



**POWAY UNIFIED SCHOOL DISTRICT  
MINUTES OF THE BOARD OF EDUCATION  
AT A REGULAR MEETING**

**April 19, 2018**  
District Office Community Room

**CLOSED SESSION**

Board President T.J. Zane called the meeting to order at 4:04 p.m. to receive public comment on the closed session agenda items. There were no public comments, and all Board members convened to closed session in the Board Conference Room. The closed session was adjourned at 5:56 p.m., and Board members reconvened in the Community Room to begin their regular meeting and relay any reportable action taken during closed session.

**REGULAR MEETING**

**1.0 CALL TO ORDER – PUBLIC SESSION**

Board President Zane cited Government Code Section 54954.2(3)(d)(2) and stated that the Board has been advised of certain developments related to the litigation matter entitled Poway Unified School District v. John P. Collins, which came to the District's attention after the agenda was posted and requires immediate action by the Board. In order for the Board to add this item to the agenda 2/3 of the Board must vote in favor. On a motion by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the Board of Education voted to add PUSD v. John P. Collins to the closed session agenda with Legal Counsel: Maribel Medina. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

**2.0 CLOSED SESSION**

- 2.1** Pending/Existing Litigation Pursuant to Government Codes 54956.9(a), 54956.9(d)(2), and 4956.9(d)(1)
- a.** **Name of Case:** No. # 37-2017-00040148-CU-MC-CTL  
Legal Counsel: Randall Winet
  - b.** **Name of Case:** Claim #TC-17-36  
Legal Counsel: Dennis Walsh
  - c.** **Case No.** OAH2017120001, **Case No.** OAH2017111001 and 2017100316,  
**Case No.** OAH2017110281 and 2017110791

*Per item 1.0 the following item was added to closed session.*

**Name of Case:** Poway Unified School District v. John P. Collins  
**Legal Counsel:** Maribel Medina

- 2.2** Conference with Legal Counsel Anticipated Litigation Pursuant to Government Code 54956.9, 54956.9(d)(2), and 54956.9(d)(4)
- 2.3** Pupil Personnel – Student Expulsion(s), Disciplinary Matter(s), and Other Confidential Student Matters Pursuant to Education Code 48900(c)
- 2.4** Negotiations – PFT, PSEA Unit I and Unit II, Management/Confidential, and Real Property

Pursuant to Government Codes 54957.6, and 54956.8, 54956.9(d)(2) and 54956.1(a)(3)(A)

**a. Agent Negotiator: James Jimenez**

- Tentative Settlement Agreement – PFT 2016-2017 and 2017-2018
- SERP Financial Savings Analysis Report – March 26, 2018

**b. Approval of Settlement Agreement Between Poway Unified School District and Poway School Employees Association**

2.5 Public Employee Discipline/Dismissal/Release/Reassignment/Resignation/Nonelection Pursuant to Government Codes 54954.5(e), and 54957

2.6 Public Employee Appointment/Employment Pursuant to Government Code 54957

**3.0 RECONVENE / CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

3.1 Board President T.J. Zane reconvened the meeting in Public Session at 6:04 p.m. and led the salute to the flag.

**3.2 Report Out of Closed Session**

*Per item 1.0 the following item was added to closed session on April 19, 2018 at 4:04 p.m.:*

Clerk Sellers reported that in the matter of Poway Unified School District v. John P. Collins, there was no reportable action.

2.1-A: Clerk Sellers reported that in the matter of Pending/Existing Litigation, Case No. 37-2017-00040148-CU-MC-CTL, this item was pulled from closed session.

