

Paso Robles Joint Unified School District)
REGULAR MEETING OF THE BOARD OF TRUSTEES
February 09, 2021

MINUTES

A. OPENING CEREMONY

1. Meeting Protocols Under Covid-19

President Arend read the guidelines for conducting school board meetings to observe Covid safety protocols.

2. Attendance/Call to Order

The meeting was called to order at 5:39 p.m.

Present: Mr. Christopher Arend, President; Mrs. Dorian Baker, Trustee; Mr. Chris Bausch, Clerk; Mr. Lance Gannon, Trustee; Mr. Tim Gearhart, Trustee; Mr. Jim Reed, Trustee; Mr. Nathan Williams, Trustee

3. Adopt Agenda

The agenda was adopted unanimously, with a change to move item J3 (Grand Jury Response) to follow Section G. Motion by _____; Second by _____

B. PUBLIC COMMENT (for Closed Session items)

1. Public Comment on Closed Session Agenda Items - To allow public comment prior to the Board's consideration of any closed session agenda item. Govt Code 54954.3

There were no requests to address the Board on Closed Session topics.

The Board adjourned to Closed Session at 5:40 p.m.

C. CLOSED SESSION

1. Certificated Personnel Actions - Govt Code 54957 -

Resignations/Retirements/Termination; Certificated Staff Leaves

A motion passed unanimously to approve Certificated personnel actions as presented in the agenda item. Passed with a motion by Mr. Chris Bausch and a second by Mrs. Dorian Baker.

2. Classified Personnel Actions - Govt Code 54957

Resignations/Retirements/Termination; Certificated Staff Leaves

A motion passed unanimously to approve classified personnel actions as listed in the report. Passed with a motion by Mr. Chris Bausch and a second by Mrs. Dorian Baker.

3. Anticipated Litigation (significant exposure to potential litigation: 4 Cases (G.C. 54956.9(b))

The Board received a memo from legal counsel regarding composition of the 7-11 Committee. The Board directed this memo be made available to the public in both English and Spanish. It is appended hereto for that purpose.

4. Conference with Labor Negotiators - Govt Code 54957.6

The Board received updates on the status of negotiations with classified and certificated staff. No action was taken.

Closed Session concluded at 6:34 p.m.

D. RECONVENE IN OPEN SESSION - 6:00 P.M. (approximately)

1. Report on Closed Session Action

The Clerk reported that the Board began closed session at 5:40 p.m. and heard four topics. Certificated Personnel actions were approved 7-0, as were Classified Personnel actions. The Board received reports on 4 matters of litigation: two regarding special education with no action taken, one on a construction matter with no action taken, and the fourth was a memo from legal counsel on the composition of the 7-11 Committee. The Board gave direction to the Superintendent to have that memo translated into Spanish and to release both versions as attachments to the minutes of this meeting for public access.

E. SALUTE TO THE FLAG

Trustee Williams led flag salute.

F. PRESENTATIONS/REPORTS

1. School/Program Presentation: Kermit King Elementary

Principal Kelly Ward highlighted in-person learning at Kermit King Elementary School, including clips from students, teachers, and parents excited about their school. "Go Frogs!"

G. PUBLIC COMMENT

1. Comments from the Public

Peter Byrne strongly urged the Board to resist Governor Newsom's restrictions and get students back to school and sports. Michael Rivera addressed the Grand Jury response, acknowledging the need for an investigation. He thanked the Board for concluding the matter. Jeremy & Courtney Howard also advocated to reopen schools. Shannon Gidcumb described students struggling in distance learning whose grades are falling dramatically. She asked the administration to analyze grades and attendance for students who were succeeding pre-Covid compared to now and come up with modifications to help those students gain back their earlier success. Alisha Lewis praised the Edgenuity program used at Liberty High School.

2. California School Employees Assn., Chapter #254

CSEA President Jeannine Manniger reported on recent union leadership elections and their eagerness to begin working for the best interests of their membership and the school district.

3. Paso Robles Public Educators

PRHS Representative Justin Pickard reported for the Paso Robles Public Educators, thanking Ashley Aiello and Jennifer Gaviola for their assistance through the Covid-19 pandemic. PRPE looks forward to the Board concluding discussions on the Grand Jury

Report and moving the district forward. Lastly, the association decried recent allegations against Mrs. Gaviola and cited her leadership and championship of Paso Robles public schools.

4. Correspondence Received

The Board acknowledged the following correspondence:

- Letter dated January 15, 2021, from Superintendent James Brescia, SLO County Superintendent of Schools, regarding their review of the 2020-2021 First Interim Report on the Budget
- Letter dated January 29, 2021, from CSBA soliciting nominations to CSBA's Delegate Assembly
- Email dated February 3, 2021, from Jeremy & Courtney Howard urging schools to reopen for in-person learning.

