

Board of Education Regular Meeting

November 04, 2021 7:00 PM

Board Room

7810 Arroyo Circle

Gilroy, CA 95020

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

Attendance Taken at 5:30 PM:

Present:

Melissa Aguirre

Enrique Diaz

Tuyen Fiack

Mark Good

Michelle Nelson

James Pace

Linda Piceno

1. CALL TO ORDER

PUBLIC COMMENT ON CLOSED SESSION: Notice is hereby given that a closed session of the Board of Education will be held under the general provisions of Govt. Code Section 54957. This opportunity is provided to allow the public to comment prior to the Board's consideration (Govt. Code Section 54954.3).

2. CLOSED SESSION (5:30 PM)

a. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957[b])

b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957[b]): Superintendent

c. REMOVAL/SUSPENSION/EXPULSION OF A STUDENT (Education Code 428912;20 U.S.C. Section 1232g)# of Cases 5

d. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2)):

e. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9) # of Cases 1

f. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957[a])

3. REGULAR SESSION (7:00 PM)

The meeting was called to order at 7:04 PM, by Board President, Mark Good.

a. Pledge of Allegiance

b. Approval of Agenda

Motion Passed: Passed with a motion by Enrique Diaz and a second by Michelle Nelson.

Yes Melissa Aguirre

Yes Enrique Diaz

Yes Tuyen Fiack

Yes Mark Good

Yes Michelle Nelson

Yes James Pace

Yes Linda Piceno

c. Recognitions

Dr. Flores congratulated Principals, Maricela Rivera of Eliot Elementary and Dianne Padilla, of Mount Madonna High School, for receiving the PBIS Platinum Recognition.

d. General Public Comment

Melanie Corona, Public Information Officer, read the comments into record.

e. Report of Action Taken in Closed Session

The following action was taken in Closed Session:

Item 2c. REMOVAL/SUSPENSION/EXPULSION OF A STUDENT (Education Code 428912;20 U.S.C. Section 1232g)# of Cases 5

Case # 2022-05

Motion: Motion made by Enrique Diaz to expel, and second by James Pace

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-05

Motion: Motion made by Linda Piceno to suspend the expulsion, and second by Enrique Diaz

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-06

Motion: Motion made by Michelle Nelson to expel, and second by Linda Piceno

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-08

Motion: Motion made by Enrique Diaz to expel, and second by Michelle Nelson

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-08

Motion: Motion made James Pace to suspend the expulsion, and second by Enrique Diaz

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson

Yes James Pace
Yes Linda Piceno

Case # 2022-09

Motion: Motion made by Linda Piceno to expel, second by Enrique Diaz

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-09

Motion: Motion made by Enrique Diaz to suspend the expulsion, second by James Pace

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Case # 2022-11

Motion: Motion made by Linda Piceno to approve the stipulated agreement, second by Enrique Diaz

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

Item 2e. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9) # of Cases 1

Case # OAH No. 2021100375

Motion: Motion made to approve the settlement agreement OAH No. 2021100375

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

4. STUDENT BOARD REPRESENTATIVE - Josh Barnson, Gilroy High School

Josh Barnson, Student Board Representative of Gilroy High School (GHS), reported on both El Roble Elementary and Gilroy High School:

El Roble Elementary School:

- El Roble hosted a Trunk or Treat for families of the school. They also had a pumpkin carving contest.
- They had character development and social emotional lessons, which included social emotional lessons and class lessons with school counselors.
- The 4th grade students held an outdoor puppet show; they invited other grades to watch the performance.

Gilroy High School:

- The senior parking spot painting took place on September 11-12.

- A student representative from Gilroy High School met virtually with three of the Takko Machi students; they discussed everyday lives as well as the pandemic.
- Students held the ASB and class officer elections on September 17.
- The Academic Coordinators and other administrators met with the students to talk about graduation requirements and senior activities.
- Club Rush took place on October 8.
- On October 8 at the football game, students had the pink out for Breast Cancer Awareness.
- On October 11-November 12, students are collecting canned goods for the Canned Food Drive.
- The Gilroy High School Choir performed on October 13 and 14 and the Solorsano choir also performed on these dates.
- October 8-13 was Homecoming Week. The students had several activities including spirit week.
- October 18-22, students had the parade float building, the theme was "monsters". The freshmen chose witches and warlocks, the sophomores chose vampires, the juniors chose zombies, and the seniors chose ghosts.
- The Homecoming Rally took place on October 22.
- The Homecoming Parade took place on October 22, with football, cheer, and the class floats being the center of attention.
- On that same evening, they had the halftime show. The dance class performed, the cheerleaders did a routine, and the marching band performed. Following these performances, they crowned the homecoming king & queen.
- Students did Treats for Troops on November 1-11, 2021.
- Winter sports began on November 1.
- They had sports senior night, including volleyball, water polo, field hockey, tennis and cross-country.
- Upcoming Events-
 - Veterans Day, November 1
 - Week of Thanks, November 15-19
 - Thanksgiving Vacation, November 21-27

