



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

**August 13, 2020**  
District Office Community Room

The Board of Education met in the Community Room with COVID-19 physical distancing measures in place for Board Members and Staff. Due to the physical distancing requirements, members of the public still needed to submit comments online as indicated in the agenda; the intent was not to limit public participation but to protect public health by following the recommended guidelines and San Diego County's order limiting attendance at public assemblies.

**CLOSED SESSION**

Board President Michelle O'Connor-Ratcliff called the meeting to order at 4:01p.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 with the exception of Kimberley Beatty who was absent for closed session. The closed session was adjourned at 5:45 p.m., and Board members reconvened in the Community Room to begin their regular meeting and relay any reportable action taken during closed session – Board Member Kimberley Beatty attended via phone.

**REGULAR MEETING**

**1.0 CALL TO ORDER – PUBLIC SESSION**

**2.0 CLOSED SESSION**

- 2.1** Pending/Existing Litigation Pursuant to Government Codes 54954.5, 54956.9, 54956.9(a), 54956.9(d)(2), or (3), 54956.9(d)(1), or (4), and 54956.9(e)(3)
  - a.** Case No. 2020030729
  - b.** Case No. 2020050109
  - c.** Case No. 2020050243
- 2.2** Conference with Legal Counsel Anticipated Litigation Pursuant to Government Code 54954.5, 54956.9, 54956.9(d)(2), or (3), and 54956.9(d)(4), 54956.9(e)(2)-(5), 54957, and 54957.1
- 2.3** Pupil Personnel – Student Expulsion(s), Disciplinary Matter(s), and Other Confidential Student Matters Pursuant to Education Code 35146, 48900(c), 48912, 49070, and 54957
  - a.** Case No. 2019-2020.15 – Readmission
- 2.4** Negotiations – PFT, PSEA Unit I and Unit II, Management/Confidential Pursuant to Government Codes 54957.6
- 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
  - a. **Director II, Special Education**
  - b. **Director of Purchasing**
  - c. **Superintendent Evaluation and Goals**
- 2.7 Conference with Real Property Negotiator Pursuant to Government Code 54956.8
  - a. **Real Property:** Approximately 27.22 acres of vacant land located at the intersection of Carmel Valley Road and Camino Del Sur; APNs 306-020-32, 306- 250-27 and 312-293-11 (“Property”).  
**Negotiating Parties:** Poway Unified School District, real property negotiators Ron Little, Associate Superintendent, Business Support Services and District legal counsel (Proposed Lessor/Seller/Exchangor), and an unidentified number of potential lessees, buyers or exchangees for the Property which may lease or acquire all or a portion of the Property through request for proposal processes (Proposed Lessee(s)/Buyer(s)/Exchangee(s)).  
**Under Negotiation:** Instruction to negotiators will concern price and terms of payment and other issues associated with possible lease and/or sale of all or part of the identified Property.

**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 led the salute to the flag. Board President Michelle O’Connor-Ratcliff requested a moment of silence in honor and memory of Jerry Wilson, Health Tech at Twin Peaks, who passed away.
- 3.2 **Report Out of Closed Session**
  - 2.1-a: Clerk Zane reported that in the matter of Pending/Existing Litigation, **Case No. 2020030729**, 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. 2020050109**, 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-c: Clerk Zane reported that in the matter of Pending/Existing Litigation, **Case No. 2020050243**, on a motion by Mrs. Couvrette and a second by Dr. Patel, the Board voted to approve the final settlement. *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, **a. Case No. 2019-2020.15 – Readmission**. No reportable action from closed session. The Board will take action in open session, agenda item 8.1.
  - 2.6-a-1: Clerk Zane reported that in the matter of Public Employee Appointment / Employment, **Director II, Special Education**, on a motion by Mr. Zane and a second by

Mrs. Couvrette, the Board voted in closed session to appoint Heather Schauder as Director II, Special Education. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.6-a-2: Clerk Zane reported that in the matter of Public Employee Appointment / Employment, **Director II, Special Education**, on a motion by Dr. Patel and a second by Mrs. Couvrette, the Board voted in closed session to appoint **Jeanette Anderson as Director II, Special Education**. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.6-b: Clerk Zane reported that in the matter of Public Employee Appointment / Employment, **Director of Purchasing**, on a motion by Dr. Patel and a second by Mrs. Couvrette, the Board voted in closed session to appoint Brenda Gachuz as Director of Purchasing. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, and Patel. Absent: Beatty. Motion carried, 4-0.*

2.7-a: Clerk Zane reported that in the matter of Conference with Real Property Negotiator, **Real Property**: Approximately 27.22 acres of vacant land located at the intersection of Carmel Valley Road and Camino Del Sur; APNs 306-020-32, 306- 250-27 and 312-293-11 ("Property").

