



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

March 12, 2020
District Office Community Room

CLOSED SESSION

Board President Michelle O'Connor-Ratcliff called the meeting to order at 4:02 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 5:50 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

2.0 CLOSED SESSION

2.1 Pending/Existing Litigation Pursuant to Government Codes 54956.9(a), 54956.9(d)(2), 54956.9(d)(1), and 54956.9(e)(3)

- a. Case No. 2020010529**
- b. Case No. 19CV0689-JM-MSB**
- c. Case No. 37-2020-00010721-CU-WM-CTL**

2.2 Conference with Legal Counsel Anticipated Litigation Pursuant to Government Code 54956.9, 54956.9(d)(2), and 54956.9(d)(4)

- a. Consideration of Procedures Regarding Complaint Against Employee(s) Filed Under District Administrative Procedure 4.106.2 (Government Code 54957)**

2.3 Pupil Personnel – Student Expulsion(s), Disciplinary Matter(s), and Other Confidential Student Matters Pursuant to Education Code 48900(c)

- a. Case No. 2019-2020.18 – Stipulated Agreement**

2.4 Negotiations – PFT, PSEA Unit I and Unit II, Management/Confidential, and Real Property Pursuant to Government Codes 54957.6, and 54956.8

- a. Real Property – Negotiator: Ron Little**

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

- a. Classified Employee**

2.6 Public Employee Appointment/Employment Pursuant to Government Code 54957

- a. Director of Human Resources**

3.0 RECONVENE / CALL TO ORDER AND PLEDGE OF ALLEGIANCE

3.1 Board President Michelle O'Connor-Ratcliff reconvened the meeting in Public Session at 6:04 p.m. and Junior Girl Scouts from Troop #2104 led the salute to the flag.

3.2 Report Out of Closed Session

2.1-A: Clerk Zane reported that in the matter of Pending/Existing Litigation, Case No. **2020010529**, on a motion by Dr. Patel and a second by Mrs. Couvrette, the Board voted to approve the final settlement. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.1-B: Clerk Zane reported that in the matter of Pending/Existing Litigation, Case No. **19CV0689-JM-MSB**, on a motion by Dr. Patel and a second by Mrs. Couvrette, the Board voted to authorize the District's legal counsel to offer reimbursement of attorney fees in Attempts to settle this case for what the District's legal counsel is recommending. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.3-A: Clerk Zane reported that in the matter of Pupil Personnel – Student Expulsion(s), Disciplinary Matter(s), and Other Confidential Student Matters, **Case No. 2019-2020.18 – Stipulated Agreement**, no reportable action from closed session. The Board will take action in open session, agenda item 8.1.

2.5-A: Clerk Zane reported that in the matter of Public Employee Discipline / Dismissal / Release / Reassignment / Resignation / Nonreelection, **Classified Employee**. On a motion by Mrs. Couvrette and a second by Dr. Patel, the Board voted to approve and accept a resignation agreement with a classified employee, employee number 113-727, with placement on administrative leave with pay, a resignation effective April 15, 2020, and a release of all claims against the District. Roll Call Vote: *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.6-A: Clerk Zane reported that in the matter of Public Employee Appointment / Employment, **Director of Human Resources**, on a motion by Dr. Patel and a second by Mrs. Couvrette, the Board voted to approve the appointment of Dr. Kelly A. Burke to the position of Director of Human Resources. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

There was no other reportable action taken in closed session.

3.3 Members in Attendance

All Board members were in attendance, with the exception of Kimberley Beatty who is absent. Student Board Member Mariana Akins is present.

3.4 Welcome to Public

Student Board Member Mariana Akins welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting.

Board President Michelle O'Connor-Ratcliff made the following announcement: On March 11, 2020, the World Health Organization announced that the coronavirus referred to as COVID-19, can be characterized as a pandemic. Under California Government Code Section 54954.2(a) we are required to post an agenda 72 hours prior to a regular meeting. As the announcement by the World Health Organization was made subsequent to the posting of the agenda for tonight's meeting, the Governing Board of the Poway Unified School District is exercising its right under California Government Code Section 54954.2(b)(2) to add a discussion item to the regular agenda. In accordance with California Government Code Section

54954.2(b)(2), a legislative body may take action on items of business not appearing on the posted agenda, upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision California Government Code Section 54954.2(a). Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

On a motion by Board President Michelle O'Connor-Ratcliff, and a second by Mr. Zane, the Board approved adding the following discussion item to the agenda, based on the authority in Government Code sections 54954.2(b)(1) and 54954.2(b)(2) as Agenda Item Number 3.7 titled **Update and Discussion of District Preparation and Response to Declaration of Pandemic by the World Health Organization Arising from the COVID-19 Virus**. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

