



BOARD OF TRUSTEES: Robert Garcia, Matthew Gordon, Dr. Fermín Jaramillo, Dayna Karsch, and April McAllaster

BOARD OF TRUSTEES

MINUTES

Thursday, May 30, 2024, 6:30 p.m.

Members Present at Roll Call:	Mr. Garcia, Mr. Gordon, Dr. Jaramillo, Ms. Karsch, and Ms. McAllaster
Others Present:	Ms. Sprague, Ms. Rowland, Mr. Clafin, and Ms. Tavalazzi

1. **Call to Order**

In honor of Shrey Parekh, Spelling Bee champion, President McAllaster called the meeting to order at 6:30 p.m. All members were present. President McAllaster announced that all open sessions of the board meeting are audio-recorded and may capture the sounds of those participating in the meeting. President McAllaster asked those participating in the meeting to join in the Pledge of Allegiance.

2. **Public Comment on Agenda Items**

Pursuant to Board Policy 9324, Board Minutes and Recordings: "The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address."

A. Comments on agenda items:

- David Palmer commented regarding litigation.
- Rita Loof commented regarding litigation and due process.
- Mrs. Arias commented regarding litigation related to special education.

3. **Review / Adopt Agenda and Minutes**

The Board of Trustees adopted the agenda as presented on a motion by Member Karsch, seconded by Member Garcia, and carried by a unanimous vote with all members present voting yes.

A. The Board of Trustees adopted the minutes of the regular meeting held May 9, 2024, as presented, on a motion by Member Gordon, seconded by Member Jaramillo, and carried by a unanimous vote with all members present voting yes.

4. **Recognition**

A. Mark Gossage, Teacher at Day Creek Intermediate School, presented the student winners of the School Newspapers Online Distinguished Site award for the school newspaper, *The Day Creek Howl*.

- Board members congratulated the students for the distinguished site award and for all their hard work.

5. **Closed Session**

The Board of Trustees adjourned to Closed Session at 7:00 p.m. to discuss item A.

A. Challenge to Student Record (Pursuant to Education Code section 49070)
Case # PS 2023-24 - 01

6. **Reconvene to Open Session**

The Board of Trustees returned to Open Session at 8:43 p.m.

A. In closed session, the Board considered an appeal of the Superintendent's designee's decision to deny the parents' request to expunge a student record in its entirety pursuant to a student's records challenge brought pursuant to Education Code 49070, on behalf of student Case No. PS 2023-24-01 by a vote of 5 to 0. The Board voted to uphold the decision of the Superintendent's designee and deny the record challenge.

The challenged record will remain unchanged. The Board asks Jeannie Tavalazzi, Assistant Superintendent of Instruction/Pupil Services to notify the student's parents, in writing, of the Board's decision

- The board has also directed the Superintendent's designee to discuss other options to address the parent's concerns.

7. **Instruction**

A. After discussion, the Board of Trustees took action to approve the draft 2024-25 Professional Development Plan as presented, on a motion by Member Jaramillo, seconded by Member Garcia, and carried by a unanimous vote with all members present voting yes.

- Board members expressed their gratitude for the dedication and effort put into the teacher induction program.

President McAllaster asked for a recess at 8:56 p.m.

7. **Instruction (continued)**

The Board returned to open session at 9:16 PM

President McAllaster asked for a motion to amend the agenda to postpone the public hearing on the proposed 2024-25 Local Control & Accountability Plan (LCAP). On a motion by Member Karsch, seconded by Member Gordon and carried by a unanimous vote with all members present voting yes.

B. ~~Public Hearing pertaining to the adoption of the proposed 2024-25 Local Control & Accountability Plan (LCAP).~~

- ~~1. Presentation by Justin Kooyman, Director of Instruction.~~
- ~~2. Open public hearing.~~
- ~~3. Call for comments.~~
- ~~4. Close public hearing.~~
- ~~5. Discussion related to the 2024-25 LCAP.~~

8. **Business and Legal**

A. After discussion, the Board took action to approve the annual Declaration of Need for Fully Qualified Educators for the 2024-2025 school year, pursuant to the requirement established by the State of California Commission on Teacher Credentialing as presented, on a motion by Member Gordon, seconded by Member Garcia, and carried by a unanimous vote with all members present voting yes.

