

**MORGAN HILL UNIFIED SCHOOL DISTRICT
REGULAR BOARD OF EDUCATION MINUTES**

December 15, 2020, 6:00 PM
Closed Session, 4:00 PM
ZOOM

Attendance Taken at 4:05 PM:

Present:

Adam Escoto
Carol Gittens
John Horner
Ivan Montes
Heather Orosco
Mary Patterson
Wendy Sullivan

A. CALL TO ORDER

A.1. ACCEPT CERTIFIED STATEMENT OF ELECTION RESULTS FROM THE COUNTY REGISTRAR OF VOTERS AND DECLARE THE TOTALS TO BE THE FINAL RESULTS OF THE NOVEMBER 3, 2020 ELECTION

Motion Passed: Approve as submitted Passed with a motion by Wendy Sullivan and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

A.2. OFFICIAL SWEARING-IN OF NEWLY ELECTED / RE-ELECTED TRUSTEES: Ivan Montes, Adam Escoto and Mary Patterson

A.3. PUBLIC COMMENT ON CLOSED SESSION TOPICS

A.4. ADJOURN TO CLOSED SESSION

A.5. PUPIL PERSONNEL - Student discipline Education Code 48918 (c)(K-12)

A.5.a. Recommendation for readmission of student R20/21-002

A.5.b. Recommendation for readmission of student R20/21-003

A.6. LIABILITY CLAIMS - Governmental Code Section 54956.95

A.7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case

A.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to subdivision (a) of Government Code 54956.9

A.8.a. EL 17/18-001 v. Morgan Hill Unified School District Case No. 17CV319128

A.8.b. EL 20/21-001 vs Morgan Hill Unified School District Case No 20CV369396

A.9. CONFERENCE WITH LABOR NEGOTIATOR (Government Code 54957.6) Morgan Hill Classified Employees Association (MHCEA) and Morgan Hill Federation of Teachers (MHFT), Designated representative: Fawn Myers / Morgan Hill Educational Leaders Association (MHELA), Unrepresented employees, Designated representative: Steve Betando, and Superintendent, Designated representative: Karen Rezendes, Lozano Smith

A.10. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code 54956.8)

A.10.a. Property: APNs 764-16-028 (Main @ Hale Avenue) Agency Negotiators: Steve Betando, Superintendent; Kirsten Perez, Deputy Superintendent and Chief Financial Officer; Nancy Taylor, Orbach Huff Suarez & Henderson Negotiating Parties: City of Morgan Hill and Santa Clara Valley Water District Under Negotiation: Price and terms of payment for temporary construction easement and potential purchase for right-of-way traffic improvements

A.11. PUBLIC EMPLOYEE-DISCIPLINE / DISMISSAL / RELEASE / REASSIGNMENT / COMPLAINT (Government Code 54957 and 54957.1)

A.12. PUBLIC EMPLOYEE APPOINTMENT (Government Code 54957)

A.13. PUBLIC EMPLOYMENT / PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code 54957) Title: Superintendent

A.14. RECONVENE TO PUBLIC SESSION

B. CALL TO ORDER / PLEDGE OF ALLEGIANCE

President Gittens called the meeting to order at 6:00 PM and led the Pledge of Allegiance

B.1. ORGANIZATION OF THE BOARD -- Elect Board President, Vice-President, Trustee Representatives to Assignments and Trustee Representative to the Santa Clara Committee on School District Organization

Board members nominated and voted for a president, vice president, Trustee representatives to assignments and representative to the Santa Clara County Committee on School District Organization.

B.1.a. Elect President of the Board

Trustee Patterson nominated President Gittens to continue on as Board President

President Gittens accepted the nomination

Trustee Escoto and Trustee Orosco nominated Trustee Sullivan as Board President

Trustee Sullivan accepted the nomination

The vote went as follows:

Trustee Horner for Trustee Sullivan

Trustee Escoto for Trustee Sullivan

President Gittens for Trustee Gittens

Trustee Sullivan for Trustee Sullivan

Trustee Patterson for President Gittens

Trustee Orosco for Trustee Sullivan

Trustee Montes for Trustee Sullivan

Central High School Student Board Representative, Leilah Acevez for President Gittens

Trustee Sullivan accepted the appointment as Board President and the meeting was turned over to newly elected President Sullivan.