Item J3 regarding the Board's response to the Grand Jury Report was advanced to this point in agenda, as agreed in the earlier motion to adopt the Agenda.

H. CONSENT AGENDA

Items H4 and H5 were pulled from the Consent Agenda. A motion was unanimously adopted to approve Consent Agenda items H1, H2, and H3. Passed with a motion by Mr. Lance Gannon and a second by Mr. Nathan Williams.

A motion to table Item H5 (SARCs) was adopted unanimously (Bausch/Gearhart) 7-0

1. Approve Purchase Order Listing

This item was approved as part of the bulk action noted above.

Action: Approve Purchase Order Listings 211064-211104, totaling \$366,336.15.

2. Approve Payment Listings

This item was approved as part of the bulk action noted above.

Action: Approve Payment Listing, Batch Nos. 82-88 totaling \$1,486,909.39.

3. Amendment to the PRYDE CDE Contract CCTR 0239

This item was approved as part of the bulk action noted above.

Action: Approve the amendment to Contract CCTR 0238 in the amount of \$2,331.00.

4. Approval for Board Member Enrollment in CSBA Masters in Governance (MIG) Training

This item was pulled for discussion. Mr. Gearhart acknowledged the excellence of the training, although it is expensive. Dr. Dubost agreed, but assured him there are funds available and noted that, since training is all done online during the pandemic, it saves travel costs. A motion was adopted to approve enrollment in CSBA's Master's in Governance on-line program for interested trustees at a total cost of \$1,995 per person, and approve potential enrollment in CSBA's graduate program for Trustee Bausch. Passed with a motion by Mr. Tim Gearhart and a second by Mr. Chris Bausch.

5. Approve 2020-2021 School Accountability Report Cards (SARCs)

This item was tabled to allow for revisions related to Covid-19 impacts on the report content. Passed with a motion by Mr. Chris Bausch and a second by Mr. Tim Gearhart.

I. DISCUSSION/INFORMATION ITEMS

1. Staffing Review PRJUSD: Outside Consultant

Consultant Christin Newlon was present to take questions, having given her report at the previous Board meeting. Mr. Gearhart asked about the practice of combining two jobs to save money, and Mrs. Newlon advised against that except in very limited situations and depending on the particular job requirements. She cautioned about unintended results where such actions damage employee hiring abilities and retention, because applicants perceive a lack of support or growth opportunities. She noted that Paso schools (after recent reductions) are on par with other districts in terms of administrative staffing. Dr. Dubost stated he would prefer to consider combining management positions rather than clerical positions, and noted he has no plans to fill the recommended assistant superintendent position; however, the need for secretarial support and executive assistant support is critical. This report is a reference tool in considering staffing, budget cuts, and moving forward toward the March 15 deadline for layoff notices. Jen Gaviola clarified some aspects of Mrs. Newlon's presentation which cited a perceived overload of her responsibilities. Mrs. Gaviola acknowledged the support she enjoys from a broad team including Erin Haley, Babette DeCou, and others; that she does not perform all the work herself.

Mrs. Baker asked if the elementary staffing analysis on page 24 would be the same pre-Covid. Mrs. Newlon explained that class size is one of the most expensive things in a district and is an area the Board should pay close attention to. Jen Gaviola told the Board they would see projected enrollment and staffing numbers at the next meeting, including some reduction recommendations that may be achieved through attrition rather than layoff.

Mr. Bausch noted the media is reporting the district's declining enrollment is accelerating; he believes the district will start to recover post-Covid. He asked Mrs. Newlon at what point the Board should reassess or redo this report. She replied that the district has the capability to do the same work without engaging a consultant. Boards must look carefully at enrollment in December/January so that decisions can be made in February to meet the March 15 notice deadline. Dr. Dubost added that the district must be proactive by providing programs that will bring people back to the district.

Board members thanked Mrs. Newlon for the time she spent studying the issue, preparing the report, and meeting with the Board. Mrs. Newlon extended an open offer to meet with or confer with any Board members who may have further questions.

2. School Reopening Plan Update

Jen Gaviola explained that elementary schools have been open since November, but there is little discussion at the state level on reopening secondary schools. The goal was to get some middle and high school students back, to get people to feel comfortable, and increase access from there. Five teachers have volunteered for cohorts. Secondary students have not been as responsive as middle school. The administration is looking more at a range of 35 students at high school. Over 400 high schoolers visit our campuses through various programs.

