



MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF EDUCATION

Tuesday, June 29, 2021

Closed Session 5:30 PM / Regular Meeting 7:00 PM

Education Center · 685 E. Jack London Blvd. · Livermore, CA · 94551

This meeting was conducted via Zoom Webinar, and was in compliance with the Governor's Executive order NO-29-20 and subsequently NO-08-21, which allows for a deviation of teleconference rules required by the Brown Act. Members of the public were encouraged to observe and participate remotely.

Board Members Present: President Craig Bueno, Members Yanira Guzmán, Kristie Wang, and Anne White were present.

Administrative Staff Present: Dr. Kelly Bowers, Superintendent; Chris Van Schaack, Deputy Superintendent; Susan Kinder, Assistant Superintendent; Melissa Theide, Assistant Superintendent; Odie Douglas, Interim Assistant Superintendent; Philomena Rambo, Director of Community Engagement; Geoff Warner, Chief Technology Officer; and Executive Assistant to the Superintendent, Lori Rice.

Administrative Staff Present via Zoom During Open Session: Tracie Christmas, Director of Assessment and Accountability, Kim McNeely, Bond Program Director;

Student Board Member Representatives Present:

None. Students were on Summer Break.

1.0 5:33 P.M. - CALL TO ORDER

The meeting was called to order by President Bueno with members Yanira Guzmán, Kristie Wang, and Anne White present. Board Clerk Emily Prusso was absent. President Craig Bueno appointed Yanira Guzmán to serve as Acting Clerk.

2.0 ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session to discuss items 2.1 through 2.5. Staff in attendance included Dr. Kelly Bowers, Superintendent; Chris Van Schaack, Deputy Superintendent; Susan Kinder, Assistant Superintendent; Melissa Theide, Assistant Superintendent; and Frank Selvaggio, Director of Special Education. Legal representative Melanie Larzul, from Fagan, Fagan, and Fulfrost was also in attendance.

2.1 Public Employee Discipline/Dismissal/Release/Leave/Employment/Complaint Pursuant to Government Code Section 54957

2.2 Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 Employee Organizations: California School Employees Association (CSEA) – Chris Van Schaack; Service Employees International Union (SEIU) – Chris Van Schaack; Livermore Education Association (LEA) – Chris Van Schaack

2.3 Anticipated Litigation, Conference with Legal Counsel – Significant exposure to litigation pursuant to Paragraph (2) or (3) of subdivision (d) of Section 54956.9: Two Cases

2.4 Existing Litigation, Conference with Legal Counsel – Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 (Gov Code 54954.5 9 (c)): Two cases

2.5 Conference with Real Property Negotiators
(Government Code Section 54956.08) APN 905-0018-024 (3266 Constitution Drive), APN 905-0018-025 (3278 Constitution Drive), in Livermore, California.
Agency Negotiator: Chris Van Schaack, Susan Kinder, Kelly Bowers

3.0 7:19 P.M. RECONVENE IN OPEN SESSION

3.1 The Regular Board Meeting was reconvened in Open Session by President Craig Bueno. Acting Clerk along with Members Yanira Guzmán, Kristie Wang, and Anne White were also present.

President Bueno noted that District staff will continue to debrief following our Zoom Webinar Board meeting of the LVJUSD, with the intent to make modifications to the virtual meeting format if/as needed for future meetings. He thanked members of the public for their continued understanding and patience.

- A.** The Pledge of Allegiance was led by Acting Clerk Yanira Guzmán.
- B.** Actions approved in Closed Session -
 - a. Acting Clerk Yanira Guzmán reported that the Board unanimously affirmed the June 16, 2021 advisory opinion of the bona fide hearing officer, upholding the District’s disciplinary charges for termination of a classified employee’s employment at the District, pursuant to Article 26.10 of the collective bargaining agreement between the District and CSEA. The Board’s decision to terminate the employment is “final and binding, and effective immediately.”
- C.** Expulsion Action - None
- D.** Meeting Procedures – President Craig Bueno reviewed all meeting procedures that included detailed instructions for Section 8.0 - Communications from the Public.

4.0 CHANGES TO THE AGENDA

Dr. Bowers stated that there was one change to the agenda. Four pieces of correspondence were received after the agenda was published. Per policy, the cutoff time is 4:00 p.m. the day before the meeting; however the deadline for inclusion was extended until 4:00 p.m. the day of the meeting. A

copy of the additional correspondence was provided to each Board member, was summarized and included in the Board Clerk summary.

