



**BENICIA UNIFIED SCHOOL DISTRICT
GOVERNING BOARD**

Notice of Regular Meeting

October 15, 2020 6:00 PM

In Compliance with Executive Order N-29-20 and N-35-20 issued by Governor Newsom on March 12th and 21st, 2020 respectively, this meeting will be Livestreamed and recorded via the BUSD YouTube channel linked here:

<https://www.youtube.com/c/beniciaunifiedschooldistrict>

Meeting will be conducted via Zoom from the

Benicia Unified District Board Room

350 East K Street

Benicia, CA 94510

Attendance Taken at 6:07 PM:

Present:

Diane Ferrucci

Stacy Heldman-Holguin

Mark Maselli

Gethsemane Moss

Sheri Zada

1. CALL TO ORDER - 6:00 p.m.

Minutes:

The meeting was called to order by President Ferrucci at 6:07 p.m.

2. ROLL CALL

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Minutes:

With no public comments submitted the meeting was adjourned to closed session by President Ferrucci at 6:08 p.m.

Quick Summary:

For this meeting public comments may be submitted via a google form on this link that will be opened from 5:00pm to 6:00pm and must be submitted using the following link:

<https://forms.gle/DnkdjWBXpuvoHGmo6>

4. CLOSED SESSION - 6:00 P.M.

4.1. Public Employment/ Action/ Appointment/ Discipline/ Dismissal/ Evaluation / Release

Rationale:

Dr. Khushwinder Gill will present the Personnel Action List to the Board.

4.2. Conference with Labor Negotiators

Rationale:

The Governing Board will conference with Labor Negotiator, Dr. Khushwinder Gill, regarding Employee Organizations BTA, CSEA and unrepresented groups.

4.3. Individual Student Matter(s)/ Student Need(s)

Rationale:

The Governing Board will discuss student matters in the case of

The Education Code requires Closed Session in these cases to prevent the disclosure of confidential student information.

5. RECONVENE TO OPEN SESSION - 7:00 P.M.

Minutes:

The meeting was reconvened to open session by President Ferrucci at 7:04 p.m.

5.1. Report on Closed Session Items

Minutes:

There was nothing to report from closed session.

5.2. Announcement

Quick Summary:

This meeting is recorded for live-streaming and archiving on the District YouTube channel at youtube.com/c/beniciaunifiedschooldistrict for your convenience.

6. PLEDGE OF ALLEGIANCE

Minutes:

The pledge of allegiance was led by President Ferrucci.

7. APPROVAL OF AGENDA

Motion Passed: Approval of the agenda as written Passed with a motion by Mark Maselli and a second by Sheri Zada.

Yes Diane Ferrucci

Yes Stacy Heldman-Holguin

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

8. HIGHLIGHT: 2020 Valero Benefit for Children Grant Award

Minutes:

Dr. Young opened up our highlight this evening by recognizing our friendship and partnership with Valero. He went on to share that they are always incredibly generous in their support of Benicia Unified School District with all of their donations and public service work with us. He shared that one of the things that they did recently was to provide a very generous donation of \$50,000.00 to the school district to support two initiatives, one of them Dr. Beatson launched last year which is "Benicia Reads" a partnership between BUSD, the City of Benicia and the Community and the other one Principal Moore from Robert Semple shared that it started with the BEF STEAM wheel and from there with this generous donation they will be developing a STEAM lab at Robert Semple for their students. Both Dr. Beatson and Principal Moore shared about what has and will transpire with this generous donation. Mr. Paul Adler, Director of Community Relations and Government Affairs at Valero was able to attend the meeting to accept the recognition and our sincere heartfelt thanks on behalf of Valero. Lastly, President Ferrucci expressed her gratitude stating "Valero has been an amazing neighborhood partner, always putting the needs of the kids first" and we really appreciate it.

9. REPORTS - (NO ACTION REQUIRED)

9.1. Superintendent Report

Minutes:

Dr. Young shared that tonight he would pass on his report to move along on the important agenda items we have tonight.

9.2. Board Reports

Minutes:

The only board comment tonight was a correction by President Ferrucci that earlier she had announced that comments from the comments were being received between 5-6 pm when in fact the correct time was 6:00 - 7:00 pm.

10. COMMENTS FROM MEMBERS OF THE PUBLIC

Minutes:

This evening we received the five comments below from community members:

1-Bart Bright regarding Measure D on November 3rd ballot.

2-Jelissa Rippee in support of in-person instruction.

3-Kate Winegar in support of in-person instruction.

4-Catherine Flitcroft opposing in-person instruction.

5-Susan Hall General Interest-introduction of Theater Arts Boosters for Benicia Schools (TABBS).