Mrs. Gaviola reviewed sports which are divided into tiers based on the amount of personal contact. Sports such as cross country, swim and dive, golf, tennis, and track &

field will be the first to restart in limited access. Football is of great interest throughout the community; and PRJUSD has not canceled its season, despite an inability for students to participate. One drawback is the State's restriction that students have to remain in a selected sport for a period of time, so those choosing football cannot also participate in another sport. Coaches are encouraging football students to choose options such as track and field, which will provide transferrable skills, rather than having football players miss out on sports entirely. Sports such as wrestling, basketball, and volleyball are also on hold as they are indoor/high-contact sports. Coaches are pressing the decision-makers for flexibility on a no-spectator rule to allow at least two spectators per athlete.

3. Proposed Revisions to Board Policy 2110: Superintendent Responsibilities and Duties (First Reading)

Jen Gaviola presented proposed revisions to BP 2110, in response to the Grand Jury suggestion that the Superintendent not be permitted to hold the dual role of Superintendent and Chief Business Official or Asst. Supt/Business/Finance. In the event of a vacancy in either position, an advisor or contractor would be used. Mrs. Baker suggested adding the Director of Human Resources to the restrictions as well, and the Board concurred unanimously. This policy will come back for action on the next agenda.

A motion by Mr. Tim Gearhart, seconded by Mrs. Dorian Baker, passed unanimously to extend the meeting to 10:45 p.m.

4. Proposed Revisions to BP/AR 6020: Parent Involvement (First Reading)

Jen Gaviola explained that the biggest changes come from CSBA regarding terminology of parents/guardians and family members to provide for "sustained partnerships." As a first reading, no action was taken, and this policy will come back for adoption on the next agenda.

5. Review of Board Bylaw 9311

Dr. Dubost mentioned that the Board requested, in a Saturday meeting, an opportunity to review this Bylaw. Jen Gaviola explained that this Bylaw also impacts the Board's response to the Grand Jury and suggested the Board may wish to have their Bylaw Committee look at it.

6. Employee Code of Ethics

Public comment was received from Amy Oberg. Jen Gaviola introduced a draft code of ethics and indicated that, once adopted, it would become part of personnel training, annual notice, etc.

Mr. Arend suggested the phrase "It is expected that employees shall adhere..." be revised to simply "Employees shall..." Mr. Bausch requested an explanation of the District's protocol in training employees on a code of ethics. Mrs. Gaviola noted this would become part of the District's annual staff training, with specifics yet to be designed. Mr. Bausch stated that testing employees on hypothetical situations is an effective method. In response to Mr. Gearhart, Mrs. Gaviola explained that employees who violate the code would be subject to disciplinary actions under existing Ed Code or Board Policy on professional conduct, nondiscrimination, etc. Mrs. Baker suggested including the District's whistleblower policy.

Again, this will be revised by staff and presented at a future meeting for consideration.

7. Business and Budget Update

Mr. Pawlowski reviewed the state budget process and timeline, LCAP funding, LCFF (the intent of which was to restore funding to 2008 levels). Public comment was received from Jim Lynett on behalf of Paso Robles Public Educators. Mr. Pawlowski acknowledged the many possible funding ideas posed by Mr. Lynett, but noted that he does not include revenue in the budget unless those figures are actual and received. The budget will be adjusted as estimates become reality. He reviewed CARES funding and explained there are some general fund expenses we can transfer to that source (this year only) to boost our reserves. He explained that categoricals are really LCAP dollars. The Governor is proposing that any unspent LCAP funding must be carried over for the same purpose and student population.

8. Measure M Bond Project Update

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

9. Request for Qualifications (RFQ) for Architectural Services

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

10. Monthly Financial Budget Update

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

11. Monthly Enrollment Update

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

12. Pandemic Increase in Certificated Sub Rate for In-Person Instruction

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

J. ACTION ITEMS

1. Approval and Acceptance of Donations

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

2. Approval of Change Order No.1 for the Marie Bauer Project

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

3. Resolution #21-18 Approving Board's Response to the Grand Jury Report

The Board reviewed the revised letter reflecting the subcommittee's work on the previous weekend. Mr. Bausch introduced a suggested cover letter to the District Attorney that would delineate areas that may warrant investigation. Other members disputed the need for dictating the DA's course of action; rather, he would review the response and determine on his own how to proceed. Mr. Arend indicated he would hand deliver the documents on February 10 and acquire a stamped receipt of delivery. Additional confusion was raised about the district administration's response and how that would be combined with the Board's. Mr. Williams noted that the administration's response would be different from the Board. Dr. Dubost distributed copies of his response. Mrs. Baker stated there are substantive errors, and Mr. Bausch agreed there is time before the 2/17 deadline to correct those; that action is not required at this meeting. The Board risks having the response returned by the Grand Jury for not properly following the prescribed format. Mr. Gearhart interjected that community

members have asked the Board to conclude this matter and move on to getting kids back in school and improving the distance learning program.