5.0 RECOGNITIONS

5.1 Recognition of Dan Cabral

Superintendent Bowers, introduced Deputy Superintendent Chris Van Schaack who virtually honored and recognized School Resource Officer Dan Cabral upon his retirement. Deputy Superintendent Van Schaack shared that Officer Cabral truly did bring resources and resourcefulness to the position of School Resource Officer; he was available to students and committed to improving their experience at school. Officer Cabral has been a great example of the positivity that a School Resource Officer can bring to the community, he has been available and present at football games and dances and could always be seen having conversations with students. Mr. Van Schaack stated that Officer Cabral was part of the team that initiated the Shop with a Cop program to support students in need, and he also worked to coordinate the Every 15 Minutes program. Deputy Superintendent Van Schaack concluded by thanking Officer Cabral and wishing him the best in his years beyond retirement.

5.2 Recognition of Philomena Rambo

Superintendent Bowers introduced Deputy Superintendent Chris Van Schaack who virtually honored and recognized Philomena Rambo, Director of Community Engagement, upon her retirement. Mr. Van Schaack shared that Mrs. Rambo began her career with LVJUSD as an English Teacher, then a vice principal, and went on to become the first female principal of Granada High School. Mrs. Rambo developed the Community Engagement Department that has become so integral to our work. Mr. Van Schaack concluded by sharing that Mrs. Rambo's work has been exceptional, and thanked her for all she has done to support our District.

6.0 STUDENT BOARD MEMBER REPORTS

There were no student board members present as the school year ended June 10th.

7.0 EMPLOYEE ASSOCIATIONS

There were no employee associations that reported.

8.0 COMMUNICATIONS FROM THE PUBLIC - via Zoom

A - Audience Communication

Rachel Gerlovich, parent, stated that she was speaking on behalf of many parents in our community about removing the mask mandate in our schools. Ms. Gerlovich commented that she feels making masks a requirement is wrong on a legal, ethical, and common sense basis, and that it should be a parental choice. Ms. Gerlovich also asked that the Board advocate for children to ask the State and County to remove the mask mandate and make masks a parent choice.

Ray Eisler, shared concerns that Mr. Reynolds, who was hired to investigate an incident, did not interview all staff members present at the time of the incident. Mr. Eisler stated that he thought there was another classroom aide present who witnessed and reported the incident to several staff members, but who was not interviewed by Mr. Reynolds.

Jackie Cota, community member, stated that masking should be an individual choice and that it is illegal to mandate 'Emergency Use Authorization (EUA)-approved investigational medical therapies' without informed consent. She went on to say that requiring children to wear masks sets the stage for them to contract any infection, including COVID-19, making the consequences of that infection much graver. Ms. Cota also said that parents will take the maximum action permissible under the law against the District and individuals personally. She concluded by urging the Board to comply with federal and State law and advise children they have the right to refuse masks.

Anonymous Caller, parent, stated that unmasking our kids is necessary. She stated that her kids were in Summer School, and demanded that her children not be forced to wear a mask, and without retaliation. She went on to state her opinion that the Board is violating the Constitution and that all children should have a choice to have the vaccine or not.

Anonymous Caller, parent, stated that his children are being robbed of their joy with this fear. He went on to say that his child suffers from fear and isolation because she can't hug her friends, and compared and concluded by stating that it is mental abuse.

Cia Recombine, parent, thanked the Board President for talking with the individuals in the parking lot. She requested the regulations that the Board is following so they can see what is keeping them from being inside the building. She went on to say that the parents would like to have a discussion after the meeting, individually or as a group, or in some format such as a face-to-face meeting. Ms. Riccomini went on to state that parents should have a choice regarding masks and curriculum. She suggested that a Parent Board be created so that parent voices can be heard when decisions are made.

Fiona Schiells, parent, spoke against Critical Race Theory (CRT). Ms. Schiells stated that it is her responsibility to shape the content of her children's character, and the District's responsibility to teach them to read and write. She stated that the CRT, or what she terms 'Communist raising training,' is an attempt to indoctrinate our children.

8B Board Correspondence - The Board of Education received the following Formal Board Correspondence. Board President Bueno asked Acting Clerk Yanira Guzmán to summarize the correspondence to the Board.

1. Austin Bruckner, Castro Valley Pride, thanked the Board for passing its resolution to declare June as LGBTQ Pride Month. He also inquired about a visible display at school sites.
2. Brook Chelmo, LVJUSD parent, shared his concerns regarding the morning procedures and drop off for the summer school program at Jackson Avenue School. *NOTE: Assistant Superintendent Melissa Theide followed up directly with the Summer School principal and Mr. Chelmo.

