

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • (619) 425-9600
EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

MINUTES BOARD OF EDUCATION

SPECIAL MEETING AGENDA

MARCH 17, 2025

SPECIAL MEETING CLOSED SESSION 5:00 P.M.
SPECIAL MEETING - OPEN SESSION 6:00 P.M.

Dr. Lowell J. Billings Board Room, Education Service and Support Center
Streamed Online

ORDER OF BUSINESS

1. OPENING PROCEDURES

A. Roll Call

President Ugarte called the meeting to order at 5:04 P.M.

Members Present:

Ms. Lucy Ugarte, President

Mr. Francisco Tamayo, Vice President

Ms. Delia Dominguez Cervantes, Clerk

Ms. Jessica R. Tolston, Member

Members Absent:

Ms. Keren Ramirez Dominguez, Member

Others Present:

Dr. Eduardo Reyes, Superintendent

Ms. Sharon Casey, Asst. Supt. Student Services

Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction

Mr. Mark Pong, Asst. Supt. Business Services and Support

Mr. Jason Romero, Asst. Supt. Human Resources

Ms. Maria Montgomery, Executive Director, Instructional Services and Support

Ms. Lalaine Perez, Executive Director, Language Development/State & Federal Program

Ms. Giovanna Castro, Director of Communications

Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager

2. APPROVE AGENDA

A. Approval of Agenda

Motion: TAMAYO, Second: TOLSTON; Vote: UNANIMOUS

3. ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS

A. Oral Communications for Closed Session Items

The Oral Communications portion of this special meeting provides the public with an opportunity to address the Board on items included in this special meeting agenda only. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

No speakers.

4. ADJOURN TO CLOSED SESSION

President Ugarte adjourned to closed session at 4:37 P.M. in accordance with the following:

A. Closed Session Information

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees; Administrators Association Chula Vista (AACV)

B. Government Code Section 54957(b)(1): Public Employee Discipline/Dismissal/Release

C. Conference with Legal Counsel Anticipated Litigation Initiation of Litigation Pursuant to Government Code Section 54956.9 Subsection D4 (1 Case)

D. Government Code Section 54957: Public Employee Appointment/Employment Title: Principal (2)

President Ugarte reported that Board Member Ramirez Dominguez arrived to at 5:06 P.M.

5. RECONVENE TO OPEN SESSION

A. Call to Order/Roll Call

President Ugarte reconvened to open session at 6:15 P.M. with all Board Members present.

Ms. Lucy Ugarte, President
Mr. Francisco Tamayo, Vice President
Ms. Delia Dominguez Cervantes, Clerk
Ms. Keren Ramirez Dominguez, Member
Ms. Jessica R. Tolston, Member

Members Absent:
None.

Others Present:
Dr. Eduardo Reyes, Superintendent
Ms. Sharon Casey, Asst. Supt. Student Services
Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction
Mr. Mark Pong, Asst. Supt. Business Services and Support
Mr. Jason Romero, Asst. Supt. Human Resources
Ms. Maria Montgomery, Executive Director, Instructional Services and Support
Ms. Lalaine Perez, Executive Director, Language Development/State & Federal Program
Ms. Giovanna Castro, Director of Communications
Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager

B. Report Out from Closed Session

Clerk Dominguez Cervantes announced that in closed session the Board:

Government Code Section 54957: Public Employee Appointment/Employment
Title: Principal

Approved Jacqueline Gracia as Principal II at Corky McMillin Elementary.

*Motion: DOMINGUEZ CERVANTES; Second: RAMIREZ DOMINGUEZ;
Vote: UNANIMOUS*

Government Code Section 54957: Public Employee Appointment/Employment
Title: Principal

Approved Andrew Falconer as Acting Principal II, until June 30, 2025, at Greg Rogers Elementary.

Motion: RAMIREZ DOMINGUEZ; Second: TAMAYO; Vote: UNANIMOUS

C. Pledge of Allegiance

President Ugarte asked Board Member Ramirez Dominguez to lead the Pledge of Allegiance.

6. APPROVE AGENDA

A. Approval of Agenda

Motion: TAMAYO; Second: DOMINGUEZ CERVANTES; Vote: UNANIMOUS

7. ORAL COMMUNICATIONS

A. Oral Communications Guidelines-Special Board Meeting Items

*****Oral Communications on Posted Items***** The Oral Communications portion of this special meeting provides the public with an opportunity to address the Board on items included in this Special Meeting Agenda only. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

There were no speakers:

8. BOARD WORKSHOP

A. Review of the Brown Act, Ethics, and Roles and Responsibilities

Dr. Reyes shared that this workshop, led by our legal counsel, focused on key topics including the Brown Act, ethics, and the roles and responsibilities of Board Members. While these trainings are typically held when new Board Members join, they also serve as valuable refreshers for the entire Board.

