



BENICIA UNIFIED SCHOOL DISTRICT
GOVERNING BOARD

Notice of Regular Meeting

November 19, 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 6:04 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 6:04 p.m.

2. ROLL CALL

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Minutes:

With no public comments for closed session the meeting was adjourned to closed session by President Ferrucci at 6:05 p.m.

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 at 7:04 p.m.

5.1. Report on Closed Session Items

Minutes:

There was nothing to report from closed session.

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>

5.2. Announcement

Quick Summary:

This meeting is recorded for live-streaming and archiving on the District YouTube channel at [youtube.com/c/beniciaunifiedschoolsdistrict](https://www.youtube.com/c/beniciaunifiedschoolsdistrict) 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: BHS ESPORTS 2020-2021

Minutes:

Dr. Young welcomed Rocky Kim, teacher of Digital Media and coach of ESPORTS at Benicia High who explained that this is a new form of engagement for our students that has many benefits i.e. teamwork and abstract thinking, He also shared that it is the fastest growing sport/entertainment industry in the world.

Trustee Zada gave them accolades for bringing this to our students. Trustee Heldman-Holguin added that she is very impressed by the performance of our students and shared that there are now not only scholarships available in this, but also an entire job industry now behind ESPORTS.

9. REPORTS - (NO ACTION REQUIRED)

9.1. Student Reports:

Minutes:

Everyone was happy to welcome the following students to provide our first student report of this school year:

Madison Firle, Benicia High School ASB Vice President provided a report about some of the events that have taken place. One of which was their first virtual ever rally. It was a great experience and most of the student's loved it. For Halloween they did a scavenger in which around 30 people participated and they received some candy and shirts. For Veterans Day they did a video tribute to our Veterans that received great feedback. The also did a Tic Tok spirit week and all of the students had so much fun with that. For November they did and "encouragement" video. Lastly, they did their first ever virtual club fair

Mikayla Molder, ASB President shared about their upcoming events. She began by saying that it has been a hard year to adapt to but they have been finding

ways to make the best of it. Tomorrow they have a "gratitude" video going out with three different questions for students to interact with. They've also had a canned food drive that ends tomorrow. Sources of Strength has a spirit week going on to keep students encouraged and their ongoing Panther Podcast as well as Panther TV since the second week of school. They also had a couple fundraisers taking place one for Athletics' and the second for Band. Lastly, they have a holiday rally coming up as well.

Alice Wells the student rep from Liberty High School share that in spite of the difficult year they still have a lot to be proud about. Starting with the fact that they had a very successful 1st quarter. They had three students graduate early and one of the early graduates will be starting the Spring semester at Lincoln University and HBC college in Missouri. Recently Liberty High has become a pick up location for Food is Free Solano and they are very appreciative to all of the volunteers of this worthy cause. They hope this worthy cause will continue to help and support our Benicia Community. Their Wellness Center has been taking shape with the support of the Solano County Office of Education. Looking forward in December they will hopefully begin looking at community college course and the application process.

President Ferrucci thanked all of the students for all of the effort and energy that they are putting into creating opportunities to engage our students at each of the high schools. It is really important and she is so proud of them to reach out to capture and bring the spirit of high school to all of our students. So thank you on behalf of the board!

9.2. Superintendent Report

Minutes:

Dr. Young kept his comments brief because of the full agenda, but wanted to encourage all to take pause and reflect on the things in our lives that we are thankful for. There is great power in doing that. He just put it out there that if you take some time each day to pause and think of the things that you are grateful for, it has great power and he is very grateful to be your superintendent. This is a terrific school district and we have a really bright future ahead of us.

9.3. Board Reports

Minutes:

Trustee Heldman-Holguin thanked the students for their wonderful report and for the opportunity to see them and hear all that is going on. She also shared that she attended a Facilities Committee meeting and we will be having a facility overview taking place at a Special Board meeting on December 10th. President

Ferrucci, spoke about the weekly COVID call and as we all know Solano County is in the "purple" once again. Trustee Moss thanked the students as well and extended the board support of them in any way that they can.