2.1-C-1: Clerk Sellers reported that in the matter of Pending/Existing Litigation, on a motion by Ms. O'Connor-Ratcliff and a second by Mrs. Beatty, the Board voted to approve the settlement for Case No. OAH2017120001. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

2.1-C-2: Clerk Sellers reported that in the matter of Pending/Existing Litigation, on a motion by Ms. O'Connor-Ratcliff and a second by Mrs. Beatty, the Board voted to approve the settlement for Case No. OAH2017111001 and 20171100316. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

2.1-C-3: Clerk Sellers reported that in the matter of Pending/Existing Litigation, on a motion by Ms. O'Connor-Ratcliff and a second by Mrs. Beatty, the Board voted to approve the settlement for Case No. OAH2017110281 and 2017110791. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

2.4-B: Clerk Sellers reported that in the matter of Negotiations, Approval of Settlement Agreement Between Poway Unified School District and Poway School Employees Association, on a motion by Ms. O'Connor-Ratcliff and a second by Dr. Patel, the Board voted to approve the settlement between Poway Unified School District and PSEA Unit 1 for agency fees owed to PSEA Unit 1 in the sum of \$12,500. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

There was no other reportable action taken in closed session.

**3.3 Members in Attendance**

All Board members were in attendance; Student Board Member Shaina Mishra was absent.

### **3.4 Welcome to Public**

Mrs. Beatty welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting.

### **3.5 Approval of Agenda/Sequence**

On a motion by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the agenda/sequence was approved as presented with the exception of item 8.3 which was pulled from the agenda by staff. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

### **3.6 Approval of Board Budget Workshop and Special Board of Education Meeting Dates**

On a motion by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the April 24, 2018, Special Board Meeting Budget Workshop and June 5, 2018, Special Board Meeting dates were approved as presented. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

## **4.0 ORAL PRESENTATIONS**

### **4.1 Student Board Representatives**

Student Board representatives Sean Fallon from Poway High School, Sydney Roberts from Rancho Bernardo High School, and Adrienne McWilliams from Westview High School, reported on events and activities at their respective schools.

### **4.2 Public Comments**

Individuals wishing to address the Board regarding an item on the agenda or items of specific concern, may do so at this time. Speakers are limited to (3) three minutes, (15) fifteen minutes per topic. Times may be shortened or extended at the direction of the Board. Speakers are requested to submit a speaker slip to the Clerk of the Board prior to the start of the meeting.

Public Comments:

- Paul Lebidine spoke regarding school safety using our current school security staff.
- Tovah Terranova spoke regarding school safety and building a task force for consistency.
- Nichole Parks spoke about school safety and requested the hiring of more school counselors.
- Steve DeMatteo spoke about middle school son's safety.
- Stephan Abrams requested more school counselors for student mental health.
- Doreen Hom spoke against the facilities use increase.
- Ian Han spoke against the facilities use increase.
- Scott Rings spoke about concerns regarding PUSD staff.
- Gabriel Dow spoke about RBHS Robotics, school safety, and Board Member concerns.

### **4.3 College Bound Program**

This item was a presentation and information only.

## **5.0 CONSENT CALENDAR**

### **5.1 Approval of Consent Calendar**

- a. Approval of Minutes

### **5.2 Consent Calendar - Business Support Services**

- a. Approval/Ratification of Contractual Services Report No. 09-2018
- b. Ratification of District Purchase Orders, Revolving Cash Fund Expenditures, and Purchase Card Transactions
- c. Approval of Resolution No. 46-2018 Entitled “Acknowledgement of School Bus Drivers’ Day – April 24, 2018”
- d. Approval of Resolution No. 43-2018 Entitled “Authorize the Purchase of Roofing Materials from Tremco Roofing Supply Through the Contract Awarded by Region 4 Education Service Center and Administered by National Intergovernmental Purchasing Alliance Company (National IPA)”
- e. Approval of Resolution No. 50-2018 Entitled “Authorization to Purchase Synthetic Turf for Westview High School Through the California Multiple Award Schedule (CMAS) Contract”
- f. Authorize use of the Competitive Negotiations Process to Identify a Potential Supplier for Web Application Security
- g. Approval of Resolution No. 51-2018 Entitled “Authorization to Purchase ‘Contentkeeper’ Through the California Multiple Award Schedule (CMAS) Contract”
- h. Approval of Resolution No. 53-2018 Entitled “Acknowledgement of School Lunch Hero Day on May 4, 2018, and School Nutrition Employee Week – May 7-11, 2018”
- i. Approval of Resolution No. 56-2018 Entitled “Authorize the Purchase of Computer Systems, Related Equipment, and Services Through the Contract Administered by the National Cooperative Purchasing Alliance (NCPA)”
- j. Approval of District Architectural Services Pool
- k. Approval of Resolution No. 57-2018 Entitled “Authorization to Purchase Track Surface Material for Poway High School Through the California Multiple Award Schedule (CMAS) Contract”
- l. Award a Contract for Bid No. 2017-B14 Purchase of School Buses to Bus West