5. SUPERINTENDENT'S REPORT - Dr. Deborah Flores

Superintendent, Dr. Deborah Flores, reported on the following:

- Dr. Flores attended the South County Annex Ribbon Cutting Ceremony on October 22. When ADB was closed, GUSD entered into a joint agreement with the Santa Clara County Office of Education (SCCOE). SCCOE has been using the facility however, during the shut down, it was minimally used, and now it is up and running.
- Dr. Flores participated in the monthly Facilities Subcommittee meeting on October 22.
- On October 22, she also participated in the I.T. Committee meeting, which has been meeting every other Friday.
- Dr. Flores attended the Gilroy High School Homecoming Parade, on October 22. She said she always loves attending this event, and has attended every year.
- On October 26, the COVID Vaccine Booster shot became available; she shared information on where to find clinics.
- October 27, the formal GTA negotiations began.
- Dr. Flores and Trustee Tuyen Fiack, attended the SCCOE Teacher of the Year event on October 28. Dr. Flores said she was proud of the staff- five GUSD teachers were recognized at this event.
- Dr. Flores, along with Trustees Mark Good, and Linda Piceno, have a monthly meeting with the Mayor and the City Administrator. Dr. Flores said these are very productive and they share interests and concerns with each other.
- For the first time in two years, the district office staff had a potluck on October 29. The potluck was outdoors and each department had their own theme. Dr. Flores said it was a huge success to be able to have an event again in person, while wearing masks and being outdoors.

- On November 2, Dr. Flores decided to host a COVID Vaccine Clinic with the Public Health Department. This clinic was just for the GUSD staff. She said she was really proud of this event where 137 people came, and either received a booster or their first or second shot. Dr. Flores said the district might host an event again.
- Dr. Flores attended a meeting on November 4. This meeting was led by Mark Turner, CEO of the Chamber. Before the shutdown, the Chamber was leading a Community Vision process. Dr. Flores said she really appreciated that they included the GUSD in the visioning process. They will be meeting at least two times, perhaps even more. The group acknowledged that because of the pandemic they need to make modifications to the document.
- Dr. Flores wanted to highlight the two APS visits. The team visited Brownell on November 2, and Eliot Elementary on November 4. She said it was great seeing the teachers address so many things at Brownell e.g. using the new View Boards and implementing new curriculum. At Eliot, she said she could have spent an hour with the new music teacher. Dr. Flores said it was the best elementary music teacher she had ever seen.
- There are three upcoming APS visits- South Valley on November 9, El Roble on November 16, and Solorsano on November 17.
- Dr. Flores said she wanted to highlight that Sonia Flores & Ana Benich were in Washington DC, attending the National Blue Ribbon Schools Ceremony. Sonia Flores also received the Terrel H. Bell Award; she was one of eight in the Nation to receive this award.

6. CONSENT AGENDA

Motion Passed: Passed with a motion by Linda Piceno and a second by Michelle Nelson.

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

a. Personnel Items

b. Approval of October 21, 2021 Board Meeting Minutes

c. NEW Agreement between Gilroy Unified School District and Davis Demographics for Mandated Review of Board Trustee Areas Using U.S. Census 2020 Data (not to exceed \$20,400)

d. NEW Service Agreement with Ponzuric Learning Solutions for the 2021-2022 School Year (not to exceed \$18,000)

e. NEW Memorandum Understanding (MOU) with Morgan Autism Center for the 2021-2022 School Year (not to exceed \$20,000)

f. RENEWAL Memorandum of Understanding (MOU) Between California State University Preparation Program (CalStateTEACH) and Gilroy Unified School District for Students with Intern Credential

g. RENEWAL Memorandum of Understanding (MOU) Between California State University Preparation Program (CalStateTEACH) and Gilroy Unified School District for Student Teaching (\$0)

h. Williams/Valenzuela Settlement Quarterly Uniform Complaint Report for July 1, 2021 through September 30, 2021 (Consent Item)

7. ACTION/INFORMATION ITEMS

a. Gilroy Unified School District Professional Development Report

Dr. Deb Padilla, Director of Educational Services, Secondary and Kathleen Kiermann, Director of Educational Services, Elementary, presented the following information:

- They shared the [Professional Development presentation](#).