B.1.b. Elect Vice-President of the Board

Trustee Orosco nominated Trustee Horner as Board Vice President

Trustee Horner accepted the nomination

Trustees voted unanimously for Trustee Horner

Trustee Horner accepted the appointment as Board Vice President

B.1.c. Appoint Representatives to Assignments

The Board reviewed and appointed committee assignments. See attached.

[*BOE Committee Liaison Assignment 2021*](#)

B.1.d. Assign Representative to the Santa Clara County Committee on School District Organization

The Board assigned Trustee Gittens as the Representative to the Santa Clara Committee on School District Organization.

C. INTRODUCTION OF BOARD MEMBERS AND STAFF

Board Members and Staff introduced themselves

D. RECOGNITIONS / PRESENTATIONS

D.1. PBIS Recognition

The Board and Staff recognized El Toro Health Science Academy, MHUSD Nutrition Services Department and Rotary Club of Morgan Hill for receiving the PBIS Community Cares Award, which recognizes efforts made to maintain a positive school culture and climate during the COVID-19 school closure.

D.2. Recognize Veronica Andrade 2021 Chamber of Commerce Educator of the Year

The Board and Staff recognized 2021 Chamber of Commerce Educator of the Year Veronica Andrade, an English Teacher at Central High School and Communications Teacher at Gavilan College.

E. ADOPTION OF AGENDA

Motion Passed: Passed with a motion by Adam Escoto and a second by Heather Orosco.

Yes Adam Escoto

Yes Carol Gittens

Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

F. APPROVAL OF CONSENT CALENDAR

Motion Passed: Passed with a motion by Mary Patterson and a second by Heather Orosco.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

G. PUBLIC COMMENT / COMMUNICATIONS

President Sullivan asked the Board, Staff and Community to take a moment of silence in honor of Gemma Abels, former Morgan Hill Unified employee and MHFT President who recently passed away.

The following individual address the Board:

Peter Mandel, Community Member, addressed the Board regarding the formal complaint investigation findings against Trustee Sullivan. Mr. Mandel had concerns as to how the Board dismissed the investigation findings during the last Board of Education meeting and suggest the Board hold a Special Meeting to train Trustees on how to appropriately behave at school sites.

Danielle Nunes, Morgan Hill Classified Employee Association President, addressed the Board expressing her admiration for Gemma Abels. Ms. Nunes spoke of the great love and admiration for Ms. Abels both personally and professionally.

H. COMMUNICATIONS

H.1. Closed Session Action Report (Government Code 54957.1)

H.2. Report: Student Board Member

H.3. Reports: Superintendent / Staff

Superintendent Betando took the opportunity during his Board report to thank previous Board President Gittens for her service as Board President over the last year. Superintendent Betando expressed his gratitude for her model of ethics and equity, as well as her leadership for both the Board and Staff.

H.4. Reports: Employee Groups: Morgan Hill Classified Employee Association / Morgan Hill Federation of Teachers / Morgan Hill Educational Leaders Association

Cheryl Van Deventer, Morgan Hill Classified Employee Association, reported an update on MHCEA employees who have been reassigned; reported on the organizations MHCEA has chosen to donate to during the holiday season and expressed how thankful they are to support the community.

Jim Levis, Morgan Hill Federation of Teachers President, welcomed newly elected Board President and Vice President; acknowledged Human Resource Specialist, Kristin Stonehouse and District Nurse, Noel Weeks for receiving the County Supervisor Service Medal for their extraordinary efforts during the pandemic; recognized Chamber of Commerce Educator of the Year, Veronica Andrade;

commended all MHFT for completing the first semester under the current conditions and reported on several site updates.