Board Members were encouraged to engage throughout the session by asking questions and offering comments.

Mr. Jonathan Pearl, attorney from Dannis, Woliver, Kelley (DWK), expressed his appreciation for the opportunity to present. He provided a comprehensive packet outlining the characteristics of a high-functioning Board, and described how the roles of the Superintendent, the Board, and employees interconnect. He also distributed a one-page reference sheet highlighting potential governance scenarios.

Mr. Pearl shared insights from his 30-year career in education law, labor law, and personnel matters, including his work with CVESD. He noted that he and Dr. Reyes collaborated in advance to tailor the session to the Board's needs. Additionally, he referenced a new state law mandating two hours of governance training, and committed to providing resources to meet this requirement.

Dr. Reyes reminded the Board that ethics training is available online and announced his intent to schedule a governance training session in early May.

Mr. Pearl emphasized that governance and compliance with the Brown Act require deliberate self-discipline, which can at times feel counterintuitive. He presented hypothetical situations to illustrate how certain Board Member discussions—particularly involving closed session matters—could potentially violate the Brown Act, underscoring the importance of understanding and adhering to these legal boundaries.

Mr. Pearl introduced the concept of Three Essential Roles in School Districts:

1. Strategic, Visionary Role – Provided by the Board through big-picture leadership and governance;
2. Tactical Role – Carried out by the Superintendent and administrative staff through planning and coordination; and
3. Operational Role – Executed by teachers and staff through the daily implementation of programs and services.

Page two of the packet included examples from another district, illustrating reminders and promises that Board Members should avoid. These serve as helpful guardrails for effective governance.

Clerk Dominguez Cervantes inquired about the Board's role in relation to the Superintendent being the sole employee of the Board. Mr. Pearl affirmed that the Superintendent is selected to lead and manage the District, and when Board Members are approached by community members or staff with concerns, they must redirect those concerns to the Superintendent rather than intervening directly.

President Ugarte described CVESD's practice of the Superintendent meeting individually with each Board Member to review agenda items. These one-on-one briefings allow Board Members to ask clarifying questions and ensure they are informed in advance of meetings. The Superintendent is then responsible for following up and sharing the information with the entire Board.

Also discussed was the importance of Board Members asking questions instead of making demands. Mr. Pearl emphasized that no individual Board Member has authority over District staff—only the Superintendent does.

There was also discussion about a recent public claim involving inaccurate information about Board Members. Mr. Pearl explained that this falls under subject matter jurisdiction and affirmed that Board Members retain their First Amendment rights. However, he advised that responses to public criticism be thoughtful and channeled through the Board President and Superintendent to ensure consistency and professionalism.

Mr. Pearl referenced a self-assessment tool included in the packet, designed to help governance teams reflect on their effectiveness. He also shared a sample Governance Team Agreement, including a statement from page 4, item #4: "Board

Members and the Superintendent will discuss and understand their respective roles.”

President Ugarte reinforced that Board Members are conduits—not implementers. They should not independently visit school sites to address concerns or offer solutions. Instead, any issues brought forward should be communicated to the Superintendent for appropriate follow-up.

Vice President Tamayo echoed the need for clarity in roles. He reminded the group that Board Members are always wearing their "Board Member hat" in public and are often perceived as influential figures. When community members raise ideas or concerns, those should be shared with the Superintendent, reinforcing the Board's policymaking role rather than implementation.

Finally, Mr. Tamayo inquired about the timing for establishing Board goals. Mr. Pearl recommended that with new Board Members now in their second month of service, this is an appropriate time to begin setting goals collaboratively as a governance team.

Governance Workshop Continued: Communication, Boundaries, and Bylaws

Mr. Pearl highlighted page 4, item 10 of the Governance Team Agreement, which states: *“Board Members recognize that statements made in public by individual Board Members may be seen as the position of the Board. The Board will decide on issues where a single spokesperson might be in the best interest of the District.”* He reinforced President Ugarte's earlier point that the Board should determine who the spokesperson is, and advised caution in public statements until an official response has been agreed upon.

Board Member Ramirez Dominguez inquired about how Board Members should respond to social media posts. President Ugarte noted that District-related and personnel matters are frequently discussed online and asked about the appropriateness of Board Members interacting with such content. Mr. Pearl clarified that:

- Multiple Board Members should not engage in the same social media thread, including by commenting, liking, or reacting.
- Interacting on social media about District matters may constitute a violation of the Brown Act.
- It is permissible to respond to positive commentary in support of the District, but not to engage in dialogue around controversial or confidential issues.