### **5.3 Consent Calendar - Learning Support Services**

- a. Approval of Local Plan and San Diego County Office of Education Plan for Serving Expelled Pupils 2018-2021

- b. Approval/Ratification of Out-of-State Field Trips

**5.4 Consent Calendar - Personnel Support Services**

- a. Approval of Certificated Personnel Report No. 09-2018
- b. Approval of Classified Personnel Report No. 09-2018
- c. Approval of the Williams Settlement Quarterly Report for March 2018
- d. Approval of Resolution No. 45-2018 Entitled “Acknowledgement of National PTA Teacher Appreciation Week – May 7-11, 2018”
- e. Approval of Resolution No. 48-2018 Entitled “Acknowledgement of California Classified School Employee Week – May 20-26, 2018”

**5.5 Consent Calendar - Technology and Innovation**

**5.6 Consent Calendar – Superintendent**

- a. Acceptance of Gifts

On a motion by Dr. Patel, and a second by Ms. O’Connor-Ratcliff, the Consent Calendar was approved as presented with the exception of items 5.2(a), 5.2(b), and 5.4(a) that were pulled for further discussion. *Ayes: Zane, Patel, Sellers, Beatty, and O’Connor-Ratcliff. Motion carried unanimously, 5-0.*

*Items 5.2(a), 5.2(b), and 5.4(a) were pulled from the Consent Calendar for further discussion.*

**5.2(a) Approval/Ratification of Contractual Services Report No. 09-2018**

Following discussion, on a motion by Mrs. Beatty, and a second by Dr. Patel, the Board of Education approved/ratified Contractual Services Report No. 09-2018 as presented. *Ayes: Zane, Patel, Sellers, Beatty, and O’Connor-Ratcliff. Motion carried unanimously, 5-0.*

**5.2(b) Ratification of District Purchase Orders, Revolving Cash Fund Expenditures, and Purchase Card Transactions**

Following discussion, on a motion by Mrs. Beatty, and a second by Mr. Sellers, the Board of Education ratified District Purchase Orders, Revolving Cash Fund Expenditures, and Purchase Card Transactions as presented. *Ayes: Zane, Patel, Sellers, Beatty, and O’Connor-Ratcliff. Motion carried unanimously, 5-0.*

**5.4(a) Approval of Certificated Personnel Report No. 09-2018**

Following discussion, on a motion by Mrs. Beatty, and a second by Dr. Patel, the Board of Education approved Certificated Personnel Report No. 09-2018 as presented. *Ayes: Zane, Patel, Sellers, Beatty, and O’Connor-Ratcliff. Motion carried unanimously, 5-0.*

*Items 8.0 and 10.0 to be heard prior to item 6.0 as approved in item 3.5 approval of agenda/sequence.*

**8.0 PERSONNEL SUPPORT SERVICES**

**8.1 Public Hearing and Approval of Initial Proposal from the Board of Education to Poway Federation of Teachers (PFT) 2018-2019 – Second Reading**