3.5 Approval of Agenda/Sequence

On a motion by Dr. Patel, and a second by Mr. Zane, the agenda/sequence was approved with items 5.3(f) and 5.4(c) pulled from the agenda by staff and 3.7 added after 3.6 on the agenda. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

3.6 2020 CSBA Delegate Assembly Election

Dr. Patel put forth nine names as recommended representatives to the 2020 CSBA Delegate Assembly:

- Barbara Avalos (National SD)
- Stacy Carlson (San Marcos USD)
- Brian Clapper (National SD)
- Eleanor Evans (Oceanside USD)
- Humberto Gurmilan (San Ysidro SD)
- Claudine Jones (Carlsbad USD)
- Elva Salinas (Grossmont Union HSD)
- Marla Strich (Encinitas Union ESD)
- Cipriano Vargas (Vista USD)

On a motion by Dr. Patel, and a second by Mr. Zane, the Board of Education voted for the above listed named as representatives to the 2020 CSBA Delegate Assembly. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

Item 3.7 was added based on the authority in Government Code sections 54954.2(b)(1) and 54954.2(b)(2); As stated after item number 3.4. Superintendent, Dr. Kim Phelps shared information regarding COVID-19. Associate Superintendent of Student Support Services, Greg Mizel, discussed the measures PUSD has in place. Associate Superintendent of Learning Support Services, Carol Osborne, shared information regarding social distancing options and school closure procedures. Associate Superintendent of Technology and Innovation, Dr. Jennifer Burks, shared online and distance learning options.

3.7 Update and Discussion of District Preparation and Response to Declaration of Pandemic by the World Health Organization Arising from the COVID-19 Virus.

Following discussion, on a motion by Dr. Patel, and a second by Mr. Zane, the Board of Education voted on extending the Spring break by a week should that become necessary.

Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

Following discussion, on a motion by Board President Michelle O'Connor-Ratcliff, and a second by Mr. Zane, to approve the Superintendent's authority to declare an emergency and take appropriate action as needed, in response to the recently declared pandemic from the COVID-19 virus, under item 3.7 entitled: **Update and Discussion of District Preparation and Response to Declaration of Pandemic by the World Health Organization Arising from the COVID-19 Virus.** Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

4.0 ORAL PRESENTATIONS

4.1 Student Board Representatives

Student Board representatives Lucy Boretto and Jake Murray from Poway High School, Amy Nguyen from Rancho Bernardo High School, Jasmine Nguyen from Twin Peaks Middle School, and Maggie MacArthur and Audrey Prilaman from Westwood Elementary 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:

- Jimmy Karam spoke about mental health.

5.0 CONSENT CALENDAR

5.1 Approval of Consent Calendar

- a. Approval of Minutes

5.2 Consent Calendar – Personnel Support Services

- a. Approval of Certificated Personnel Report No. 08-2020
- b. Approval of Classified Personnel Report No. 08-2020
- c. Adoption of the Revised 2020-2021 Student Attendance Calendar for Abraxas High School

5.3 Consent Calendar – Business Support Services

- a. Approval/Ratification of Contractual Services Report No. 08-2020
- b. Ratification of District Purchase Orders
- c. Ratification and Approval of District Commercial Warrants, Revolving Cash Fund Expenditures and Purchase Card Transactions for February 2020
- d. Acknowledgment of Enrollment Report No. 6/2019-2020

- e. Approval of Updated California School Board Association (CSBA) Board Policy 7140 Architectural and Engineering Services
- f. Award a Contract Resulting from Request for Proposal 2019-07P Independent Auditing Services to CWDL, Certified Public Accountants
- g. Approval of Resolution No. 40-2020 Entitled “Resolution on Board Compensation for Missed Meeting”
- h. Approval of Resolution No. 41-2020 Entitled “Authorization to Purchase Computer Equipment, Peripherals and Related Services Through the National Association of State Procurement Officials (NASPO) Valuepoint Government and Education Contract No. MNNVP-133, for the Period April 1, 2020, Through July 31, 2021”
- i. Award a Contract for Bid No. 2020-17B Design 39 Audio Visual Gallery Upgrades to Southwest Construction Services, Inc.
- j. Award a Contract for Bid No. 2020-09B to Provide and Install Fencing at Poway High, Rancho Bernardo High, and Bernardo Heights Middle Schools to Ferreira Construction Co., Inc.