3. Fabian Moreno, LVJUSD parent, requested that mask mandates be terminated and allow parents the choice regarding masks and vaccinations.
4. Rachel Gerlovich, LVJUSD parent, asked that the mask mandate be removed from our schools and reported that she had started a petition to remove the mask mandate from our schools.
5. Sarah Bailey, LVJUSD parent, requested that students wear a mask only of their own choosing and requested that the COVID-19 vaccine not be mandated.
6. Mary Fake, LVJUSD parent, requested that the mask mandate be removed in order to allow parents the choice regarding their student wearing a mask.
7. David Doty, LVJUSD parent, asked if the mask mandate could be removed for elementary students, as well as posed several questions regarding the cleaning and maintenance of healthy facilities.
**NOTE: Maintenance and Facilities staff are reviewing and addressing Mr. Doty's questions about facilities and will provide an update to our Superintendent and Board.
8. Susanne Winters, LVJUSD parent, asked that masks be made optional for students and that there be no vaccine mandates for students and staff. She also asked that Critical Race Theory be excluded from instruction. She would like vaccine mandates for students or staff to be outlawed.

9.0 INFORMATION / DISCUSSION ITEMS

9.1 Measure J Bond Update - Citizens' Bond Oversight Committee Annual Project Tour Review

[Kim McNeely](#), Bond Director, presented the Measure J Bond Update - Citizens' Bond Oversight Committee Annual Project Tour Review, for information only.

Public Comments: None

9.2 Enrollment / Staffing / Recruitment Report

Chris Van Schaack, Deputy Superintendent, presented the Enrollment / Staffing / Recruitment Report, for information only.

Public Comments: None

9.3 California Dashboard Local Indicators / LVJUSD Framework for Success

Mrs. Melissa Theide, Assistant Superintendent of Educational Services, and Dr. Odie Douglas, Interim Assistant Superintendent of Educational Services, presented the California Dashboard Local Indicators / LVJUSD Framework for Success, for information only.

Public Comments: None

10.0 DISCUSSION / ACTION ITEMS

10.1 Approval of New English Language Development (ELD) courses

Tracie Christmas, Director of Assessment and Accountability, virtually introduced Caryn Quezada, Livermore High School Teacher, who virtually presented the Approval of New English Language Development (ELD) courses for Board approval.

Public Comments: None

ORIGINAL - Motion

Member **Anne White** Moved, Member **Kristie Wang** Seconded to approve the **ORIGINAL** motion to 'Approve the New English Language Development (ELD) courses.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

10.2 Approval of Middle School Science Instructional Materials Adoption

Mrs. Melissa Theide, Assistant Superintendent, presented the Approval of Middle School Science Instructional Materials Adoption, for Board Approval.

Public Comments: None

ORIGINAL - Motion

Member **Anne White** Moved, Member **Kristie Wang** Seconded to approve the **ORIGINAL** motion to 'Approve Middle School Science Instructional Materials Adoption.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes

Anne White – Yes

10.3 Approval of the 2021-2024 Local Control and Accountability Plan (LCAP)

Mrs. Melissa Theide, Assistant Superintendent, and Dr. Odie Douglas, Interim Assistant Superintendent, co-presented the Approval of the 2021-2024 Local Control and Accountability Plan (LCAP), with all components, including the LCP Update and LCFF Budget Overview for Parents, for Board Approval.

Public Comments: None

ORIGINAL - Motion

Member **Anne White** Moved, Member **Kristie Wang** Seconded to approve the **ORIGINAL** motion to 'Approve the 2021-24 Local Control Accountability Plan (LCAP) as presented.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

10.4 Adoption of the 2021-2022 Budget

Mrs. Susan Kinder, Assistant Superintendent, presented the Adoption of the 2021-2022 Budget for Board Approval.

Public Comments: None

ORIGINAL - Motion

Member **Kristie Wang** Moved, Member **Anne White** Seconded to approve the **ORIGINAL** motion to 'Adopt the 2021-2022 Budget.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

10.5 Board Policy / Administrative Regulation 5141.31 Immunizations

Mr. Chris Van Schaack, Deputy Superintendent, presented the Board Policy / Administrative Regulation 5131.31 Immunizations, for First Reading and Board Approval.

