



# BOARD AGENDA

Special Meeting

January 28, 2021



**SPECIAL MEETING OF THE BOARD OF EDUCATION**  
**January 28, 2021**  
**5:30PM**

Pursuant to Government Code Section 54956 and Education Code Section 35144, the SPECIAL MEETING OF THE BOARD OF EDUCATION will be held on January 28, 2021, to conduct its business meeting. Closed Session to be held at 5:30 p.m. to 6:00 p.m. and will reconvene into Open Session at 6:00 p.m. Closed Session will be conducted in accordance with the requirements set forth by California law.

**1. IMPORTANT ADVISORY REGARDING PUBLIC MEETING (COVID-19)**

**Teleconferencing will be used during this meeting, in accordance with the Governor's Executive Orders N-25-20, dated March 12, 2020 and N-29-20, dated March 17, 2020.**

In accordance with the Governor's Executive Order N-33-20 dated March 19, 2020 and Los Angeles County Department of Public Health Safer At Home Order for Control of COVID-19 dated March 19, 2020, the public will not be allowed to be present at the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the telephonically accessible meeting, including auxiliary aids or services, please contact the Superintendent's Office at 310-886-1602. Notification at least 18 hours prior to the meeting will enable the District to make reasonable arrangements to provide accessibility to the Board meeting.

The public has the opportunity to address the Board on any item of interest within the Board's subject matter jurisdiction and any item appearing on the agenda. Requests to speak during the Board meeting can be made by completing the following Public Comment Google Form: <https://forms.gle/uHyXSJj6xq58bXbY8> or by calling (310) 886-1602. Requests must be submitted by 2:00 p.m. on **Thursday, January 28, 2021.**

All public comments are governed by Board Bylaw 9323. Each speaker is limited to 3 minutes and will be given the opportunity to address the Board in the order that the request to speak is received. If translation services are required, an additional one (1) minute will be allotted. The Board of Education has determined that a cumulative total of 20 minutes is a reasonable amount of time for public comment.

The District will be using the Zoom and Google Meet communication platform for this meeting.

**Join Zoom Meeting:**

Webinar Link:

<https://mylUSD-org.zoom.us/j/86184895890>

Phone Number: +1 669 900 9128

Webinar ID: 861 8489 5890

Passcode: 610529

**Live Video Stream on Facebook:**

<https://www.facebook.com/LynwoodUSD>

**For Spanish Audio Translation on Google Meet:**

Phone Number: +1 385-999-6177

PIN: 844 736 873#

## AGENDA

### 2. CALL TO ORDER

### 3. ROLL CALL by Gudiel R. Crosthwaite, Ph.D. – Superintendent & Secretary to the Board

Mrs. Maria G. Lopez, President  
Ms. Alma-Delia Renteria, M.Ed., Vice-President  
Mr. Alfonso Morales, Esq., Clerk  
Mr. Gary Hardie, Jr., Member  
Dr. Alma Carina Castro, Member  
Legal Counsel – Olivarez Madruga Lemieux O'Neill, LLP

### 4. APPROVAL OF AGENDA OF THE SPECIAL MEETING OF THE BOARD OF EDUCATION ON JANUARY 28, 2021

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

### 5. PUBLIC COMMENT/COMMUNICATIONS

Per Board Policy #9323, three (3) minutes may be allotted to each speaker to address Closed Session Items Only. (Closed Session items may be continued to end of meeting if necessary.)

Public comment will be conducted as outlined under Item No. 1: Important Advisory Regarding Public Meeting (COVID-19).