**Negotiating Parties:** Poway Unified School District, real property negotiators Ron Little, Associate Superintendent, Business Support Services and District legal counsel (Proposed Lessor/Seller/Exchangor), and an unidentified number of potential lessees, buyers or exchangees for the Property which may lease or acquire all or a portion of the Property through request for proposal processes (Proposed Lessee(s)/Buyer(s)/Exchangee(s)).

**Under Negotiation:** Instruction to negotiators will concern price and terms of payment and other issues associated with possible lease and/or sale of all or part of the identified Property. On a motion by Mrs. Couvrette and a second by Mr. Zane, the Board's action is as follows: In connection with the District's previously issued Request for Proposal for the Property, the Board took action, by unanimous vote to approve an updated Letter of Intent from Costco Wholesale for the proposed Ground Lease of the Property, and has directed the negotiation of an appropriate Option Agreement and Ground Lease for such transaction. At a future Board Meeting open session, the Board will be presented a summary of each received final Request for Proposal response, and action may be taken to formally approve the proposal which is the most beneficial to the District. *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, including Student Board Member Emily Bylsma. Board Member Kimberley Beatty attended via phone.

### 3.4 Welcome to Public

Student Board Member Emily Bylsma 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 Dr. Patel, and a second by Mrs. Couvrette, the agenda/sequence was approved with item 5.7(c) pulled from the agenda by staff, to seek an opinion from legal counsel regarding the requirements for an elected trustee to maintain residence in the area he

or she represents in order to continue participating as a District Trustee. Mr. Zane moved item 8.4 to be heard after item 4.3 on the agenda. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

#### **4.0 ORAL PRESENTATIONS**

##### **4.1 Student Board Representatives**

No Student Board Reports when school is not in session.

##### **4.2 Public Comments**

Public Speakers were requested to submit comments by the Public Comment Form Link <https://bit.ly/PUSDpubliccomments>, **between 3:00 p.m. - 5:00 p.m.**, prior to the start of the 6:00 p.m. Open Session Regular Meeting. If indicated on the form, comments submitted via the online Public Comment Form were read aloud by our Chief Communications Officer, Christine Paik, during Agenda Item 4.2 "Public Comments" or the corresponding agenda item. **Public Comments were limited to 400 words or three minutes, with fifteen minutes of Public Comments per topic.**

No Public Comments for item 4.2:

##### **4.3 Approval of Updated 2020-2021 Reopening Plan for Poway Unified School District**

Following discussion, on a motion by Mr. Zane, and a second by Mrs. Couvrette, the updated 2020-2021 Reopening Plan was approved as PUSD commits to our fully virtual opening on September 2, 2020, through the end of the closest grading period for grades 6-12. PUSD will reassess if given clearance by the State and County to reopen elementary schools in person. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

Public Comments: Tina Campbell, Brooke Tormey, and Jennifer Aase, submitted comments regarding the updated 2020-2021 Reopening Plan for Poway Unified School District.

*Board President Michelle O'Connor-Ratcliff, called for a brief recess at 8:22 p.m. and returning to open session at 8:30 p.m.*

*As approved in Agenda item 3.5 Agenda/Sequence, item 8.4 was heard after agenda item 4.3.*

##### **8.4 Proposed Elementary School Waiver**

Following discussion, on a motion by Mr. Zane, and a second by Dr. Patel, the Board voted to postpone this item to the September Board Meeting. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

Public Comments: David Thomas, Robert Corr, Marti Amado Corr, Artem Dinaburg, Alina Benderskaya, Lynn Lorimer, Jennifer Aase, Desiree West, and Jessica Justice, submitted comments regarding the Proposed Elementary School Waiver.

##### **4.4 Anti-Racism and Equity Plan Update**

This item was presented as information only.

## **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. 01-2021
- b. Approval of Classified Personnel Report No. 01-2021
- c. Approval of Variable Term Waiver Request – Michael Buxton
- d. Approval of the Williams Settlement Quarterly Report for June 2020
- e. Approval of the Single Subject Credential Intern Program Memorandum of Understanding with High Tech High
- f. Approval of Fieldwork and Student Teaching Clinical Practice Partnership Agreements with Point Loma Nazarene University
- g. Approval of Salary Reallocation – Vehicle Maintenance Supervisor
- h. Approval of Supervised Fieldwork Agreement (School Counseling and School Psychology) with Brandman University
- i. Approval of Intern Contract Agreement for Special Education with California State University San Marcos (CSUSM)

### **5.3 Consent Calendar – Business Support Services**

- a. Approval/Ratification of Contractual Services Report No. 01-2021
- b. Ratification of District Purchase Orders
- c. Ratification and Approval of District Commercial Warrants, Revolving Cash Fund Expenditures and Purchase Card Transactions for June and July 2020
- d. Accept the Annual Summary Continuing Disclosure Compliance Report

### **5.4 Consent Calendar – Learning Support Services**

- a. Approval of 2020-21 Application for Funding Consolidated Categorical Aid Programs (CCAP), Spring Release
- b. Approval of Interdistrict Attendance Permit Contract