Mr. Levis also made a statement on behalf of MHFT expressing concerns on how members of the Board handled the discussion regarding the formal complaint investigation findings against Trustee Sullivan at the last BOE meeting. Mr. Levis repeated comments made by Board Members stating that “administration does not know how to run school elections during a pandemic and do not have the skill set to deal with parent complaints.” Mr. Levis referenced board policies and bylaws adhering to the role of a Trustee and Parent, as well as the role of the Superintendent and Administration. Mr. Levis went on to state the Board does not have the authority to direct District Staff in any manner. Mr. Levis also pointed out that the Board indicated one of their strength areas in the BOE self-evaluation results were that the Board refrains from administrator affairs and that polices are the responsibilities of the Board and administrative duties belong to the district administrators. While MHFT appreciates Trustee Sullivan recognized the difference between intention and perception, Mr. Levis requests that Trustee Sullivan acknowledge her behavior and actions towards the teacher and administrators at Ann Sobrato High School were inappropriate and unwarranted and that advocacy should be for all students.

Lastly, Mr. Levis took at moment to honor former MHFT President, Gemma Abels and read aloud a statement about Gemma shared by her sister.

Patrick Buchser, Morgan Hill Educational Leaders Association President, echoed Mr. Levis’ comments regarding support for sites and administrators; recognized Gemma Abels contributions; recognized Karen Moore, formal employee who also recently passed away; thanked Cecelia’s Closet for the gifts to needy families; reported that administrator are involved in a professional book club; reported several trainings for administrators and thanked Superintendent Betando for his year of service and contributions throughout the course of his many years at MHUSD. In addition, Mr. Buchser requested MHELA be included in the upcoming search for a new Superintendent.

H.5. Reports: Board Members

Trustee Horner, reported on the CSBA Legislative Action Committee meeting regarding teacher vaccinations, food security after the pandemic and broadband access.

Trustee Orosco, shared information about the State of California Office of the Surgeon General Roadmap for Resilience focusing on adverse childhood experiences, toxic stress and health.

Trustee Patterson, reported the CSBA Delegate Assembly met and elected a new President, reviewed a report on Education Legal Alliance and discussed the legislative report on funding.

Trustee Escoto, participated in the CSBA Annual Education conference reporting on workshops he attended and shared Living Above the Influence (LATI) will hold their annual information event on December 17th.

Trustee Sullivan, reported attending a webinar on the economy and budget through CSBA, offering to share the slide deck with any Trustee interested and joined Asian Pacific Islander School Board Member Association (APISBMA) committee and will share information as it develops.

H.6. Calendar: Upcoming events

President Sullivan read aloud the calendar of upcoming events

I. CONSENT ITEMS

I.1. BUSINESS SERVICES

I.1.a. Approve the renewal lease agreement with Catalyst Family Inc. (formally CDC) for the use of a District owned portable at Walsh

I.1.b. Ratification of contracts executed pursuant to Board Policy 3312 for the months of October and November 2020

I.1.c. Approve Amendment No. 1 Right of Entry Agreement with Santa Clara Valley Water District

I.2. EDUCATIONAL SERVICES

I.3. HUMAN RESOURCES

I.3.a. Approve personnel action to employ, re-employ, promote, reassign, accept resignation, accept retirement, and authorize related compensation

I.3.b. Approve student teaching MOU with California State University, East Bay

I.3.c. Approve Morgan Hill Unified School District Report of Governmental Accounting Standards Board (GASB) Statement No. 75, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions

I.4. SUPERINTENDENT

I.4.a. Approve the minutes from the Regular Board meeting of November 17, 2020

J. GENERAL BUSINESS - PUBLIC SESSION ITEMS FOR BOARD DISCUSSION

J.1. Local Control Funding Formula (LCFF) Budget Overview for Parents

Glen Webb, Director Curriculum, Instruction and Assessment presented the LCFF Budget Overview for Parent which requires each school district to develop in conjunction with the LCAP by July 1 of each year.

Board discussions included template flexibility, parent communication, LCAP accessibility, Spanish version and engaging non-English speakers.

J.2. Brief Program Update - Connectivity Hub, Small Groups and Pilot Program

Staff provided an update on the status of the District's three in-person programs and in anticipation of new requests for in-person instruction.