5.4 Consent Calendar – Learning Support Services

- a. Approval of Resolution No. 37-2020 Entitled “Poway Unified School District Robotics Day 2020”
- b. Approval of Resolution No. 38-2020 Entitled “Adult Education Week”
- c. Approval/Ratification of Out-of-State Field Trips

5.5 Consent Calendar – Student Support Services

- a. Approval of 2019-2020 Special Education Community Advisory Committee (CAC) Updated Members
- b. Approval of Revised California School Board Association (CSBA) Board Policy 5141.21 Administering Medication and Monitoring Health Conditions

5.6 Consent Calendar – Technology and Innovation

5.7 Consent Calendar – Superintendent

- a. Approval of Changing the Regular Scheduled Thursday, June 4, 2020, Board Meeting to Wednesday, June 3, 2020, and Changing the Regular Scheduled Thursday, June 25, 2020, Board Meeting to Tuesday, June 23, 2020
- b. Acceptance of gift(s)

On a motion by Mr. Zane, and a second by Dr. Patel, the Consent Calendar was approved as presented, with the exceptions of items 5.3(f) and 5.4(c), which were pulled from the agenda by staff and Dr. Patel pulled item 5.3(g) for further discussion. *Ayes: O’Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

As approved in Agenda item 3.5 Agenda/Sequence, item 5.3(g) was pulled by Dr. Patel for further discussion and heard prior to item 6.0.

5.3(g) Approval of Resolution No. 40-2020 Entitled “Resolution on Board Compensation for Missed Meeting”

Following discussion, there was no motion and no action on this item.

6.0 PERSONNEL SUPPORT SERVICES

6.1 Approval to Adjust the Longevity Increments for the Confidential Classified Employee Group

On a motion by Dr. Patel, and a second by Mr. Zane, the Board approved to adjust the longevity increments for the Confidential Classified Employee group as presented. *Ayes: O’Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

7.0 BUSINESS SUPPORT SERVICES

7.1 Project Update – Oak Valley Middle School New Classroom Building

This item was presented as information and a presentation only.

7.2 Approval and Certification of Second Interim Financial Report and Approval of Resolution No. 39-2020 Entitled “Authorization to Revise the 2019-2020 Budget as Reflected in the Second Interim Financial Report”

Following discussion, on a motion by Mr. Zane, and a second by Dr. Patel, the Board approved Resolution No. 39-2020 and the Second Interim Financial Report as presented. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O’Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

7.3 Sale of Community Facilities District No. 16 and Improvement Area ‘A’ (Del Sur East II) Special Tax Bonds

This item was presented as information and a presentation only.

8.0 LEARNING SUPPORT SERVICES

8.1 Ratification of Stipulated Agreement for Student Expulsion

On a motion by Dr. Patel, and a second by Mr. Zane, the Board approved the ratification of Case No. 2019-2020.18. *Ayes: O’Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

8.2 Approval of Resolution No. 42-2020 Entitled “Poway Unified School District First Annual Women in STEM Day 2020”

On a motion by Dr. Patel, and a second by Mrs. Couvrette, the Board approved Resolution No. 42-2020 as presented. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O’Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

8.3 Caring Connections Center

This item was presented as information and a presentation only.

8.4 Rescind Prior Approval/Ratifications of International Student Field Trips

Following discussion, on a motion by Dr. Patel, and a second by Mrs. Couvrette, the Board approved rescinding prior international student field trips as presented. Preferential vote Aye

by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, and Patel. Absent: Beatty and Zane. Motion carried, 3-0.*

9.0 STUDENT SUPPORT SERVICES

9.1 California Healthy Kids Survey

This item was presented as information and a presentation only.

Board President Michelle O'Connor-Ratcliff, called for a five-minute recess at 8:42 p.m.

10.0 TECHNOLOGY AND INNOVATION

11.0 SUPERINTENDENT

11.1 Select two Board Members for the 2020-2021 Student Board Member Selection

Following discussion, on a motion by Board President Michelle O'Connor-Ratcliff, and a second by Mr. Zane, the Board approved the selection of Dr. Patel and Mrs. Couvrette for the 2020-2021 Student Board Member interview panel. Preferential vote Aye by Student Board Member Mariana Akins. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

12.0 REPORTS AND COMMENTS

12.1 Board Member Reports

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

12.2 Superintendent's Report

The following updates on current issues and events were presented:

- Dr. Kim Phelps spoke about the upcoming March 26th PUSD Recognition Dinner, to celebrate our classified employees, teachers, volunteers, and business partners of the year.
- Dr. Kim Phelps spoke about March being Women's History Month, and raising the next generation of female leaders.

(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.

13.0 CLOSED SESSION

There were no additional items discussed in Closed Session.

14.0 ADJOURNMENT

The meeting was adjourned at 9:13 p.m.


Michelle O'Connor-Ratcliff, President


T.J. Zane, Clerk


Marian Kim Phelps, Secretary