC CLUB	9.4.5	On adoption of the Consent Calendar, the board accepted Donation of \$1,000 from Stanislaus Rebels Basketball to OJHS Athletics, as presented.
APPROVE WELLNESS POLICY/ ACTION PLAN EVALUATION	9.4.6	On adoption of the Consent Calendar, the board approved Wellness Policy/Action Plan Evaluation, as presented.
APPROVE SCHOOL SITE SAFETY PLANS	9.4.7	On adoption of the Consent Calendar, the board approved Comprehensive School Site Safety Plans, as presented.
APPROVE WARRANTS THRU 11/26/19, CYCLE I & II PAYROLL FOR NOVEMBER 2019	9.5.1	On adoption of the Consent Calendar, the board approved district warrants prepared for payment through November 26, 2019, and Cycle I and II Payroll for November 2019, as presented.

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| APPROVE CONSULTANT AGREEMENTS | 9.5.2 | On adoption of the Consent Calendar, the Board approved Consultant Agreements, as presented. |
| APPROVE ASB ACCOUNTS, OHS, OCT. 2019 | 9.5.3 | On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale High School, October 2019, as presented. |
| AUTHORIZE DISPOSAL OF OBSOLETE EQUIPMENT & MATERIALS | 9.5.4 | On adoption of the Consent Calendar, the Board authorized Disposal of Obsolete Equipment and Materials, as presented. |
| APPROVE ASB ACCOUNTS, OJHS, OCTOBER 2019 | 9.5.5 | On adoption of the Consent Calendar, the Board approved Student Body Accounts, Oakdale Junior High School, October 2019, as presented. |
| APPROVE JOB DESCRIPTION, PROGRAM INCLUSION ASST. | 9.6.1 | On adoption of the Consent Calendar, the board approved Job Description for Program Inclusion Assistant, as presented: |
| ACCEPT RESIGNATION | 9.6.2 | On adoption of the Consent Calendar, the board accepted resignation, as presented:
Susan Busby, ASPL-1, Sierra View, eff. 11/12/19 |
| APPROVE EMPLOYMENT | 9.6.3 | On adoption of the Consent Calendar, the board approved employment, as presented:
Maria Garza-Cobarruvias, Secretary II, DO, eff. 11/12/19
Michelle Gomes, Yard Duty Aide, MAG, eff. 11/4/19
Marian Webb, Inst. Aide-Resource, FO, eff. 12/4/19 |
| APPROVE PROMOTION | 9.6.4 | On adoption of the Consent Calendar, the board approved employment, as presented:
Michelle Arauza, from ASPL-1, Fair Oaks, to Supervisor of After School Programs, OJHS, eff. 11/19/19 |
| APPROVE ASSIGNMENT | 9.6.5 | On adoption of the Consent Calendar, the board approved employment, as presented:
Danielle Batteate, Yard Duty, CLOV, eff. 11/19/19
Sara Lombardi, Title I Aide, FO, eff. 12/4/19 |
| DISPOSITION OF ITEMS REMOVED FROM CONSENT, 9.3.2, APPROVE RESOLUTION #19-20-08 TO EXCUSE BOARD MEMBER ABSENCE | 10.0 | Trustee House asked this item be removed from Consent because he would like to recuse himself from voting.

It was M/S/C (Shatswell/Betschart) to approve Resolution #19-20-08, to Excuse Absence of Board Member Mike House. A Roll Call Vote was taken with Board members Betschart, Gilbert, Shatswell, Shook and Takaki (Advisory) voting in favor; House Abstained. |
| REPORT, REVIEW OF HR STAFFING PROCESSES | 11.1 | Assistant Superintendent Dave Kline presented a presented a report on Human Resources staffing processes, reviewing the basic operations of the OJUSD Human Resources department as it relates to the overall operations of the District. He noted OJUSD |