B. After discussion, the Board of Trustees took action to award the demolition bid to IDR Demolition in the total amount of \$495,000.00 as presented on a motion by Member Jaramillo, seconded by Member Karsch, and carried by a unanimous vote with all members present voting yes.

➤ Board members discussed the bids and budget, and were happy to see some preservation of history.

C. Michael Mancuso, Director of Fiscal Services, presented the Etiwanda School District's proposed budget for the 2024-25 fiscal year. President McAllaster opened the public hearing regarding the 2024-25 proposed Budget of the Etiwanda School District and called for comments. After hearing no comments, President McAllaster closed the public hearing. No action taken.

➤ Board members discussed the declining student enrollment and a slight increase in COLA.

9. **Superintendent**

A. Superintendent Sprague recognized and congratulated Member Karsch for completing the California School Boards Association's Master in Governance Program.

10. **Consent Calendar**

The Board of Trustees approved the Consent Calendar as presented on a motion by Member Gordon, seconded by Member Karsch, and carried by a unanimous vote with all members present voting yes.

A. Approval of the personnel report, which includes appointment, employment, contract renewal, assignment, committee on assignment, transfer, promotion, demotion, resignation, retirement, leave, out-of-class pay, termination, non-reelect, suspension, release of service, release of administrative assignment and/or any other action affecting employment status.

B. The Governing Board, acting as the legislative body for Community Facilities District (CFD) numbers 4, 5, 6, 7, 8, 9, 10, Rancho Etiwanda, Silver Ridge, Coyote Canyon, Henderson Creek, Victoria Gardens & Day Creek Square, ratifies the CFD expenditures for the period April 1 - 30, 2024, per the CFD Payment Log.

C. Approval of the declaration that miscellaneous items of district property are less than \$2,500 in value per item, are obsolete and unusable, and will be sold as surplus property, donated to eligible nonprofit organizations, or disposed.

D. Acknowledgement by the Governing Board of the Etiwanda School District of the receipt of letters of fingerprint certification from outside contractors verifying clearance of their employees.

E. Approval of the following donations:

Donated by:	Donation of:	Donated to:
Friends of Lightfoot PTO	Cash	Carleton P. Lightfoot ES
Triple Decker Enterprises, Inc.	Cash	Caryn ES
Box Tops for Education	Cash	Caryn ES
Josie Harris	Cash	Caryn ES
Polaris Education Foundation	Cash	Day Creek IS
Box Tops for Education	Cash	East Heritage ES
The Blackburn Giving Fund-Sempra Foundation	Cash	Falcon Ridge ES

10. Consent Calendar (continued)

Sandy Hook Promise Foundation	Cash	Heritage IS
Terra Vista PTA	Cash	Terra Vista ES

F. Approval/Ratification for Contracted Services between Etiwanda School District and the following outside Contractors:

	Consultant/ Contractor/Presenter	Contract Number	Type of Service	Location of Service
1	Bio-Acoustical Corporation	AS053024A-01	Vision and hearing screening	Etiwanda School District
2	Heinemann	JJ053024A-02	Professional development	Etiwanda School District
3	San Bernardino County Superintendent of Schools	JJ053024R-03	Professional development	Etiwanda School District
4	San Bernardino County Superintendent of Schools	JJ053024A-04	Professional development	Etiwanda School District
5	John R. Byerly, Inc.	ML053024R-01	Geotechnical engineering	Etiwanda Operations Center/Transportation Yard
6	Everest Environmental	ML053024R-02	Water pollution control	Grapeland ES
7	Everest Environmental	ML053024R-03	Water pollution control	Etiwanda Operations Center
8	The Law Office of Margaret A. Chidester & Associates	MS053024A-01	Legal services	Etiwanda School District
9	School Services of California, Inc.	MS053024R-02	Consulting services	Etiwanda School District
10	San Bernardino County Superintendent of Schools	NR053024R-01 Agreement #24/25-0011	Courier services	Etiwanda School District
11	Lawnscape Systems, Inc.	RC053024R-01	Slope hand weeding	Colony ES Caryn ES Golden ES Day Creek IS
12	Western Exterminator Company	RC053024R-02	Rodent treatment	Grapeland ES
13	All City Management Services, Inc.	RC053024R-03	Crossing guard services	Etiwanda School District
14	US Landscape, Inc.	SA053024R-01	Aeration and amending	Caryn ES
15	Guaranteed Janitorial Services, Inc.	CC053024R-02	Janitorial services	East Heritage ES Heritage IS
16	North & Nash, A Professional Law Corporation	MS053024A-03	Legal services	Etiwanda School District