- The presentation focused mainly on the professional development of teachers which is linked to the learning of all students. With the understanding that the better prepared the teachers are, the better the education the students will receive.
- Professional development is informed by data, state and federal requirements related to funding, laws and policies, input and feedback from stakeholders, external and internal program evaluation, and staff development standards.
- The district does have federal funding sources. As a condition and component, GUSD is required to provide professional development.
- They shared examples of a professional development schedule, as well as the after school/summer professional development.
- When thinking about professional development continuous improvement drives what staff is trying to do. Classroom practices are looked at, and being able to support staff and implement the information. When impact is mentioned it is not just student learning, there are many different ways to measure the impact and feedback collected by the participants.

b. BP 4119.44: Vaccination Requirement for District Employees and Other Individuals Who Perform In-Person Work for the District

Dr. Deborah Flores, Superintendent shared the following information:

- Dr. Flores began by saying that she wanted to clear up some confusion. The agenda item pertains to a vaccination mandate for staff not students. This is stated very clearly in the posted agenda and in the staff briefing.
- The Governor announced his plan to implement a mandate for students. Staff do not know when that will go into effect, which is at the state level not at this evening's meeting.
- At the last meeting on October 21, at the end of the discussion, staff was asked to prepare an item for this meeting.
- In the Board packet and in the agenda that was posted on the website is proposed Board Policy 4119.44, called COVID Vaccination Requirement.
- Additionally attached in the packet was a letter that Dr. Flores is proposing to send to staff if the Board approves the mandate and a number of forms as well.
- If the Board chooses to approve this board policy and a vaccine mandate for staff, staff is recommending that the policy go into effect on July 1 instead of January 1.
- Dr. Paul Winslow said this is a new policy based on the Board's requests; the information that was shared, is part of the research that was done by him.

Dr. Winslow talked about the major elements of the Board Policy.

- The first page establishes why the Board is seeking a requirement that staff be vaccinated and provide documentation. In addition, as mentioned in the last Board meeting, the idea of what is called exemptions as accommodations, for medical reasons as well as religious beliefs. What staff has done is provide the Board forms that Human Resources would use and would meet with the employee one-on-one to discuss exemptions.
- The Board discussed the document at length and accepted the Board Policy with the proposed amendments:
 - Adding the terms "Affected Parties"
 - Striking the language in paragraph four, "within 30 calendar days of the Board's action."
 - On Page 2. Changing the date to "July 1, 2022" and adding the sentence, "This information must be provided to the Assistant Superintendent of Human Resources by July 1, 2022." At the end of the same paragraph add, "(i.e., all new hires and new contractors who begin after the effective date of this policy) must provide vaccination records by January 1, 2022."

Motion Passed: It is recommended that the Board provide direction to staff regarding Board Policy 4119.44 COVID-19 Vaccination Requirement for District Employees and Other Individuals Who Perform In-Person Work for the District. Passed with a motion by Linda Piceno and a second by Michelle Nelson.

Yes Melissa Aguirre
No Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

c. INCREASE of Service Agreement with Adriana San Millan School Psychology and Special Education Services, LLC for the 2021-2022 School Year (an increase of \$350,000 and not to exceed \$400,000)

Anna Pulido, Director of Student Services, presented the following information:

- This item will be paid for out of one-time funds.
- This agreement is to provide learning recovery support, based on pupils with exceptional needs.

Motion Passed: Approval of the service agreement with Adriana San Millan School Psychology & Special Education Services, LLC and the Gilroy Unified School District is recommended. Passed with a motion by James Pace and a second by Michelle Nelson.

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

d. INCREASE of Service Agreement with Ed Theory for the 2021-2022 School Year (an increase of \$125,280 and not to exceed \$254,736)

Anna Pulido, Director of Student Services, presented the following information:

- This contract is to provide a teacher to cover the classroom that needed to be opened.

Motion Passed: Approval of the service agreement with Ed Theory and the Gilroy Unified School District is recommended. Passed with a motion by Michelle Nelson and a second by Linda Piceno.

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace
Yes Linda Piceno

e. Board Policy Revisions (September 2021): Second Reading

Dr. Deborah Flores, Superintendent, presented the following:

- At the October 21 Board Meeting, these changes were presented as a first reading. At this time, Dr. Flores asked the Board if they had any questions regarding the changes, if not at that time to send them to her before the next meeting. No changes were received.

Motion Passed: Board approval is recommended of the September 2021 Updates to Board Policies. Passed with a motion by James Pace and a second by Linda Piceno.

Yes Melissa Aguirre
Yes Enrique Diaz
Yes Tuyen Fiack
Yes Mark Good
Yes Michelle Nelson
Yes James Pace

Yes Linda Piceno

8. BOARD MEMBER REPORTS

No Board Member reports were given.

9. UPCOMING AND NEW/REFERRAL AGENDA ITEMS

Trustee Michelle Nelson asked about the return of the contract amendment for Earth Systems (8d.), from the previous meeting.

Dr. Flores said it would be on the upcoming meeting's agenda (November 18).

10. ANNOUNCEMENTS

If necessary, the Board will adjourn to closed session to continue the discussion of items in Section 2 above.

11. ADJOURNMENT

The meeting adjourned at 9:16 PM.

Superintendent