10. COMMENTS FROM MEMBERS OF THE PUBLIC

Minutes:

After the public comment announcement the following public comments were read into public record by President Ferrucci and Board Clerk Heldman-Holguin:

- 1-Julie Brink, In favor of students returning to school
- 2-Alan Dravland, In favor of keeping our students in distance learning
- 3-Carrie Beard, In favor of students returning to school
- 4-Amber Kelly, advertising the BMS Online Book Fair
- 5-Maria Rodriguez, Questioning the district's steps to address race and equity
- 6-Adela Fernandez, In favor of keeping our students in distance learning
- 7-Leah Wilson, In support of the board's continued careful and thoughtful consideration of when it's best to reopen schools and also the steps the district has taken to address race and equity
- 8-Laura Cohen, Support of board's decision of best timing to reopen school and the steps the district has taken to address race and equity
- 9-Katherine Zilavy, In favor of keeping our students in distance learning
- 10-Sarah Ferrucci, In favor of students returning to school
- 11-Brittany Sapien, In favor of students returning to school
- 12-Krista Heredia, Equity and Inequality the steps the district has taken to address race and equity
- 13-Andrea Rodriguez, In favor of students returning to school
- 14-Lyndsy Jump, In support of the district putting the students, teachers, and staff's health and safety first in regards to going back to in-person school or not and the steps the district has taken to address race and equity

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 the Consent Calendar as presented Passed with a motion by Sheri Zada 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: November 6, 2020, Regular (Virtual) Meeting Minutes

11.2. Approval of Personnel Action List

12. DISCUSSION ITEMS

13. NON-CONSENT ACTION ITEMS

13.1. Consideration and Approval of Solano County SELPA Local Plan

Rationale:

The local education agencies (LEAs) within Solano County join together pursuant to California Education Code (EC) Section 56195.1 to adopt a plan in accordance with EC Section 56205 to assure equal access to special education and services for all eligible persons with disabilities residing in the geographic area served by these agencies, hereafter known as the Solano County Special Education Local Plan Area (Solano County SELPA). In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan.

Minutes:

Dr. Young introduced and welcomed Assistant Superintendent Andrew Ownby to present the Solano County SELPA Local Plan this evening.

Motion Passed: Approval of the revised Solano County SELPA Local Plan Section B: Governance and Administration as presented 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

**13.2. Second Reading and Approval of the Following Board Policy:
BP/AR/E(3)(4) 1312.3 Williams Uniform Complaint Procedures, AR 3231**

Impact Aid, BP/E 4112.9/4212.9/4312.9 - Employee Notifications, BP/AR4113 - Assignment, BP/AR 4119.43/4219.43/4319.43 - Universal Precautions, BP 4151/4251/4351 - Employee Compensation, BP/AR 5145.3 - Nondiscrimination/Harassment, BP/AR 6020 - Parent Involvement, AR 4030 - Nondiscrimination in Employment

Rationale:

Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures - Regulation updated to delete material related to complaints regarding noncompliance with health and safety requirements in a license-exempt CSPP program as such complaints have been moved to BP/AR 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument. Exhibit (3) 1312.3 - Williams Uniform Complaint Procedures - Exhibit presenting example of classroom notice for CSPP health and safety complaints moved to E(1) 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument. Exhibit (4) 1312.3 - Williams Uniform Complaint Procedures - Exhibit presenting a sample complaint form for CSPP health and safety complaints moved to E(2) 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument. Administrative Regulation 3231 - Impact Aid- New regulation addresses requirements of Title VII Impact Aid, which provides assistance to districts with concentrations of children residing on lands owned by the federal government, including Indian lands. Districts with children residing on Indian lands are mandated to adopt policy and procedures with specified components, including, but not limited to, consultation with Indian tribes and parents/guardians of students living on Indian lands in the planning and development of programs and activities supported by Impact Aid. Board Policy 4112.9/4212.9/4312.9 - Employee Notifications - Policy updated to make change for gender neutrality and to revise legal references to reflect corresponding revisions in the Exhibit. Exhibit 4112.9/4212.9/4312.9 - Employee Notifications - Exhibit updates Section I (All Employees) to (1) delete cite to 2 CCR 11024 which does not directly include a sexual harassment notice requirement; (2) indicate that the notification regarding a public hearing on an alternative schedule for secondary grades is addressed in BP 6112 rather than the AR; (3) delete an item regarding the oath or affirmation for disaster service workers since law does not specifically require an employee notification; (4) indicate that the notification regarding AIDS and hepatitis B was moved from AR 4119.43/4219.43/4319.43 to the BP; (5) indicate that the notification of workers' compensation benefits is addressed in AR 4157.1/4257.1/4357.1 rather than the BP; and (6) indicate that the notification regarding the district's nondiscrimination policy and complaint procedures are addressed in AR 4030 rather than the BP. Section II (Certificated Employees) updated to expand legal cites for the reelection notice for probationary employees and broaden the item to apply to districts with less than 250 average daily attendance. Section III (Classified Employees) updated to (1) delete the dismissal notice for merit system districts since the personnel commission establishes dismissal procedures for such districts and the notice is not reflected in policy; (2) add