The Board took the time to review the letter and gather comments/corrections, which Mr. Arend said he will incorporate into the final version before delivery. There was a question about the dates listed for Superintendent Williams' hiring and start date, and comments that the votes/trustee names were not accurate. The minutes of 8/12/14 confirmed that date as Mr. Williams' hire/start date; and the Board then consisted of Trustees Field Gibson, Katy Griffin, Dave Lambert, Joel Peterson, Jay Packer, and Joan Summers. Mr. Bausch was also a Trustee at the time but was absent from that meeting. Based on the Board's previous discussions, there was consensus not to include Mr. Arend's August memo and also to avoid references to it throughout the response. In general, some trustees wanted to add detail beyond simply "agree/disagree," etc. to include specific issues of concern. There was continuing concern with an inability to document claims that trustees had frequently raised concerns to and about Mr. Williams' actions, despite his receiving positive evaluations throughout his tenure. Likewise, trustees expressed concern that the Board had no authority to enter into the termination/settlement agreement with Chris Williams. The fiscal advisor appointed by SLOCOE at the time should have reviewed/approved every financial action of the Board. A question for the District Attorney is why SLOCOE didn't void the agreement and stop payment. Mr. Arend reminded trustees of their closed session meeting where the agreement was renegotiated, with participation by SLOCOE and the financial advisor. They approved that revision because the second agreement would result in a \$30K savings to the district. Mr. Gearhart added that the Board had been advised by law firm to approve the agreement or get sued.

County Superintendent Jim Brescia arrived to the meeting and addressed the Board. He explained the referenced meeting was hastily called and was described as a discussion of the superintendent's evaluation. The fiscal agent was excluded because SLOCOE was told there were no financial matters to be addressed. Once he learned of the action taken, he immediately initiated action with the State to overturn the Board's action. Although SLOCOE had the initial authority to overturn the agreement, legal counsel cited legal costs to SLOCOE to dispute that action. The parties eventually approved a mutually agreed on separation, not a resignation. Review and editing continued. The Board reached consensus on F3 to add a statement: "However, the Board recognizes its responsibility to review all information with a degree of professional skepticism; trust but verify." Regarding the aquatics complex, F1, "operating costs" were added to the third sentence.

Recommendations were also reviewed, and Mr. Bausch pointed out the format does not consistently follow what the Grand Jury specified. Board members disagreed, and suggested the Grand Jury could request further explanation where needed. The Board agreed (4-3) to submit a copy of the response to the District Attorney with a simple cover letter.

The meeting recessed from 8:58-9:06 p.m.

Copies of the revised letter were printed and shared for trustees. Discussion continued, and the vote was called.

A motion passed to adopt Resolution #21-18, approving the amended version of the Board's response to the 2019-2020 Grand Jury Report: Paso Robles Schools-A Cautionary Tale, to

be hand delivered to the Grand Jury and Presiding Judge, and to deliver a copy to the San Luis Obispo County District Attorney for possible investigation of any criminality. Motion by Mr. Tim Gearhart; second by Mr. Nathan Williams. (Ayes: Arend, Gannon, Gearhart, Reed Williams; Noes: Baker, Bausch)

Due to the lateness of the hour, the remainder of the meeting agenda was tabled. Passed unanimously with a motion by Mr. Chris Bausch and a second by Mrs. Dorian Baker.

4. Approval of Board of Trustees' Meeting Minutes

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

K. SUPERINTENDENT/STAFF COMMENTS

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

L. BOARD MEMBER REPORTS/CORRESPONDENCE

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

M. INFORMATION/AGENDA ITEM REQUESTS

Due to the lateness of the hour, this item was tabled to the next meeting agenda.

N. ADJOURN TO CLOSED SESSION (if necessary)

There was no need to continue Closed Session.

1. Continuation of Closed Session Items from this Agenda, If Necessary

There was no need to continue Closed Session.

O. RECONVENE IN OPEN SESSION

1. Report on Closed Session Discussions/Action

As there was no continued closed session, no report was needed.

P. ADJOURNMENT

A motion was unanimously adopted to adjourn at 10:44 p.m., tabling items I8-I12, J1-J2, J4, K, L, M, N, O, P to the next meeting. Passed with a motion by Mr. Chris Bausch and a second by Mr. Lance Gannon.

Board Clerk

Board President