Public Comments: None

ORIGINAL - Amended Motion

Member **Kristie Wang** Moved, Member **Yanira Guzmán** Seconded to approve the **AMENDED** motion to 'Approve the Board Policy/Administrative Regulation from Series 5000 for the First and Final Reading and Board Approval.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

10.6 Approval of Extension to the Assistant Superintendent of Business Services Employee Agreement

Ms. Kelly Manke, Director of Human Resources, presented the Approval of Extension to the Assistant Superintendent of Business Services Employee Agreement, for Board approval.

Public Comments: None

ORIGINAL - Motion

Member **Anne White** Moved, Member **Kristie Wang** Seconded to approve the **ORIGINAL** motion to 'Approve the Extension to the Assistant Superintendent of Business Services Employee Agreement.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 -1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

10.7 Approval of Extension to the Deputy Superintendent Employee Agreement

Ms. Kelly Manke, Director of Human Resources, presented the Approval of Extension to the Deputy Superintendent Employee Agreement, for Board approval.

Public Comments: None

ORIGINAL -

Member **Anne White** Moved, Member **Kristie Wang** Seconded to approve the **ORIGINAL** motion to 'Approve the Extension to the Deputy Superintendent Employee Agreement.' Upon a roll call vote being taken, the vote was Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes
Anne White – Yes

11.0 CONSENT ITEMS - MOTIONS

- 11.1 Approval of Consent Items – Motions
- 11.2 Approval of Employment of Personnel
- 11.3 Approval of Leaves of Absence
- 11.4 Confirmation of Resignations/Retirements
- 11.5 Approval Employment of Extracurricular Coaches, 2020/2021
- 11.6 Measure J Bond Program Contract Amendment/Change Order Ratification
- 11.7 Approval to Retain Legal Services for the 2021-2022 School Year
- 11.8 Approval of the Purchase Order Summary Report for May
- 11.9 Approval of Service Agreement with Livermore Area Recreation and Park District (LARPD) for the 2021-2022 BELIEVES and PAL Programs
- 11.10 Approval of the Submission of the 2021-2022 Consolidated Application and Reporting Systems
- 11.11 Approval of the MEB Consulting Group Contract
- 11.12 Approval of Emergency Procurement of Equipment and Supplies for Child Nutrition Services
- 11.13 Approval of Interdistrict Transfers (Attendance) Memorandum of Understanding (MOU) 2021-2027
- 11.14 Approval of Revised Salary Schedules
- 11.15 Approval of the June 15, 2021 Regular Board Meeting Minutes

Public Comment: None

ORIGINAL – Motion

Member **Kristie Wang** Moved, Member **Anne White** Seconded to approve the **ORIGINAL** motion 'Approve Consent Items – Motions 11.2 - 11.15.' Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes
Emily Prusso – Absent
Yanira Guzmán – Yes
Kristie Wang – Yes

Anne White – Yes

12.0 CONSENT ITEMS - RESOLUTIONS

12.1 Approval of Consent Items - Resolutions

12.2 Resolution No. 206-20/21, Requesting the Board of Supervisors of the Counties of Alameda and Contra Costa to Establish Tax Rate for Bonds Of The Livermore Valley Joint Unified School District Expected To Be Sold During Fiscal year 2021-2022

12.3 Resolution No. 207-20/21, Authorization to Sell Surplus Equipment

12.4 Resolution No. 208-20/21, Authorization to Sign State Preschool Contracts for Fiscal Year 2021-2022

12.5 Resolution No. 209-20/21, Authorizing Superintendent or Assistant Superintendent of Business Services to Execute Contracts During the Months of July and August

12.6 Resolution No. 210-20/21, Temporary Borrowing Between Funds for Fiscal Year 2021-2022

12.7 Resolution No. 211-20/21, To Identify The Amount of Budget Reductions Needed In 2022-2023 And To Require That A List Of Budget Reductions And/Or Solutions Be Included With The 2021-2022 First Interim Budget

12.8 Resolution Nos. 212-20/21 through 216-20/21, Retirement of Classified and/or Certificated Employees

Public Comment: None

ORIGINAL – Motion

Member **Kristie Wang** Moved, Member **Yanira Guzmán**, Seconded to approve the **ORIGINAL** motion 'Approve Consent Items 12.2 through 12.16 ' Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 0 Absent: 1 The motion **Carried** 4 - 0 - 1.