An example was discussed where a Board Member attempted to assist a student in need. While well-intentioned, Mr. Pearl cautioned that such involvement could present legal concerns. Board Members should bring these matters to the Superintendent instead of acting directly. He added that while Board Members may attend school events as parents, they must be careful not to use their status as Trustees to exert influence. These boundaries are grounded in the principle of self-discipline.

Mr. Pearl then reviewed CVESD's Board Bylaws, specifically sections concerning:

- Roles and responsibilities,
- Public statements,
- Board Member authority, and
- Meeting conduct.

He referred to page 13, noting that individual Board Members have no independent authority and act collectively on behalf of the entire community—not any individual constituency.

Additional examples of inappropriate conduct were discussed:

- Board Members may not access employee personnel files unless it is part of a closed session matter concerning discipline or dismissal.
- Visits to school campuses must be pre-arranged and coordinated with the Superintendent.
- No Board Member may independently arrange staff meetings or direct District personnel.

In the final section, meeting conduct, Mr. Pearl recommended revising current bylaw language that prohibits public criticism of employees. He clarified that such criticism is legally permissible during public comment. In response to President Ugarte's question about how to handle egregious accusations or personnel matters, Mr. Pearl suggested the Board President may respectfully interrupt the speaker to offer a Formal Complaint packet. If the speaker declines and chooses to continue, they must be permitted to finish their public comment.

President Ugarte announced a break at 7:33 P.M., and the meeting reconvened at 7:48 P.M.

Mr. Pearl provided a detailed review of the Brown Act, referencing pages 23–24 of the handout, with specific focus on the legal definitions of meetings and the restrictions on communication among Board Members.

What Constitutes a Meeting Under the Brown Act (Page 23)

A meeting is defined as:

- The congregation of a majority of members of a legislative body—in CVESD's case, three Board Members;
- Occurring at the same time and place, including teleconference locations;
- For the purpose of hearing, discussing, deliberating, or taking action on any matter within the Board's subject matter jurisdiction.

What Is Not Considered a Meeting

The following situations do not constitute a Brown Act meeting:

- Attendance at general conferences;
- Social or ceremonial events;
- Participation in open and publicized meetings on issues of general local concern, as long as District-related matters are not being discussed.

Serial Meetings Prohibited (Page 24)

Mr. Pearl emphasized that serial communications are not permitted. A majority of the Board must not, outside of a properly noticed meeting, use a series of communications to discuss, deliberate, or take action on items within their jurisdiction.

This includes communication via:

- Telephone, email, fax, or internet;
- Intermediaries, including staff or other individuals relaying messages between Board Members.

Disclosure of Closed Session Items

President Ugarte raised the importance of protecting the confidentiality of closed session discussions. If a Board Member were to inadvertently disclose closed session items during public discussion, there could be serious consequences.

Mr. Pearl confirmed that violations of closed session confidentiality may result in:

- Censure by the Board;
- District Attorney or Grand Jury investigations for abuse of process or legal violations.

He emphasized that maintaining confidentiality is not only a matter of professionalism but a legal obligation under the Brown Act.

4. ADJOURN TO CLOSED SESSION

President Ugarte adjourned to closed session at 8:12 P.M. in accordance with the following:

A. Closed Session Information

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees; Administrators Association Chula Vista (AACV)

B. Government Code Section 54957(b)(1): Public Employee Discipline/Dismissal/Release

C. Conference with Legal Counsel Anticipated Litigation Initiation of Litigation Pursuant to Government Code Section 54956.9 Subsection D4 (1 Case)

5. RECONVENE TO OPEN SESSION

A. Call to Order/Roll Call

President Ugarte reconvened to open session with all Board Members present.

B. Report Out from Closed Session

Clerk Dominguez Cervantes announced that in closed session the Board:
Conference with Legal Counsel Anticipated Litigation Initiation of Litigation
Pursuant to Government Code Section 54956.9 Subsection D4 (1 Case)

The Board took action to approve the property damage release with Del Valle
Pools and Atlantic Casualty Insurance by the following vote:

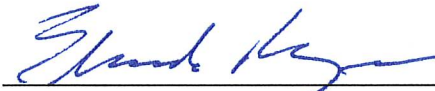
Motion: TAMAYO; Second: TOLSTON; Vote: UNANIMOUS

9. ADJOURNMENT

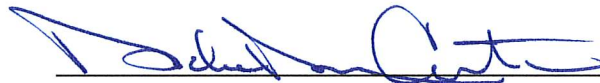
A. Adjourn the Meeting

President Ugarte adjourned the meeting at 8:55 P.M.

Motion: RAMIREZ DOMINGUEZ; Second: TOLSTON; Vote: UNANIMOUS



Eduardo Reyes, Ed.D. Secretary



Delia Dominguez Cervantes, Clerk