is one of the top 3 major employers in the community, with 562 employees. He noted subtle changes in hiring practices with a progressive ranking interview chart, reviewed OJUSD hiring non-negotiables of: Attitude is Everything – Positive; Dedicated to Our Philosophy - Teach, Learn, Every Day, No Excuses; and Growth Mindset. He also reviewed the interview system of Pluses and Minuses. He noted OJUSD Evaluation Process which includes Observations, Goal Setting, Cabinet Review, and Evaluations, and reviewed the Support System for Certificated and Classified staff. He also noted OJUSD has an aging work force with 44% of our classified employees being over 50, 34% of our certificated employees being over 50, and that is something that we need to look at moving forward.

FIRST READING: BP 0520,
INTERVENTION FOR
UNDERPERFORMING SCHOOLS

11.2 Assistant Superintendent Kristi Rapinchuk presented this new board policy for first reading, and shared some background. No Child Left Behind was adopted in 2001, and Title 1 authorization was known as NCLB as well. If a school district did not meet federal or state requirements we were identified as being in program improvement. In December 2015, there was a re-authorization and we no longer talked about NCLB but talked about ESSA, Every Student Succeeds Act. With ESSA, there have been ongoing negotiations between the state and federal government about how our state will address federal regulations. As those things continue to be discussed and aligned, board policies and administrative regulations continue to be revised or added.

She explained that this is a new policy that addresses Technical Assistance for those intervention schools. No longer known as Program Improvement sites, we now talk about targeted assistance, and within targeted assistance there are different levels of assistance. This policy addresses those revisions about how to address underperforming schools as identified by the state per federal regulations. This policy will come back to the Board for second reading and adoption in January.

FIRST READING: AR 0460,
LOCAL CONTROL &
ACCOUNTABILITY PLAN

11.3 Assistant Superintendent Kristi Rapinchuk presented this revised administrative regulation for first reading, noting it has been revised to align. This revised regulation includes the addition of a section defining how the LCAP will address increased or improved services for Unduplicated Students, including English Learners, Socio-economically Disadvantaged students and Foster Youth. Unduplicated means that each pupil is counted only once even if the pupil meets more than one of these criteria. This regulation will come back to the Board for second reading and adoption in January.

In response to a question from Trustee Gilbert about the difference between board policy and administrative regulation, Superintendent Malone explained that administrative regulation generally outlines how the board policy will be carried out.

FIRST READING: BP 0460,
LOCAL CONTROL &
ACCOUNTABILITY PLAN

11.4 Assistant Superintendent Kristi Rapinchuk presented this revised board policy for first reading, noting it aligns with the administrative regulation, and addresses the state accountability system developed in response to federal Title 1 requirements. The difference between this policy and BP 0560 is that BP 0560 discusses how the county provides support to districts or school sites that have been identified and this policy identifies how districts support schools or programs within its own borders. This policy will come back to the Board for second reading and adoption in January.

FIRST READING: BP 0520.1,
COMPREHENSIVE & TARGETED
SUPPORT & IMPROVEMENT

11.5 Assistant Superintendent Kristi Rapinchuk presented this new board policy for first reading, noting it addresses the state's accountability system. When she mentioned there were different levels of identification for support, this would define that type of support that the school district would provide. This policy will come back to the Board for second reading and adoption in January.

APPROVAL, FIRST INTERIM
FINANCIAL REPORT 2019-20

12.3 Chief Business Officer Cassandra Booth presented an overview of the First Interim Financial Report for 2019-20, which included Budget/Fiscal Cycle, General Fund Revenue, Local Control Funding Formula, 2018-19 LCFF Countywide Comparison (we are 7th lowest in the county), General Fund Expenditures, Contributions and Transfers, Changes Between Adopted Budget to First Interim, General Fund Summary, Summary of All Funds, Multi-Year Assumptions, Pension Rates through 2024-25, Multi-year Projections, Increases on a Per Student Basis, Legislative Analyst Office Projections, Factors that Will Affect the Multi-year Projection, and Next Steps. She noted 2019-20 first interim reserves are projected at 18%, and projected reserves are 20% in 2020-21 and 22% in 2021-22, but this does not reflect any bargaining unit settlements. She noted a 1% salary increase costs \$400,000.