### 6. GOVERNING BOARD - Recess to Closed Session

6.A. Conference with Legal Counsel – Anticipated/Potential Litigation – Pursuant to GC § 54956.9(d)(2)  
6.A.1. Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9: One (1) Case

6.B. Conference with Legal Counsel – Anticipated/Potential Litigation – Pursuant to GC § 54956.9(d)(4)  
6.B.1. Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: One (1) Case

### 7. RECONVENE INTO OPEN SESSION/CALL TO ORDER

### 8. ROLL CALL by Gudiel R. Crosthwaite, Ph.D. – Superintendent & Secretary to the Board

Mrs. Maria G. Lopez, President  
Ms. Alma-Delia Renteria, M.Ed., Vice-President  
Mr. Alfonso Morales, Esq., Clerk  
Mr. Gary Hardie, Jr., Member  
Dr. Alma Carina Castro, Member  
Legal Counsel – Olivarez Madruga Lemieux O'Neill, LLP

### 9. FLAG SALUTE

### 10. PUBLIC COMMENT/COMMUNICATIONS

*No action or discussion is permitted on any item not included on the posted agenda per GC § 54954.2 (a). No action may be taken and no discussion held on items raised by the public except as provided in GC § 54954.2 (b).*

Public comment will be conducted as outlined under Item No. 1: Important Advisory Regarding Public Meeting (COVID-19).

**11. ACTION ITEMS**

**11.A. ADMINISTRATION**

- 11.A.1. Request Approval of Resolution No. 20-21/23, to Adopt Findings and a Written Statement of Reasons in Accordance with Proposition 39 and its Implementing Regulations

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote\_\_\_\_\_

- 11.A.2. PLACEHOLDER - Request Approval of Resolution No. 20-21/24, Authorizing the Emergency Repair and Replacement of Facilities and Procurement of Equipment and Services to Enable Timely Transition of Moving Lynwood High School to Lynwood Middle School Campus

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote\_\_\_\_\_

**12. REPORT OUT OF CLOSED SESSION**

**13. ADJOURNMENT**

# **ACTION ITEMS**

SPECIAL MEETING OF THE BOARD OF EDUCATION

Thursday, January 28, 2021

Lynwood Unified School District – 11321 Bullis Road, Lynwood, CA 90262

**11.A.1. Request Approval of Resolution No. 20-21/23, to Adopt Findings and a Written Statement of Reasons in Accordance with Proposition 39 and its Implementing Regulations**

**Rationale:**

The administration requests approval of Resolution No. 20-21/23, to adopt findings and a written statement of reasons in accordance with Proposition 39 and its Implementing Regulations.

The Lynwood Unified School District must offer Soleil Academy Charter School with facilities located at more than one school site for the 2021-22 academic school year in accordance with Proposition 39 and its Implementing Regulations. Based on a comprehensive review and inventory of the facilities and available space at Rosa Parks Elementary School and Mark Twain Elementary School, the District has determined that no additional vacant classrooms (teaching stations) or support areas are available to accommodate the Charter School's potential increase of in-District classroom ADA for the 2021-2022 academic school year.

The District's Board must first make a finding that Soleil Academy Charter School cannot be accommodated at a single site and adopt a written statement of reasons explaining the finding.

**Financial Impact:**

Renewal Contract/Item ☐ New Contract/Item ☒

Requisition # from BEST: N/A

Name of Funding Source and/or Location: N/A

Funding Account Number: N/A

Amount: N/A

**Recommended Motion:**

☒ Approval ☐ Denial

**Comments:**

Superintendent's Office Certification:

**Attachments:**

Resolution No. 20-21/23, to Adopt Findings and a Written Statement of Reasons in Accordance with Proposition 39 and its Implementing Regulations

**LYNWOOD UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 20-21/23**

**RESOLUTION FOR THE LYNWOOD UNIFIED SCHOOL DISTRICT BOARD OF  
EDUCATION TO ADOPT FINDINGS AND A WRITTEN STATEMENT OF REASONS  
DEMONSTRATING THAT THE DISTRICT MUST OFFER SOLEIL ACADEMY  
CHARTER SCHOOL WITH FACILITIES LOCATED AT MORE THAN ONE SITE  
FOR THE 2021-2022 ACADEMIC SCHOOL YEAR IN ACCORDANCE WITH  
PROPOSITION 39 AND ITS IMPLEMENTING REGULATIONS**