[201215 Program Plan Presentation](#)

Board discussions included pilot teacher debrief and communication, types of issues, parent feedback, distance learning challenges and student needs, case numbers within the district, principal and teacher evaluations and support during distance learning, program scalability, transportation, synchronous teaching balance and a resolution to expedite vaccines for certificated and classified staff to be prioritized.

The Board pause to vote to extend the meeting.

Motion Passed: to extend the meeting to 11:00 PM passed with a motion by John Horner and a second by Adam Escoto.

Yes Adam Escoto

Yes Carol Gittens

Yes John Horner

Yes Ivan Montes

Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

J.3. Approve 2020-21 first interim budget for the general fund as reported in the Standardized Account Code Structure (SACS) report

Victoria Knutson, Director Fiscal Services presented the first interim report reflecting financial and budgetary status as of October 31, 2020.

Board discussions included CARES Act funding, CTE grant and summer school broader availability.

Motion Passed: Approve as submitted in conjunction with J.1 Passed with a motion by John Horner and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

J.4. Call for Nominations to CSBA's Delegate Assembly Due January 7, 2021

Trustee Patterson explained the option for nominating someone from outside the district and did not recommend nominating anyone at this time.

The Board agreed with Trustee Patterson and did not recommend a nomination for the Delegate Assembly.

J.5. Ratify Deputy Superintendent and Assistant Superintendents' employment contracts

Motion Passed: to approve Deputy Superintendent and Chief Financial Officer Perez passed with a motion by Mary Patterson and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

Motion Passed: to approve Assistant Superintendent Myers passed with a motion by Mary Patterson and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

Motion Passed: to approve Assistant Superintendent Vazquez-Vialva passed with a motion by Mary Patterson and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes

Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

J.6. Superintendent Search Process and Timeline

The following individuals addressed the Board:

Armando Benavides, Community Members, addressed the Board regarding criteria he deems important for the search of the next Superintendent which includes diversity, equity and inclusion during the process, as well as transparent communication to the community.

Jim Levis, MHFT President, addressed the Board regarding the importance of including the MHUSD community, as well as all employee groups during the interview process.

Sally Casas, Community Member, addressed the Board regarding concerns with transparency throughout the process and request the new Superintendent reflect the diversity of the population of MHUSD students.

Trustee Gittens presented the Board an RFP process and timeline, including steps moving forward.

Board discussions included keeping the search firms within California, stakeholder involvement, transparency and community importance, search firm characteristics, safely conduct in-person interactions with candidates, surveys, timeline, forming an ad hoc committee to help adhere to the timeline and staff administrative duties.

The Board agreed to push the RFP timeline back by seven and publish, as well as form an ad hoc committee consisting of Trustees Escoto, Montes and Sullivan.

Motion Passed: Passed with a motion to approve the RFP as presented with the change of adding seven days to each date by John Horner and a second by Heather Orosco.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

J.7. New business: future agenda items / recognitions

Trustees Sullivan and Montes requested an additional special meeting regarding Board organization discussion.

Trustee Patterson requested time to discuss Board goals, Board evaluation and LCAP.

Trustee Escoto requested information on online attendance and reasons as to why students are not logging on.

Trustee Patterson recognized former Board President Gittens for her service and Trustee Sullivan as Board Vice President.

K. PUPIL DISCIPLINE

K.1. Approve Recommendation for readmission of student R20/21-002

Motion Passed: Passed with a motion by Heather Orosco and a second by Ivan Montes.

Yes Adam Escoto
Yes Carol Gittens

Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

K.2. Approve Recommendation for readmission of student R20/21-003

Motion Passed: Passed with a motion by Heather Orosco and a second by Adam Escoto.

Yes Adam Escoto
Yes Carol Gittens
Yes John Horner
Yes Ivan Montes
Yes Heather Orosco
Yes Mary Patterson
Yes Wendy Sullivan

L. ADJOURNMENT

The meeting was adjourned at 10:46 PM

Steve Betado, Superintendent