

**SAN JOAQUIN COUNTY BOARD OF EDUCATION**  
**GAYLORD A. NELSON ADMINISTRATION CENTER / BOARD ROOM**  
**2922 TRANSWORLD DRIVE, STOCKTON, CA**  
**JULY 21, 2021 / 12:00 P.M.**  
**REGULAR MEETING**  
**MINUTES**

**PRESENT:** Vernon Gebhardt, President; Greg Clark, Vice-President; Douglas Vigil, Board member; Ken Vogel, Board member; Janet Dyk, Board member; Troy Brown, Secretary.

**OTHERS PRESENT:** Janine Kaeslin, Associate Superintendent; Jane Steinkamp, Assistant Superintendent; Peter Foggiato, Terrell Martinez, Kelly Neary, Warren Sun, Nancy Hopple, Craig Allen, Lisa Bryant, Brandie Moore, SJCOE staff; Allen Dosty, Lodi Unified School District; Mary Petty, Tracy Unified School District; interdistrict transfer appellants and families; Chet Quaide, Davina Hardin, Legal Counsel; Mark Medina-Wilson, Armando Orozco, Interpreters; Marlene Flau, Recorder.

**I. CALL TO ORDER:**

President Dyk called the meeting to order at 12:00 p.m. Board member Gebhardt led the Pledge of Allegiance.

**II. ADDITIONS TO THE AGENDA:** There were no additions to the agenda.

**III. COMMENTS:** Several members of the public commented regarding the mandates from the California Department of Public Health requiring students to wear masks while in the classroom at school.

**IV. ANNUAL ORGANIZATION MEETING:**

1. Election of Officers and Appointments: On a motion from Ken Vogel, second by Doug Vigil, the Board elected Vern Gebhardt as President, Greg Clark as Vice-President, and Troy Brown as Secretary for the 2021 – 2022 school year.

On a motion from Doug Vigil, second by Ken Vogel, Ken Vogel will continue to serve as a non-voting representative for the governing boards of one Charter and Venture Academy Family of Schools.

**AYES:** Dyk, Gebhardt, Clark, Vogel, Vigil  
**NOES:** None  
**ABSTAIN:** None

**V. BOARD STUDY SESSION:** Chet Quaide, legal counsel from Atkinson, Andelson, Loya, Ruud & Romo, provided an overview of the role of the San Joaquin County Board of Education. Items reviewed included the legal authority of a board member, statutory duties of a county board of education, and the Brown Act. Also reviewed were county board of education appeal hearings, including interdistrict transfers, expulsions, and charter school applications.

## VI. PUBLIC HEARING:

2. Charter School Petition: President Gebhardt called the public hearing to order and requested public input relative to the Unbound Stockton Community Charter School Charter petition, which has been submitted to the San Joaquin County Board of Education.

Associate Superintendent Janine Kaeslin reported that the San Joaquin County Board of Education received the Unbound Stockton Community Charter School Charter Petition for a countywide charter on May 25, 2021, and shared that she will lead a committee of San Joaquin County Office of Education (SJCOE) staff to review the petition according to Assembly Bill 1505 and Education Code. The SJCOE will publish the recommendation 15 days prior to the August Board meeting. Ms. Kaeslin introduced Unbound Stockton's Board Chair Joel Carignan.

Mr. Carignan shared a PowerPoint presentation for the Board. He indicated the location of San Joaquin County as one of agriculture and urban development that reflects a diverse region in the nation, reviewed the projected population of San Joaquin County by 2035, and introduced lead petitioner Phillip Hon.

Mr. Hon shared the mission and vision of Unbound Stockton, the proposed location of downtown Stockton, student demographics including grade levels, English learners, and students with disabilities, highlights of the school program, and community support.

Comments were heard from the following members of the public in support of Unbound Stockton Community Charter School: Jose Hernandez, farmer and businessman; Kia Gregory, nonprofit director; Elizabeth, community leader and parent; Betty Wilson, Executive Director Business Council San Joaquin County; Bruce Mercado, teacher; Curtis Smith, member of the public; Mike Huber, Executive Director Downtown Stockton Alliance; Dr. Inez Ruiz-Huston, Vice-President of El Concillo; and two students.