Craig Bueno – Yes

Emily Prusso – Absent

Yanira Guzmán – Yes

Kristie Wang – Yes

Anne White – Yes

13.0 CONSENT ITEMS – MOTIONS REMOVED FOR SEPARATE DISCUSSION/VOTE

14.0 BOARD MEMBER REPORTS AND REQUESTS

Trustee Anne White shared that she had the opportunity to participate in the tour of the Measure J Bond-funded facilities and it was outstanding. Trustee White also stated that she had prepared a statement about masks and safety, but it didn't seem appropriate to give at that time.

Trustee Kristie Wang also shared how pleased she was with the Measure J Bond facilities tour and expressed her thanks to Bond Program Director Kim McNeely and her team for everything they have done. She shared her excitement at seeing the work go into each of these buildings and stated that

she would like to be there to see students enter each new building on the first day of school. Ms. Wang concluded by thanking Superintendent Bowers, Cabinet, and all staff members for persevering through a very challenging year. She expressed her appreciation of all the work and the ways that staff have reinvented things to make everything work.

Trustee Yanira Guzmán shared notes from her perspective as a mother on the first day of summer. She shared that she was feeling a sense of relief, joy, and gratitude. She said that somehow we are managing to overcome a pandemic and hold each other up as we do it. She continued by stating that like many others, she cares deeply and wants the best for her children. She stated she doesn't want the work that we have done as a community to regress or to return to Shelter-in-Place. She went on to note that we are seeing lockdowns return in other countries and she doesn't want that to happen here. Ms Guzmán concluded her remarks by sharing that in her role as Trustee, she is responsible for not only her own two children, but for many other children and that by continuing to do our part, while inconvenient, she believes we can prevent a return to Shelter-in-Place.

Board President Craig Bueno reported that he participated in Measure J Bond facilities tours; he shared appreciation for the transformational nature of these projects and how this will impact the learning experience for students and teachers, all done because of community support and the trust that this community has in our District. President Bueno remarked that he has had the privilege of working on campus with students for several years, and stated that our students are resilient and they embrace whatever rules are in front of them with good modeling. They've done a remarkable job with supporting one another. Their level of kindness gives him great hope for the future. President Bueno also expressed his appreciation for all of the graduation and promotion ceremonies, the smiles, and the ingenuity behind the staff to make them happen. He has received nothing but accolades from parents.

President Bueno commended Superintendent Bowers and Community Partners, Marc Roberts Livermore City Manager, and Mathew Fuzie, Director of Livermore Area Recreation and Park District (LARPD) for their partnership to provide vaccination clinics for all who wanted a vaccine in our community. President Bueno stated that he has been involved with healthcare in our county for his entire adult life, and that we are extraordinarily fortunate to be in a progressive county with an excellent medical staff. He went on to say that we are coming out of this pandemic ahead of the country, because so many people are dedicated and see the bigger picture. He continued by sharing that we are conforming with the advice of these healthcare officials, and we follow their direction. Our experts have given us good direction, saved lives and have put us back on track and LVJUSD is benefitting. He announced that we are looking forward to having our campuses open in the fall and we continue to push the envelope by working with our partners and not going against them. He continued by stating that he is in support of what we have been doing, that our District is doing a remarkable job and our kids are going to benefit from it.

He concluded by asking those with angst to be patient, assuring them that the Board is acting in the best interest of the 13,000+ students of this District every single day on every decision. Finally, President Bueno expressed his high trust in District leadership who are entrusted to do these jobs.

15.0 SUPERINTENDENT'S REPORT

Superintendent Bowers shared that as we close out the school year, this is the perfect time to take pause and acknowledge all that we have collectively accomplished this year. Our Board of Trustees, Cabinet, site administrators, certificated and classified employees, our industry partners, retirees, and

our volunteers, have proven time and again day in and day out, how talented, creative, motivated and dedicated they are to our students, our schools and our community. Everyone works extremely hard to make our District one of the very best and we are so fortunate and appreciative for their ongoing, unmatched, commitment and support.

Superintendent Bowers shared that she was filled with mixed emotions of pride, exhaustion, admiration, and gratefulness for our students, staff, leadership team, parents, family, and community members who helped us make it through this trying and historic pandemic year.

In closing, Dr. Bowers shared that throughout the summer our teams have already begun planning and preparing for next school year. She encouraged everyone to Be Well and Stay #LVJUSDstrong!

16.0 ADJOURNMENT

There being no further business before the Board, President Bueno adjourned the Meeting at 9:33 P.M.

Respectfully submitted,

Board President

Board Clerk

Approved and entered into the proceedings of this Board this 17th day of August, 2021.