**WHEREAS**, the approval of charter schools is governed by the Charter Schools Act of 1992 (“Act”), as subsequently amended, Education Code sections 47600 et seq. and implementing Title 5 of the California Code of Regulations;

**WHEREAS**, by enacting the Act, the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein;

**WHEREAS**, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged; and that charter schools are part of and under the jurisdiction of the public school system and the exclusive control of the officers of the public schools;

**WHEREAS**, facilities made available to each charter school operating in the school district, in accordance with the Act, must be sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district;

**WHEREAS**, such facilities provided must be contiguous, furnished, and equipped, and must remain the property of the school district;

**WHEREAS**, each year, each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school’s average daily classroom attendance (“ADA”) by in-district students for the following year;

**WHEREAS**, to receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district on or before November 1 of the preceding fiscal year;

**WHEREAS**, the school district must review the charter school’s projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing, and state the projections the district considers reasonable;

**WHEREAS**, on or before January 2, the charter school must respond to any objections expressed by the school district and to the district’s projections;

**WHEREAS**, on or before February 1, the school district must prepare in writing a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access;

**WHEREAS**, if the in-district ADA of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety;

**WHEREAS**, if a school district's preliminary proposal or final notification presented does not accommodate a charter school at a single school site, the district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding;

**WHEREAS**, Soleil Academy Charter School ("Charter School") currently operates its educational program and shares facilities space at Rosa Parks Elementary School and Mark Twain Elementary School, elementary schools located within the geographical boundaries of the Lynwood Unified School District ("District");

**WHEREAS**, the Charter School agreed to occupy the space offered by the District for the 2020-2021 academic school year at Rosa Parks Elementary School and Mark Twain Elementary School based on a projection of 168 in-District classroom ADA; and entered into a Facilities Use Agreement for use and occupation of the space at Rosa Parks Elementary School and Mark Twain Elementary School for the 2020-2021 academic year;

**WHEREAS**, on October 31, 2020, the Charter School submitted its request ("Request") for the allocation of reasonably equivalent District facilities for the 2021-2022 academic school year;

**WHEREAS**, the Charter School's Request projected an in-District classroom ADA of 215.65 for the 2021-2022 academic school year;

**WHEREAS**, the District plans to submit its preliminary proposal to the Charter School no later than February 1, 2021;

**WHEREAS**, based on a comprehensive review and inventory of the facilities and available space at Rosa Parks Elementary School and Mark Twain Elementary School, the District has determined that no additional vacant classrooms (teaching stations) or support areas are available to accommodate the Charter School's potential increase of in-District classroom ADA for the 2021-2022 academic school year;

**WHEREAS**, the District has further determined that no foreseeable vacant teaching stations or support areas plan to become available at Rosa Parks Elementary School and Mark Twain Elementary School to accommodate the Charter School's potential increase of in-District classroom ADA for the 2021-2022 academic school year;

**WHEREAS**, the District sees no foreseeable additional campus improvements of additional teaching stations or support areas for the 2021-2022 academic school year at Rosa Parks Elementary School and Mark Twain Elementary School;

**WHEREAS**, based on a comprehensive review and inventory of the facilities and available space at all of the District’s school sites, the District has determined that no additional vacant classrooms (teaching stations), specialized teaching space, or non-teaching space are available at any other District school site to accommodate the entirety of the Charter School’s projected ADA of 215.65 at a single, contiguous school site for the 2021-2022 academic school year;

**WHEREAS**, the District shall be required to address and respond to the ongoing pandemic, and any and all the corresponding impacts on school facilities and the health and safety of in-District students, employees, and the local community at large;

**WHEREAS**, there exists current, potential construction-related issues in or around the facilities at Lynwood High School (“LHS”), for which the District is currently in the process of reviewing and implementing any and all necessary actions with respect to the use of facilities at LHS in order to ensure the health and safety of all potentially affected students and employees;

**WHEREAS**, as an integral part of addressing the health and safety of all potentially affected students and employees, and for purposes of the District’s current review and response to these construction-related issues, the District is planning to physically move instruction off LHS beginning in the 2021-22 academic school year, which may thereby shift teachers, staff, and students at LHS and other District campuses, as appropriate;