another legal cite pertaining to the notice of employee drug testing requirements and indicate that the notification is addressed in AR 4112.42/4212.42/4312.42 rather than the BP; and (3) add a requirement to provide school bus drivers with information regarding post-accident procedures. Section V (Individual Employees Under Special Circumstances) updated to indicate that the notice on potential eligibility for workers' compensation benefits is addressed in AR 4157.1/4257.1/4357.1 rather than the BP. Board Policy 4113 - Assignment - Policy updated to reflect NEW LAW (AB 1219, 2019) which requires annual monitoring of the assignment of certificated employees at all schools, and requires the Commission on Teacher Credentialing (CTC) to administer a statewide system that produces an annual data file of vacancies and misassignments and provides districts an opportunity to submit additional evidence that an employee is legally authorized for the assignment. Policy also adds legal requirements to report misassignments in the school accountability report card and to use Williams uniform complaint procedures to address any complaint alleging teacher misassignment or vacancy. Administrative Regulation 4113 - Assignment - Regulation updated to make minor corrections for gender neutrality. Board Policy 4119.43/4219.43/4319.43 - Universal Precautions - Policy updated to include material formerly in the AR on the provision of information to employees regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B and appropriate methods to prevent exposure. Policy also adds optional paragraph regarding the inclusion of related information in employee handbooks. Administrative Regulation 4119.43/4219.43/4319.43 - Universal Precautions - Regulation updated to add a definition of occupational exposure and delete other unnecessary definitions. Section on "Employee Information" moved to BP. Section on "Infection Control Practices" revised to delete detailed requirements that are specifically applicable to employees identified as having occupational exposure, which are addressed in BP/AR 4119.42 - Exposure Control Plan for Blood borne Pathogens, and to delete items with limited applicability in school settings. Board Policy 4151/4251/4351 - Employee Compensation - Policy updated to delete Labor Code citation that is not applicable to public agencies and instead reflect Education Code provisions related to overtime compensation for classified employees. Board Policy 5145.3 - Nondiscrimination/Harassment - Policy updated to reflect law prohibiting discrimination based on medical condition and to reflect NEW LAW (AB 34, 2019) which requires the district, starting in the 2020-21 school year, to post its nondiscrimination policies, and specified state and federal laws regarding discrimination, bullying, and harassment, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Administrative Regulation 5145.3 - Nondiscrimination/Harassment - Regulation updated to reflect NEW LAW (AB 34, 2019) which requires the district, starting in the 2020-21 school year, to post its nondiscrimination policies, specified state and federal laws regarding discrimination, bullying, and harassment, and a link to CDE resources in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Regulation also reflects NEW LAW (AB 711, 2019) which requires the district to update a former student's records upon

receiving government-issued documentation or a written request for a name and/or gender change. Board Policy 6020 - Parent Involvement - Policy updated to reflect the requirements to work with parents/guardians and family members to jointly develop the district's parent involvement policy and to include strategies for family engagement in the local control and accountability plan (LCAP). For districts that receive federal Title IV funding for family engagement programs, policy adds the requirement to inform parents/guardians and organizations of the existence of the program. Policy also contains material formerly in the AR regarding the inclusion of the Title I local educational agency plan into the LCAP and the distribution of the district and school-level parent involvement policies. Administrative Regulation 6020 - Parent Involvement - Regulation updated to revise the section on "District Strategies for Title I Schools," including moving and adding strategies under item #2 to reflect means by which the district may provide coordination, technical assistance, and other support to build school capacity for parent involvement activities, and adding strategies under item #5 to reflect means by which the district may use evaluation findings to design evidence-based strategies for more effective parent/guardian and family involvement. Section on "School-Level Strategies for Title I Schools" revises item #7 to include strategies formerly in section on "District Strategies for Title I Schools." Minor changes made throughout section on "District Strategies for Non-Title I Schools" to more directly reflect law. Administrative Regulation 4030 - Nondiscrimination in Employment - 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 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.

Motion Passed: Approval and adoption of updated policies as presented for second reading 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

13.3. Consideration and Approval of Memorandum of Understanding Between Benicia Unified School District and the Classified School Employees Association Chapter #1096

Rationale:

The Benicia Unified School District (BUSD) and the Classified School Employees Association (CSEA) Chapter #1096 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 CSEA #1096 jointly enter into this Memorandum of Understanding (MOU) for the Health and Safety Protocols for In-Person Learning and Small Group Instruction" 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 and Small Group Instruction during the 2020-21 school year as presented.