G. Approval/Ratification of Proposal and Field Contract services under \$60,000 between Etiwanda School District and the following Contractors:

	Consultant/ Contractor	Contract Number	Type of Service	Location of Service
1	Brown Friendly Island Concrete	ML053024R-04	Pour new concrete pad	Windrows ES
2	USA Shade	SA053024R-02	Fabric replacement	Summit IS
3	Acclaimed Electrical Services	SA053024R-03	Installation of outlets	Windrows ES
4	Owen Electric	SA053024R-04	Parking lot lighting fixtures	C.P. Lightfoot ES

10. Consent Calendar (continued)

5	Owen Electric	SA053024R-05	Parking lot lighting fixtures	Windrows ES
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H. Approval of Amendments/Change Orders/Extension:

	Vendor / Project	Amendment/ Change Order Number/ Extension	Original Contract Date or Dollar Amount	New Contract Date or Dollar Amount
1	Guaranteed Janitorial Services, Inc.	CC053024A-01 Amendment #1	\$6,000.00	\$13,000.00
2	Lawnscape Systems, Inc.	RC053024A-04 Amendment #2	\$86,103.12	\$102,641.18

I. Approval of revisions and/or deletions to the following Board Policies (BP), Administrative Regulations (AR), and/or Exhibits (EX):

BP 500	Accountability
BP 520	Intervention in Underperforming Schools
BP 1431	Waivers
BP 5131.9	Academic Honesty
BP 5141.33	Head Lice
BP 6146.5	Intermediate School Promotion Requirements
BP 6162.5	Student Assessment
BP 6170.1	Transitional Kindergarten
BP 9320	Meetings and Notices

J. Approval to destroy inactive special education confidential files for 2019-2020 school year. The records have been scanned and will be retained in electronic format. The copies of these Class 1 (permanent) records have been retained for the legal period of time as per Article 2, Section 16023, of Article 5, California Administrative Code:

Class	Record Title	Required Hard Copy Retention	Dates Covered	Hard Copy Retention-Media Retention
2 & 3	Inactive Special Education Confidential Files	4 years	July 2019 through June 2020	4 years - permanent

K. Approval of Addendum to add Amergis Healthcare Staffing (formerly Maxim Healthcare Staffing) consultant Alyssa Leyva for April 30, 2024, & May 1, 2024, and consultant Noah Gutierrez for May 10, 2024, & May 11, 2024. Agreement terms and rates will remain the same.

L. Approval of the West End Special Education Plan Section A, B, D, E, and attachments.

11. Public Comment on Non-Agenda Items

Pursuant to Board Policy 9324, Board Minutes and Recordings: "The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address."

- A. Comments on non-agenda items:
 - Ana Salvatierra commented regarding special education.
 - President McAllaster asked for Superintendent Sprague to direct staff to follow up on Ms. Salvatierra's IEP comments.

12. Board / Staff Comments or Suggested Items for Discussion at Upcoming Meetings

- Member Jaramillo attended and enjoyed the promotion ceremony at Summit Intermediate.
- Member McAllaster and Member Gordon attended the promotion ceremony at Heritage Intermediate and commented on the great job they did.

13. Closed Session

The Board of Trustees adjourned to Closed Session at 9:52 p.m.