Quick Summary:

Public Comment Members of the public may submit comments on items on the agenda, and any item within the jurisdiction of the school district in the following manner for meetings during the Shelter-in-Place Executive Order: Via a google form on this link: <https://forms.gle/DnkdjWBXpuvoHGmo6> that will be opened to the public from 6:00 to 7:00 pm on the day of the meeting. The Governing Board allows speakers to speak at regular meetings on agendized and non-agendized matters under public comment. Comments are limited to no more than three minutes per speaker. By law, no action may be taken on any item raised during the public comment periods and matters may be referred to staff for placement on a future agenda of the Governing Board.

11. CONSENT CALENDAR - ACTION ITEMS

Motion Passed: Approval of the Consent Calendar as presented. Passed with a motion by Stacy Heldman-Holguin and a second by Mark Maselli.

Yes Diane Ferrucci

Yes Stacy Heldman-Holguin

Yes Mark Maselli

Yes Gethsemane Moss

Yes Sheri Zada

Quick Summary:

All matters listed under the Consent Calendar are considered by the Board to be routine and will be approved by the Board in one motion. There will be no discussion on these items unless members of the Board, staff or public request specific items to be pulled and discussed.

11.1. Minutes for the Meetings of: October 1, 2020 Regular (Virtual) Meeting Minutes

11.2. Approval of Personnel Action List

11.3. Acceptance of Gifts to the District

Minutes:

Dr. Heldman

11.4. Approval of the Quarterly Report on Williams Uniform Complaints

Rationale:

There were no Williams Uniform Complaints for this period.

11.5. Consideration and Approval of Resolution No. 20-21-04 To Establish A Student Activity Special Revenue Fund

Motion Passed: Approval of Resolution No. 20-21-04 as presented on a roll call vote. Passed with a motion by Stacy Heldman-Holguin and a second by Mark Maselli.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

11.6. Consideration and Approval of Resolution No. 20-21-05 To Close Payroll Warrant/Pass-Through Fiduciary Fund

Motion Passed: Approval of Resolution No. 20-21-05 as presented on a roll call vote. Passed with a motion by Stacy Heldman-Holguin and a second by Mark Maselli.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

11.7. Consideration and Approval of Resolution No. 20-21-06, Adult Education and Family Literacy Act Grant Program Award Notification AO-400

Motion Passed: Approval of Resolution No. 20-21-06 as presented on a roll call vote. Passed with a motion by Stacy Heldman-Holguin and a second by Mark Maselli.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin

Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

12. DISCUSSION ITEMS

13. NON-CONSENT ACTION ITEMS

13.1. Consideration and Ratification of Memorandum of Understanding Between Benicia Unified School District and the Benicia Teachers Association (Pending ratification by BTA Unit Members)

Rationale:

The Benicia Unified School District (BUSD) and the Benicia Teachers Association (BTA) recognize that the COVID-19 pandemic necessitates significant modifications to the operation of schools to minimize the health risks associated with COVID-19 infection for students, staff, and their families while also providing equitable access to education for students. BUSD and BTA jointly enter into this Memorandum of Understanding (MOU) for the Health and Safety Protocols for In-Person Learning, Small Group Cohorts, and Testing" regarding issues related to the coronavirus COVID-19 pandemic and the return to school during the 2020-2021 school year. Following any applicable public comment, staff recommends that the Board approve the "Health and Safety Protocols MOU for In-Person Learning, Small Group Cohorts, and Testing during the 2020-21 school year as presented.

Motion Passed: Approval of the Health and Safety Protocols MOU for In-Person Learning, Small Group Cohorts, and Testing during the 2020-21 school year as presented. Passed with a motion by Mark Maselli and a second by Sheri Zada.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

13.2. Consideration and Approval of Transition Planning for Returning to In-Person Instruction

Rationale:

Dr. Leslie Beatson, Assistant Superintendent of Education Services, will present a report regarding the options for transitioning to in-person instruction. The purpose of this report is to outline and discuss the process, data, timelines, and considerations for the options presented. We are asking the board to make a decision about which option to move forward with for continued planning and implementation.

Minutes:

The direction was given by the Board Trustees for staff to work on the in-person learning plan including the detailed MOU negotiated for after the holidays and that it be presented to them at the November 19th board meeting.

Motion Passed: Approval to extend the governing board meeting beyond 10:00 pm. Passed with a motion by Mark Maselli and a second by Stacy Heldman-Holguin.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

Motion Passed: Approval of Option 2 Oct. - Dec. 100% Virtual No in-person instruction Passed with a motion by Mark Maselli and a second by Sheri Zada.