Board President T.J. Zane opened a public hearing at 7:25 p.m. to hear any public comments on this item. Hearing none, the public hearing was closed at 7:25 p.m. On a motion by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the Board approved the Initial Proposal from the Board of Education to Poway Federation of Teachers as presented. **Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.**

## **8.2 Approval of Declaration of Need for Fully Qualified Educators**

On a motion by Dr. Patel, and a second by Mr. Sellers, the Board of Education approved the declaration of need for fully qualified educators as presented. **Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.**

*As approved in item 3.5 Approval of Agenda/Sequence, item 8.3 was pulled from the agenda by staff.*

## **10.0 SUPERINTENDENT**

### **10.1 Adopt and Accept the Revisions to CSBA Board Bylaws 9150 for Student Board Members**

Following discussion, on a motion by Mrs. Beatty, and a second by Mr. Sellers, the Board of Education voted to approve with the following amendment to the original amendment by removing the first sentence of the second paragraph and rewording as follows: *A pool of Student Board Members shall be chosen, who will rotate each month as the Student Board Member during the school year.* **Ayes: Sellers and Beatty. Noes: Zane, Patel, and O'Connor-Ratcliff. Motion failed, 2-3.**

Following further discussion, on a motion by Mr. Sellers, and a second by Board President Zane, the Board of Education voted to approve with the following additional amendment to Selection of Term #1 to read as: *A committee comprised of the Superintendent or designee, the current Student Board Member, and two members of the Board shall select the Student Board Member based on the process established in the following procedures.* **Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.**

Following further discussion, on a motion by Mrs. Beatty, and a second by Mr. Sellers, the Board of Education voted to approve with the following amendment by removing the first sentence of the third paragraph and changing the second sentence of the third paragraph to read as follows: *Student Board Members shall be recognized at Board meetings as full member of the Board, and shall be allowed to participate in discussion of issues, except items related to closed session, discipline, personnel and employer-employee relations.* And an amendment to the first sentence in paragraph four to read as: *The Student Board Member may cast a preferential vote on items of general student interest.* **Ayes: Zane, Sellers, and Beatty. Noes: Patel, and O'Connor-Ratcliff. Motion passed, 3-2.**

Following the previous amendments on the original motion with amendment by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the Board of Education voted to approve with the following amendments: Selection of Term #1 to read as: *A committee comprised of the Superintendent or designee, the current Student Board Member, and two members of the Board shall select the Student Board Member based on the process established in the following procedures;* and removing the first sentence of the third paragraph and changing the second sentence of the third paragraph to read as follows: *Student Board Members shall be recognized at Board meetings as full member of the Board, and shall be allowed to participate in discussion of issues, except items related to closed session, discipline, personnel and employer-employee relations;* plus amendment to the first

sentence in paragraph four to read as: *The Student Board Member may cast a preferential vote on items of general student interest. Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

## **10.2 Select Representative Board Members for the 2018-2019 Student Board Member Selection Committee**

Following discussion, on a motion by Mr. Sellers to appoint Mrs. Beatty and Ms. O'Connor-Ratcliff as representatives for the 2018-2019 Student Board Member Selection Committee, and a second by Mrs. Beatty, the Board of Education voted as follows: *Ayes: Sellers and Beatty. Noes: Zane, Patel, and O'Connor-Ratcliff. Motion failed, 2-3.*

Following further discussion, on a motion by Board President Zane for Board Members to use post-it notes, writing their names at the top and indicate two Board Members under their names; with the top two voted Board Members going for vote as representatives. The Board of Education vote selections were read aloud as follows: Mr. Sellers selected Ms. Beatty and Mr. Zane, Mrs. Beatty selected Mrs. Beatty and Mr. Zane, Ms. O'Connor-Ratcliff selected Ms. O'Connor-Ratcliff and Dr. Patel, Dr. Patel selected Dr. Patel and Ms. O'Connor-Ratcliff, and Board President Zane selected Ms. O'Connor-Ratcliff and Dr. Patel.