Comments from the public submitted electronically were read into the minutes:

*"To the San Joaquin County Board of Education: I am the Superintendent of the Stockton Unified School District. I address you today to express my opposition to the Petition to form the Unbound Stockton Community School Charter School."*

*Stockton Unified School District operates four dependent charter schools, including Pacific Law Academy and Health Careers Academies, which operate unique high school programs focused on preparing students for careers in the legal and medical fields. Pacific Law Academy and Health Careers Academy, in addition to Nightingale Charter School, were recently renewed by the Governing Board earlier this year. The District also oversees Pittman Charter School, a K-8 Spanish Dual Immersion School. In addition, approximately ten independent charter schools operate in the District under District oversight.*

*On April 2, 2021, the District received written notification of Unbound Stockton's intent to operate a countywide charter school within the boundaries of Stockton Unified School District.*

*Under Education Code section 476056, a county board of education can approve a petition to form a countywide charter school "only if it finds ... that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services that cannot be served as well by a charter school that operates in only one school district in the county."*

*The petition to form the Unbound Stockton Charter School fails to establish that it "cannot be served as well by a charter school that operates in only one school district in the county." The proposed program in the petition contains no elements that could not be delivered by a district-authorized charter school. The Stockton Unified School District has authorized a variety of charter programs, ranging from career academies to language immersion programs, and has a unique capacity to determine whether the Unbound Stockton petition meets the requirements*

*for a countywide charter under Education Code section 47605.6. The district encourages County Office staff and the County Board to enforce the intent of Education Code section 47605.6 and to deny the petition to form the Unbound Stockton Charter School. Very Truly Yours, John Ramirez, Jr., Superintendent, Stockton Unified School District."*

There being no further comments, President Gebhardt closed the public hearing at 1:05 p.m.

**VII. ITEMS SCHEDULED FOR INFORMATION:**

3. Williams Uniform Complaints Quarterly Report: Superintendent Brown presented the quarterly report that indicates there were no uniform complaints filed regarding the schools and programs operated by the San Joaquin County Office of Education between mid-April and mid-July.

**VIII. ITEMS SCHEDULED FOR ACTION:**

4. Minutes: On a motion from Greg Clark, second by Doug Vigil, the Board approved the minutes from the June 23, 2021, and June 25, 2021, meetings as presented.

AYES: Gebhardt, Clark, Vigil, Vogel, Dyk  
NOES: None  
ABSTAIN: None

5. Board Member Absence: On a motion from Doug Vigil, second by Ken Vogel, the Board excused the absence of Board member Dyk from the June 23, 2021, and June 25, 2021, regular meetings due to a hardship deemed acceptable by the Board.

AYES: Gebhardt, Clark, Vigil, Vogel  
NOES: None  
ABSTAIN: Dyk

6. Resolution #20-21-01 – Certification Resolution for Exception to the 180-day Wait Period: On a motion from Janet Dyk, second by Greg Clark, the Board approved this resolution certifying the need to employ a CalPERS retired participant at the San Joaquin County Office of Education as presented.

AYES: Gebhardt, Clark, Vigil, Vogel, Dyk  
NOES: None  
ABSTAIN: None

**IX. CLOSED SESSION: Action taken in Closed Session will be reported in Open Session.**

- Interdistrict Transfer Appeal Hearing #01-20-21
- Interdistrict Transfer Appeal Hearing #02-20-21
- Interdistrict Transfer Appeal Hearing #03-20-21

- Lease Agreement #212201  
770 Clover Road  
Tracy, CA 95376  
LOJA TRACY, LLC.

**X. ITEMS SCHEDULED FOR ACTION (cont.):**

7. Interdistrict Transfer Appeal Hearing #01-21-22: On a motion from Greg Clark, second by Ken Vogel, the Board denied the appeal of the decision by the Governing Board of the Lodi Unified School District to deny transfer of attendance of student #01-21-22 from the Calaveras Unified School District.

AYES: Gebhardt, Clark, Vogel, Dyk

NOES: Vigil  
ABSTAIN: None

8. Interdistrict Transfer Appeal Hearing #02-21-22: The hearing for student #01-21-22 was canceled due to the Lodi Unified School District reversing their decision to deny the appeal.
9. Interdistrict Transfer Appeal Hearing #03-21-22: On a motion from Janet Dyk, second by Doug Vigil, the Board denied the appeal of the decision by the Governing Boards of the Manteca and Tracy Unified School Districts to deny transfer of attendance of student #03-21-22 to the Manteca Unified School District.

AYES: Gebhardt, Clark, Vigil, Vogel, Dyk  
NOES: None  
ABSTAIN: None

10. Lease Agreement #212201: On a motion from Greg Clark, second by Ken Vogel, the Board approved the lease agreement as presented. The property is located at 770 Clover Road, Tracy, CA 95376 and owned by LOJA TRACY, LLC., Property Owner.

AYES: Gebhardt, Clark, Vigil, Vogel, Dyk  
NOES: None  
ABSTAIN: None

XI. CLOSING COMMENTS FOR BOARD MEMBERS:

- The next regular San Joaquin County Board of Education meeting will be held August 18, 2021, 5:00 p.m., 2922 Transworld Drive, Stockton, CA.

XII. ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:35 p.m.

Respectfully submitted,



Troy A. Brown, Ed.D.  
Secretary to the Board /  
County Superintendent of Schools