Motion Passed: Approval of the Health and Safety Protocols MOU for In-Person Learning and Small Group Instruction during the 2020-21 school year as present Passed with a motion by Stacy Heldman-Holguin and a second by Gethsemane Moss.

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

13.4. Reopening of Schools Plan for In-Person Hybrid Learning

Rationale:

Dr. Leslie Beatson, Assistant Superintendent of Education Services, along with a team of BUSD staff, will report on the plans for returning to in-person learning. The purpose of this report is to provide information about the health and safety measures for students and staff, the models for returning, and the proposed schedules. Recommendation: Board approval to implement the updated in-person hybrid learning models in a phased-in approach after the winter break, provided Solano County remains eligible via the four tier state model.

Presentation

Minutes:

Dr. Young introduced and welcomed the team here tonight to participate in the Reopening of Schools Plan for In-Person Hybrid Learning who has been spending a great deal of time in the planning. Lastly, he reminded everyone that we are charged to follow the state guidance during this time as well as SB98 and he acknowledge the partnership with the teacher's union. With that he introduced Dr. Beatson to begin the presentation.

Trustee Maselli clarified that at this time they are not picking a date of when we will go back, they are simply approving the plan. Dr. Young responded that the eligibility of the Solano County plan would dictate the timeline and with the LEAs being left with the responsibility of the best decision for their district. Trustee asked if we could get feedback on how the 1:1 testing went with the recommended safety protocols in place. President Ferrucci asked if we could also hear from Mrs. Regis or Mrs. Deane speak to how the safety protocols have

been working with for CDU. Mrs. Regis shared that they have not had to close their program for exposure and have followed all recommendation, including temperature twice a day. Regarding taking temperatures of students that return to in person learning the CDC has changed their guidelines and is not required. Trustee Zada pointed out that in the presentation that the parents were to do the screenings, she asked how we would then get that information> Trustee Zada also asked for clarification on PPE for students and staff. Dr. Moss thanked everyone for the presentation and detailed information included. She also asked that if the plan is that there will be as little interruption to the student's education as we move forward. Dr. Beatson explained that we really don't know until we have the numbers of the families' decisions and commitments. President Ferrucci asked if there will be a release of liability as part of the communication that the parents will be receiving. Trustee Heldman-Holguin expressed that tonight's decision would be approval of the plan to move forward. Dr. Young explained that we have a detailed plan that meet the guidelines, pending approval of the MOU with the teacher's union. Dr. Beatson suggested that a color be added to the motion.

Motion Passed: Pending approval of the MOU with the teacher's union, the motion is to approve that we implement the updated in-person hybrid plan and small groups based on the state's eligibility. Meaning that we would have small groups in the "purple" tier and move to hybrid in "red" as soon as possible thereafter in January depending on state eligibility requirements Passed with a motion by Stacy Heldman-Holguin and a second by Gethsemane Moss.

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

13.5. Consideration and Approval of the attached contracts for the positions of Assistant Superintendent of Education Services for Dr. Leslie Beatson and Assistant Superintendent of Human Resources for Dr. Khushwinder Gill

Rationale:

The Board is being asked to approve the two attached contracts for the Assistant Superintendent of Education Services, Dr. Leslie Beatson and the Assistant Superintendent of Human Resources, Dr. Khushwinder Gill.

Motion Passed: Approval of Contracts of Employment 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

13.6. Consideration and Approval of the Early Notification Retirement Incentive

Rationale:

In order to assist the District in planning for the upcoming school year, and to assist the District in recruiting the most highly qualified employees for the 2021-22 school year, the Benicia Unified School District is offering an Early Notification of Retirement Incentive to all certificated and classified employees. The Benicia Unified School District will provide a one-time early notification of retirement bonus of \$1,500 to any full-time certificated or classified employee who notifies the District of their intent to retire their employment effective upon completion of their 2020-21 contracted work year. This bonus applies only to certificated and classified employees who fully retire their employment in writing from the District prior to the deadline of 4:30 PM on Friday, January 15, 2021. Unit members who are employed on a part-time basis will receive a prorated bonus payment (i.e., 60% FTE=\$900). Upon receipt by the Human Resources Department, the letter of intent will become non-revocable.

Motion Passed: Approval of the Early Notification of Retirement Incentive Bonus Passed with a motion by Sheri Zada and a second by Gethsemane Moss.

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

14. ADJOURNMENT

Minutes:

President Ferrucci reminded everyone that we will be having a Special Board meeting on December 10th to share the bond work that has been taking place, wished everyone a Happy Thanksgiving and adjourned the meeting at 9:50 p.m.

RESPECTFULLY SUBMITTED:

Clerk

Secretary