- A. Public Employee Discipline/Dismissal/Release/Non-reelect. (Government Code 54957)
- B. Anticipated Litigation – Conference with legal counsel: Government Code section 54954.5 (C) and 54956.9 (d)(2): one possible case (May 3 request pursuant to Government Code section 54960.1)
- C. Pending Litigation – Conference with property/liability negotiator (Government Code section 54956.9(d)(1)): one case (CIV SB 2305087). District property/liability negotiator: Doug Clafin, Assistant Superintendent of Business Services.

13. Closed Session (continued)

- D. Public Employee Performance Evaluation: Superintendent (Government Code 54957)
- E. Liability Claim (Government Code 54956.95)
Claimant: PL2324-09 E.G. for B.G.

14. Reconvene to Open Session

The Board of Trustees reconvened into Open Session at 10:45 p.m.
The Board of Trustees took action to extend the board meeting time to 11:30 p.m. on a motion by Karsch, seconded by Member Garcia, and carried by a unanimous vote with all members present voting yes.

- A. No action taken.
- B. No action taken.
- C. No action taken.
- D. No action taken.
- E. In Closed Session, the Board of Trustees took action to deny the claim filed for the minor, B.G., against the Etiwanda School District. Claim No PL2324-09, on a motion by Member Karsch, seconded by Member Gordon, and carried by a unanimous vote with all members present voting yes.

President McAllaster announced that new dates will be set for the two public hearings concerning the proposed 2024-25 Local Control and Accountability Plan (LCAP) and the proposed 2024-25 budget for the Etiwanda School District. These hearings will be scheduled to take place concurrently. After discussion, the Board of Trustees approved rescheduling the proposed 2024-25 LCAP and the proposed 2024-25 Budget public hearings on a motion by Member Jaramillo, seconded by Member Garcia and carried by a unanimous vote with all members present voting yes.

15. Business and Legal

- A. Discussion and action regarding the May 3, 2024, request by Catherine Lara pursuant to Government Code section 54960.1 requesting that the Board cure and correct alleged Brown Act violations. The Board will discuss the request and possible actions which will include:
 - a. Cure and correct alleged Brown Act violations.
 - b. Direct the Superintendent to respond to Ms. Lara the District's position in response to the allegations.
 - c. Amend BP 6159 Individualized Education Program to insert the following language: *“In the exercise of the Superintendent's delegated authority to provide special education services to the students of the District, the Superintendent shall bring all decisions to appeal special education due process proceedings for Board approval prior to filing the appeal, or if prior approval is impracticable, then shall bring the decision to the Board for ratification at the next regularly scheduled meeting;”* and inform Ms. Lara that the Board unconditionally will cease, desist and not repeat the practice of filing special education appeals without following the aforementioned policy language.

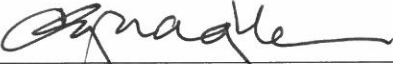
District investigation did not reveal any Brown Act violations. The Board never consulted about, considered, or received information about the IEP, the renewal of the IEP, or about the OAH or the District Court proceedings designed to secure the renewal of the IEP. The Superintendent acted within delegated authority under board policies and administrative regulations to ensure proper IEP renewals, including initiating due process proceedings and an appeal. The Board is required to respond to the demand to cure and correct within 30 days, either by correcting the actions or informing Ms. Lara of the decision not to correct them.

- The Board discussed the allegation of a Brown Act violation and shared that the matter was not discussed or voted on in closed session and, as a result, was not shared in open session. Members shared that they did not agree with the option to cure and correct. The Board agreed that the staff prides itself on its ability to do what is best for children and that the Board delegated the relevant authority to the Superintendent.

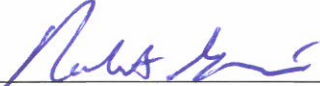
Member Gordon motioned to have the Superintendent or her designee send a response to Ms. Lara denying her demand to cure and correct the inaccurate and untimely allegations and further moved to direct the Superintendent to conduct a legal review to determine if district policies and procedures are aligned with the board vision of providing special education services. This was seconded by Member Garcia and carried by a unanimous vote, with all members present voting yes.

16. Adjournment

The meeting was adjourned at 11:02 p.m. on a motion by Member Karsch, seconded by Member Gordon, and carried by a unanimous vote with all members present voting yes.



Respectfully Submitted



Adopted