She also noted that if we go to full-day Kindergarten, that could potentially cost about \$800,000 to support teachers in the classroom. Another cost will be the increase in minimum wage to \$13/hour January 1. The possible change of school start times at the junior high and high school would also increase costs. In response to a question from Trustee Betschart about the impact of late start, Ms. Booth responded that she has not yet had the

opportunity to discuss with the Director of Transportation, but will be doing so once we get clarification. Superintendent Malone noted that we would need to hire additional bus drivers, there would be extensive overtime costs, and we may need to purchase more school busses.

It was **M/S/C (House/Shatswell)** to approve the First Interim Financial Report, as of October 31, 2019, for fiscal year 2019-20, and certify that the district is able to meet financial obligations. Passed unanimously.

APPROVAL OF 2019-20
SCHOOL CALENDAR

- 12.4 Superintendent Malone presented the 2019-20 calendar for adoption, noting it was approved at the last meeting; however, we had to make an adjustment to the Veteran's Day and Memorial Day Holidays.

It was **M/S/C (Shatswell/House)** to approve Adoption of the 2019-20 School Year Calendar. Passed unanimously.

SECOND READING: BP/AR 4116,
PROBATIONARY/PERMANENT
STATUS

- 12.5 Assistant Superintendent Kline presented this revised BP/AR for second reading and adoption. As noted at the last meeting, it has been updated to reflect court decisions clarifying the distinction between probationary employees and temporary employees. Policy also adds material regarding notification of non-reelection of a probationary employee and Regulation has been updated to add material regarding computation of the length of service required for classification as a permanent employee, including types of service excluded.

It was **M/S/C (Shook/House)** to approve Second Reading and Adoption of BP/AR 4116, Probationary/Permanent Status. Passed unanimously.

SECOND READING:
BP 4119.22/4219.22/4319.22,
DRESS & GROOMING

- 12.6 Assistant Superintendent Kline presented this revised policy for second reading and adoption. As noted at the last meeting, it has been updated to reflect new law (SB 188) which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

It was **M/S/C (Shook/Shatswell)** to approve Second Reading and Adoption of BP 4119.22/4219.22/4319.22, Dress and Grooming. Passed unanimously.

SECOND READING:
BP 4216, PROBATIONARY/
PERMANENT STATUS

- 12.7 Assistant Superintendent Kline presented this revised Board Policy for second reading and adoption. As noted at the last meeting, it has been updated to reflect new law (AB 1353) which shortens the length of the probationary period in non-merit system districts from one year to either six months or 130 days of paid service, whichever is longer, for consistency with districts incorporating the merit system. Policy also revised to

clarify that employees may be dismissed during the probationary period without cause.

It was **M/S/C (Shook/Shatswell)** to approve Second Reading and Adoption of BP 4216, Probationary/Permanent Status. Passed unanimously.

SECOND READING: BP/AR 4218, 12.8
CLASSIFIED PERSONNEL -
DISCIPLINE/SUSPENSION/
DISCIPLINARY ACTION

Assistant Superintendent Kline presented this revised Board Policy and Administrative Regulation for second reading and adoption. As noted at the last meeting, it has been updated to reflect procedural rights that must be granted to permanent district employees based on the court decision in *Skelly v. State Personnel Board*, including notification of the materials upon which the proposed action is based and the employee's right to respond to a designated district official ("Skelly Officer") who will decide whether the recommended discipline should be imposed. It will be brought back for second reading and adoption at the next meeting.

It was **M/S/C (Shook/Betschart)** to approve Second Reading and Adoption of BP/AR 4218, Classified Personnel – Discipline/Suspension/Disciplinary Action. Passed unanimously.