The final tally is: Mrs. Beatty-2 votes, Mr. Zane-2 votes, Ms. O'Connor-Ratcliff-3 votes, and Dr. Patel-3 votes. Board President Zane made a motion to accept the tally of votes as submitted, followed by a second from Dr. Patel; the Board of Education then voted on Ms. O'Connor-Ratcliff and Dr. Patel as representatives for the 2018-2019 Student Board Member Selection Committee. *Ayes: Zane, Patel, Sellers, Beatty, and O'Connor-Ratcliff. Motion carried unanimously, 5-0.*

## **6.0 BUSINESS SUPPORT SERVICES**

### **6.1 Approval of Resolution No. 47-2018 Entitled "Authorization to Increase School Meal Prices"**

On a motion by Dr. Patel, and a second by Mrs. Beatty, the Board of Education approved Resolution No. 47-2018 as presented. *Ayes: Zane, Patel, Sellers, and Beatty. Absent: O'Connor-Ratcliff. Motion carried, 4-0.*

### **6.2 2018 Summer Facilities Projects**

This item was a presentation and information only.

### **6.3 Enrollment Report No. 7/2017-2018**

This item was presented as information only.

### **6.4 Summary of the School Nutrition Program Administrative Review (Audit)**

This item was presented as information only.

## **7.0 LEARNING SUPPORT SERVICES**

### **7.1 Ratification of Stipulated Agreement for Student Expulsion**

On a motion by Mr. Sellers, and a second by Dr. Patel, the Board approved the Ratification of case number 2017-2018.17. *Ayes: Patel, Sellers, Beatty, and O'Connor-Ratcliff. Absent: Zane. Motion carried, 4-0.*

On a motion by Mr. Sellers, and a second by Dr. Patel, the Board approved the Ratification of case number 2017-2018.18. *Ayes: Patel, Sellers, Beatty, and O'Connor-Ratcliff. Absent: Zane. Motion carried, 4-0.*

On a motion by Mr. Sellers, and a second by Dr. Patel, the Board approved the Ratification of case number 2017-2018.22. *Ayes: Patel, Sellers, Beatty, and O'Connor-Ratcliff. Absent: Zane. Motion carried, 4-0.*

**7.2 Approval of California School Board Association (CSBA) Board Policies 6000 Series - Instruction**

Following discussion, on a motion by Ms. O'Connor-Ratcliff, and a second by Dr. Patel, the Board approved CSBA Board Policies 6000 Series with amendment to the homework Section 6154. *Ayes: Patel, Sellers, and O'Connor-Ratcliff. Noes: Beatty. Absent: Zane. Motion carried, 3-1.*

**7.3 Approval of California School Board Association (CSBA) Board Policies 5000 Series – First Reading**

This item was presented as First Reading only.

*Item 8.0 was heard prior to item 6.0.*

**9.0 TECHNOLOGY AND INNOVATION**

*Item 10.0 was heard prior to item 6.0.*

**11.0 REPORTS AND COMMENTS**

**11.1 Board Member Reports**

Board members reported on their activities and events attended since the previous meeting.

**11.2 Superintendent's Report**

The following updates on current issues and events were presented:

- Dr. Kim-Phelps spoke about 103 PUSD teacher retirements presented to the Board in the Certificated Personnel Report tonight.
- Dr. Kim-Phelps spoke about the importance of financial literacy for our students that extends to our adults too.

**(a) Student Recognition**

Accomplishments and awards earned by students were recognized.

**(b) Staff Recognition**

Accomplishments and awards earned by staff were recognized.

**(c) School Recognition**

Accomplishments and awards earned by schools were recognized.

**12.0 CLOSED SESSION**

There were no additional items discussed in Closed Session.

**13.0 ADJOURNMENT**

The meeting was adjourned at 9:24 p.m.

  
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T.J. Zane, President

  
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Charles Sellers, Clerk



*M. K. Phelps*

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Marian Kim Phelps, Secretary

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