**WHEREAS**, the safety of the Charter School’s pupils, parents and staff is enhanced by maintaining the Charter School at the at Rosa Parks Elementary School and Mark Twain Elementary School sites, pupils, parents and staff are familiar with the buildings and facilities at those two school sites, as well as with the current traffic and commuter patterns, and the surrounding community and neighborhood;

**WHEREAS**, continuing to locate the Charter School at Rosa Parks Elementary School and Mark Twain Elementary School will assist the District in meeting its obligation under Education Code section 47614(b), which provides that the District “shall not move the charter school unnecessarily”;

**WHEREAS**, to the extent the District’s 2021-2022 preliminary proposal offers the Charter School with teaching stations (and other reasonably equivalent facilities) in addition to what the Charter School currently occupies for the 2020-2021 academic school year, and subject to the objections detailed in the Response from the District to the Charter School under Proposition 39, dated December 1, 2020, and the above-mentioned issues that have arisen since the recent pandemic, the District intends to offer the Charter School with facilities located at more than one site for the 2021-2022 academic school year, as authorized by 5 California Code of Regulations section 11969.2; and

**WHEREAS**, should the entirety of the Charter School’s projected ADA of 215.65 not be accommodated at Rosa Parks Elementary School and Mark Twain Elementary School, the District reserves the right to allocate facilities to the Charter School at a third school site. Because of the above-recited findings, and the lack of capacity at the District’s other school sites, the District has minimized the number of sites allocated to the Charter School. The District will select the potential third site utilizing the following factors to account for the safety of charter

school pupils, parents and staff: (1) location, (2) proximity to existing Charter School sites, (3) grade levels served by Charter School and host District program, (4) Charter School and District enrollments, and (5) traffic and other transportation patterns.

**THEREFORE, BE IT RESOLVED**, that the Board of Education of the Lynwood Unified School District hereby adopts these findings and written statement of reasons in accordance with 5 California Code of Regulations section 11969.2.

**PASSED AND ADOPTED** by the Board on January 28, 2021 at a duly noticed meeting by the following vote:

AYES\_\_\_\_\_ NOES\_\_\_\_\_ ABSTAIN\_\_\_\_\_ ABSENT\_\_\_\_\_

I, Alfonso Morales, Esq., Clerk of the Board of the Lynwood Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on January 28, 2021 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

**IN WITNESS THEREOF**, I have hereto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Clerk of the Governing Board

SPECIAL MEETING OF THE BOARD OF EDUCATION

Thursday, January 28, 2021

Lynwood Unified School District – 11321 Bullis Road, Lynwood, CA 90262

**11.A.2. PLACEHOLDER - Request Approval of Resolution No. 20-21/24, Authorizing the Emergency Repair and Replacement of Facilities and Procurement of Equipment and Services to Enable Timely Transition of Moving Lynwood High School to Lynwood Middle School Campus**

**Rationale:**

The administration requests approval of Resolution No. 20-21/24, authorizing the emergency repair and replacement of facilities and procurement of equipment and services to enable timely transition of moving Lynwood High School to the Lynwood Middle School campus.

In the case of an emergency, with a four-fifths vote of the Board, the District may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

**Financial Impact:**

Renewal Contract/Item ☐ New Contract/Item ☒

Requisition # from BEST: N/A

Name of Funding Source and/or Location: N/A

Funding Account Number: N/A

Amount: N/A

**Recommended Motion:**

☒ Approval ☐ Denial

**Comments:**

Superintendent's Office Certification:

**Attachments:**

PLACEHOLDER - Resolution No. 20-21/24 - Authorizing the Emergency Repair and Replacement of Facilities and Procurement of Equipment and Services

# ATTACHMENT PLACEHOLDER

Resolution No. 20-21/24, Authorizing the Emergency Repair and Replacement of Facilities and Procurement of Equipment and Services, to Enable Timely Transition of Moving Lynwood High School to Lynwood Middle School Campus