AWARD OF BID, OHS
WRESTLING ROOM PROJECT

12.9 Assistant Superintendent Mendonca presented this item, reporting that invitation to bid was posted, bid packets were made available to contractors, there was a mandatory job-walk November 12th, contractors could submit request for information and clarification through December 2 when public bids were opened. There were 5 bids received and Menghetti Construction submitted the lowest responsible bid.

It was **M/S/C (Shook/Shatswell)** to approve Award of Bid, OHS Wrestling Room Project. Passed unanimously.

PUBLIC HEARING
REGARDING COMPOSITION
OF TRUSTEE AREAS

12.10 Board President Gilbert open Public Hearing at 8:05 p.m. Superintendent Malone explained the public hearing is being held to consider public input regarding composition of trustee areas prior to drawing draft maps of the proposed boundaries of the trustee areas, and introduced Larry Ferchaw (Cooperative Strategies, Demographic Planning for Education), who reviewed the process. He explained this will be the first in a series of public hearings the board will conduct seeking feedback from board and community. After maps are drawn they will come back for additional public hearing next year. The tentative schedule will include public hearings on Jan. 13, Feb. 3, and March 9.

He reviewed considerations in determining trustee areas which include: Each area shall contain nearly

equal number of inhabitants; they are drawn to comply with the Federal Voting Rights Act; as much as possible they are compact and contiguous, they respect communities of interest, they follow man-made and natural geographic features; they respect incumbency if possible; and other local considerations such as school boundaries and locations of school sites. He explained 2010 Census Data would be used in determining district demographics, but will look at 2020 data that will be collected in April 2021 in advance of the 2022 election.

Public Hearing Closed at 8:15 p.m.

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| ADOPT RESOLUTION #19-20-10, REQUESTING WAIVER OF ELECTION REQUIREMENT TO STATE BOARD OF EDUCATION | 12.11 | Superintendent Marc Malone presented this request that the Board pass a resolution authorizing submittal of a waiver request to the State Board of Education seeking to waive the election requirement to implement voting districts in the Oakdale Joint Unified School District. He requested waiving reading of the resolution. |
| | | It was M/S/C (Betschart/House) to Adopt Resolution #19-20-10, Requesting Waiver of the Election Requirement from the State Board of Education. A Roll Call Vote was taken and passed unanimously. |
| INFORMATION | 13.1 | Secondary Holiday Choir Concert: OHS & OJHS Choir, OHS Theater, December 11, 6:00 & 7:30 pm |
| | 13.2 | OJHS Band & Drumline Concert, OJHS Gym, Dec. 12, 6:30 |
| | 13.3 | Winter Concert: Intermediate Choir, CLOV/FO, Magnolia Auditorium, December 17, 7:00 pm |
| | 13.4 | 7-12 Minimum Day / Winter Finals, December 18 & 19 |
| | 13.5 | Winter Concert: Intermediate Choir SV/MAG, Magnolia Auditorium, December 19, 7:00 pm |
| | 13.6 | K-12 Minimum day / 7-12 Winter Finals, December 20 |
| | 13.7 | Winter Break, December 23 – January 3 |
| | 13.8 | School Resumes, January 6 |
| | 13.9 | K-12 Minimum Day / Staff Development, January 16 |
| | 13.10 | Martin Luther King Birthday Holiday, January 20 |
| ITEMS FOR NEXT AGENDA | 14.1 | Approval of Graduation Dates and Board Assignments |
| | 14.2 | Quarterly Report on Williams Settlement Complaints |
| | 14.3 | Annual Dashboard Accountability Update |
| | 14.4 | Report on Scholarship Award Policies and Procedures |
| | 14.5 | Public Hearing to Solicit Input from the Public Regarding Composition of Trustee Areas |
| ADJOURNMENT | 16.0 | The meeting adjourned at 8:18 p.m. |