### **5.5 Consent Calendar – Student Support Services**

### **5.6 Consent Calendar – Technology and Innovation**

### **5.7 Consent Calendar – Superintendent**

- a. Acceptance of Gift(s)

- b. Approval of Revised Board Bylaw 9323 Meeting Conduct
- c. Approval for Poway Unified School District Board of Education Meetings to Resume in Person in the Community Room for Board and Cabinet Members to be Present

On a motion by Mr. Zane, and a second by Dr. Patel, the Consent Calendar was approved as presented, with agenda item 5.7(c) pulled from the agenda by staff and item 5.3(b) was pulled for further discussion by Mrs. Beatty. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

*As approved in Agenda item 3.5 Agenda/Sequence, item 5.3(b) was pulled by Mrs. Beatty for further discussion.*

**5.3(b) Ratification of District Purchase Orders**

Following discussion, on a motion by Mrs. Beatty, and a second by Mr. Zane, the Board approved the Ratification of District Purchase Orders as presented. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**6.0 PERSONNEL SUPPORT SERVICES**

**6.1 Approval of California School Boards Association (CSBA) Board Policies 4000 Series – First Reading**

This item was a first reading only.

**6.2 Adoption of the Revised 2020-2021 Student Attendance Calendar**

On a motion by Mr. Zane, and a second by Dr. Patel, the Board approved the Revised 2020-2021 Student Attendance Calendar as presented. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**6.3 Approval of Resolution No. 03-2021 Entitled “Resolution Regarding the Elimination or Reduction in Hours of Classified Positions as Contained within Exhibit ‘A’ and Corresponding Layoff of Classified Employees”**

On a motion by Mr. Zane, and a second by Dr. Patel, the Board approved Resolution No. 03-2021 as presented. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**6.4 Approval of New Classification – Purchasing Supervisor**

On a motion by Dr. Patel, and a second by Mrs. Couvrette, the New Classification – Purchasing Supervisor as presented. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**7.0 BUSINESS SUPPORT SERVICES**

**7.1 Approval of Resolution No. 02-2021 Entitled, “Appointing and Employing Certain Financial Consultants in Connection with the Sale of Poway Unified School District Special Tax Refunding Bonds”**

Following discussion, on a motion by Dr. Patel, and a second by Mr. Zane, the Board approved Resolution No. 02-2021 as presented. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

- 7.2 Approval of 2020-2021 Poway Unified School District Revised Budget**  
Following discussion, on a motion by Mr. Zane, and a second by Mrs. Couvrette, the Board approved the 2020-2021 Poway Unified School District Revised Budget as presented. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

*As approved in Agenda item 3.5 Agenda/Sequence, item 8.4 was heard after agenda item 4.3.*

**8.0 LEARNING SUPPORT SERVICES**

**8.1 Readmission of Student on Expulsion**

On a motion by Mr. Zane, and a second by Dr. Patel, the Board approved Case No. 2019-2020.15 Readmission to Poway Unified School District. The student and parent have requested that the student remain at the San Diego County Office of Education's Community School Program. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**8.2 Approval of the Memorandum of Understanding Between Poway Unified School District and Pure Edge, Inc.**

On a motion by Dr. Patel, and a second by Mr. Zane, the Board approved the Memorandum of Understanding as presented. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**8.3 Proposed Adoption of High School Advanced Placement Calculus Book – First Reading**

This item was a first reading only.

**8.4 Proposed Elementary School Waiver**

This item was heard after item 4.3 on the agenda.

**9.0 STUDENT SUPPORT SERVICES**

**10.0 TECHNOLOGY AND INNOVATION**

**11.0 SUPERINTENDENT**

**11.1 Approval to add Thursday, September 24, 2020, to the Approved Regular Board Meeting Dates for 2020**

On a motion by Dr. Patel, and a second by Mr. Zane, the Board approved the Regular Board Meeting Thursday, September 24, 2020, as presented. Preferential vote Aye by Student Board Member Emily Bylsma. *Ayes: O'Connor-Ratcliff, Couvrette, Zane, Beatty, and Patel. Motion carried unanimously, 5-0.*

**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 PUSD's decision to start fully virtual.

- Dr. Kim Phelps thanked the teachers, ESS staff, custodians, and Valley Elementary and Abraxas High School staff for all they have done for PUSD students.

(a) **Student Recognition**

Accomplishments and awards earned by students were recognized.

13.0 **CLOSED SESSION**

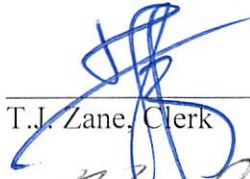
There were no additional items discussed in Closed Session.

14.0 **ADJOURNMENT**

The meeting was adjourned at 10:41 p.m.



Michelle O'Connor-Ratcliff, President



T.J. Zane, Clerk



Marian Kim Phelps, Secretary

am