No Diane Ferrucci
No Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

13.3. Second Reading and Approval Following Board Policy: BP/AR/E(1)(2) 1312.3 Uniform Complaint Procedures, BP/AR 4119.11/4219.11/4319.11, Sexual Harassment, AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment Complaint Procedures, AR 5145.3 Nondiscrimination/Harassment, BP/E 5145.6 Parental Notifications, BP/AR 5145.7 Sexual Harassment, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures

Rationale:

Board Policy 1312.3 - Uniform Complaint Procedures - Policy updated to add medical condition as a characteristic that is protected from discrimination, reflect NEW LAW (SB 75, 2019) which extends the use of uniform complaint procedures (UCP) to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and add an item indicating the use of the UCP for complaints regarding health and safety in a license-exempt California State Preschool Program (CSPP) consistent with CDE's Federal Program Monitoring Instrument. Administrative Regulation 1312.3 - Uniform Complaint Procedures - Regulation updated to reflect NEW LAW (SB 75, 2019) which extends the use of UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and to add a section reflecting requirements for complaints alleging noncompliance with health and safety standards for CSPP programs, formerly in AR 1312.4 -

Williams Uniform Complaint Procedures. Exhibit (1) 1312.3 - Uniform Complaint Procedures - New exhibit presents a sample notice, formerly in E(3) 1312.4 - Williams Uniform Complaint Procedures, regarding health and safety standards in license-exempt CSPP programs and available complaint procedures. Exhibit (2) 1312.3 - Uniform Complaint Procedures - New exhibit presents a sample complaint form, formerly in E (4) 1312.4 - Williams Uniform Complaint Procedures, for complaints alleging that a license-exempt CSPP program does not comply with health and safety standards. Board Policy 4119.11/4219.11/4319.11 - Sexual Harassment - Policy updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator pursuant to federal regulations, and responsibility assigned to Title IX Coordinator to receive complaints and determine the appropriate complaint procedure to use Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment - Regulation updated to reflect NEW LAW (SB 778, 2019) which (1) requires a district with five or more employees to provide two hours of sexual harassment training to supervisory employees and one hour of sexual harassment training to nonsupervisory employees by January 1, 2021 and every two years thereafter, and (2) requires new nonsupervisory employees and employees promoted to supervisory positions to receive the training within six months of hire or promotion. Regulation also reflects NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which require the district to designate a Title IX Coordinator and disseminate the Coordinator's contact information. NEW - Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures - New regulation reflects NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the requirement to offer supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years. Administrative Regulation 5145.3 - Nondiscrimination/Harassment - Regulation updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures. Board Policy 5145.6 - Parental Notifications - Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit. Exhibit 5145.6 - Parental Notifications - Exhibit updated to reflect NEW LAW (SB 74, 2020) which extends the suspension of certain mandated activities through the 2020-21 school year; reflect NEW FEDERAL REGULATION (85 Fed. Reg. 30026) which requires notice of the

contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect NEW LAW (SB 1109, 2018) which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect NEW LAW (AB 2370, 2018) which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect NEW FEDERAL REGULATION (85 Fed. Reg. 30026) which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument. Board Policy 5145.7 - Sexual Harassment - Policy updated to include examples of actions to reinforce the district's sexual harassment policy, consistent with NEW LAW (AB 34, 2019) which requires posting the sexual harassment policy on the district's web site and NEW LAW (AB 543, 2019) which requires displaying a poster and providing the sexual harassment policy in student orientations. Policy also reflects NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator throughout policy pursuant to federal regulations. Administrative Regulation 5145.7 - Sexual Harassment - Regulation updated to reflect NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which amend the process for resolving complaints of sexual harassment, including, but not limited to, requirements to designate a Title IX Coordinator and disseminate the Coordinator's contact information. Regulation also reflects NEW LAW (AB 543, 2019) which requires the district to create a poster notifying students of the district's sexual harassment policy and to display the poster in specified locations, and requires the district to provide a copy of the policy to students as part of any orientation program for new and continuing students. Regulation reflects NEW LAW (AB 34, 2019) which requires the district to post the district's sexual harassment policy and the definition of sexual harassment in a prominent location on the district's web site. NEW - Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures - New regulation reflects NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026) which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the offer of supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

Motion Passed: Approval and adoption of updated policies Passed with a motion by Stacy Heldman-Holguin and a second by Mark Maselli.

Yes Diane Ferrucci
Yes Stacy Heldman-Holguin
Yes Mark Maselli
Yes Gethsemane Moss
Yes Sheri Zada

14. ADJOURNMENT

Minutes:

The meeting was adjourned at 10:06pm by President Ferrucci.

RESPECTFULLY SUBMITTED:

Clerk

Secretary