

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES, ALTA LOMA SCHOOL DISTRICT, COUNTY OF SAN BERNARDINO–THURSDAY, August 27, 2020

OPEN SESSION, CALL TO ORDER AND ROLL CALL

The special meeting was called to order by Board President Rebecca Davies at 4:00 PM. Present were members Buller, Davies, Oerly, Payzant and Roberts. Absent none.

PLEDGE OF ALLIGIANCE

The flag salute was presented by video.

PUBLIC COMMENT ANNOUNCEMENT

Mrs. Davies read aloud the Public Comment Announcement.

ADOPTION OF AGENDA

Moved by Mrs. Oerly, seconded by Mr. Buller, and carried unanimously to adopt the agenda of the meeting, as presented.

PUBLIC COMMENT

Rita Loof

Dear Alta Loma Board members and Members of the public,

I would like to call your attention to the issue of how Alta Loma school district administration continues to litigate against students with disabilities. More specifically, I am supporting Jessica Martinez' children who have been victimized by the law firm of Fagen, Friedman and Fulfrost (FFF) who currently represents the Alta Loma District in several litigations against children with disabilities. The actions of your litigators are giving your district and board a very bad reputation in the community and sending out the message that you refuse to help children with disabilities and would rather take them to court. There is a reason we have public officials and elected board members to make decisions representing the people and that is to protect the best interests of the public and children you serve. However, this process is completely broken in Alta Loma as your administrators have allowed a for profit litigation corporation to hijack the system while they profit from denying children with autism.

I met one of your administrators. Loren Thompson when she was a Principal at Valencia Elementary in Upland. Parents informed me that there were complaints against Mr. Thompson when she was a Principal. Upland Unified did what they do when there are complaints against employees, namely transfer the employee to the Special Education department. Mrs. Thompson became the Special Education Director. During her tenure Mrs. Thompson, in a very polite way, delegated her responsibilities to the district's lawyer, much like she is continuing to do in Alta Loma. In 2014, the Ninth Circuit Court of Appeals found that under Mrs. Thompson's direction, the Upland Unified School District and the West End Special Education Local Plan Area (WESELPA) had violated federal law. The litigation lasted seven years and the Upland district had to pay the Student attorney fees at a rate of \$525 per hour.

Alta Loma is also a member of the WESELPA. Obviously WESELPA did not learn any lesson throughout the seven-year litigation and they persist in protracting litigation rather than help children. Mrs. Thompson appears to once again be taking a back seat to the process and allowing for profit litigators do what they do best, sue students. The case of Jessica Martinez'

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children is a perfect example but not the only one. There is another Alta Loma case over an evaluation that would have cost the district \$1,000 which, by the way is the WESELPA allowed cap, where most likely hundreds of thousands of dollars have been spent by FFF on two due process cases, plus two federal court cases and one Ninth Circuit Court of Appeals case. Does it make sense for Alta Loma to spend education dollars on lawyers to deny a student a simple vision assessment? Well, it makes sense for FFF who is making money and it makes sense for Administrators like Loren Thompson who can take a back seat, not do their jobs and later say they were just following legal advice while continuing to collect a six figure dollar paycheck at the expense of the tax payers who are being victimized by her actions.

FFF is the best recruiter for school board candidates to challenge incumbents. I am glad that Jessica Martinez, a parent with children in the district today and not 20 years ago; wants to serve as an Alta Loma School Board Member in the Carnelian/Jasper area. The system needs to change. It is obvious to many parents who are even more disappointed after watching the handling of the pandemic by the Alta Loma administration. Why is the current board not advocating for the rights of children with disabilities and instead delegating the authority to the Superintendent who is now leaving? Board members are supposed to represent all children in the district but you are sending out a message that our children are not important enough to deserve your attention. I believe Jessica Martinez would work to ensure that all children, including those with disabilities have representation by the elected officials and not by unelected bureaucrats. I urge the public in the Carnelian/Jasper area to vote for Jessica Martinez for Alta Loma School Board.

Thank you for your attention to these matters,

Jessica Martinez

Good Afternoon,

My name is Jessica Martinez. I am the parent of two children with autism. I remember my first meeting with Superintendent James Moore. I called the District office to schedule an appointment with him because I had concerns regarding staff at Carnelian Elementary. The first thing James Moore said to me at that meeting was, "You don't seem that scary", I guess Superintendent James Moore said this because of what he had heard from the principal at Carnelian Elementary, Jamie Abusham. After, I expressed my concerns he told me "Jamie is Jamie". Superintendent James Moore was not interested in what I had to say rather excused the principal's retaliatory behavior by stating, "Jamie is Jamie". This retaliatory behavior continued for years and it progressively worsened.

In September 2019, in a 48 hour period, the law firm FFF sued both my children. I was forced to hire attorneys to defend my children's rights and spent over two weeks in January and February in a special education due process hearings. One of my children was not attending public schools as our family was paying for private education. Yet, FFF sued my child in the event that he should ever consider coming back to the district. In correspondence from our previous Director of Special Education, Beth Freer, she identified Superintendent James Moore as the official responsible for approving the District suing both my children. This action should have been voted on by the board but the board relinquished their power to the Superintendent who is not an elected official but instead an appointed official by the board. This board refuses to represent ALL students. On April 14, 2020, while in shut down due to the Corona Virus outbreak, FF, filed a third new legal action to deny my son assessments. I believe these actions are designed to

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discourage myself and other families from advocating for special education services, in the process, FFF is hijacking education dollars to profit from denying children with disabilities services that they will need in order to be productive members of society. All three due process causes against my children have never been approved by the school board.

What I will remember the most from Superintendent James Moore is that both my children were sued and that he had no interest in listening to parent voices.

Thank you for your time.

Marianne Grosner

Dear Board of Trustees,

Thank you for allowing the public to make comments on the appointment of a new Superintendent for Alta Loma. A quality I would like to see in the new Superintendent is one that holds transparency and accountability at the top of their list. I think that a true leader would also allow their board members to vote on matters rather than delegating them to the Superintendent. There seems to be an imbalance of power when the board is not able to vote on certain matters at hand. One example is the fact that the board delegates decisions to file Due Process on special education students to the Superintendent. This is a dereliction of duties. The board should have a vote rather than one person making a decision on an expenditure that can easily cost \$100,000. Please take this into consideration in your endeavors to find a new Superintendent. Thank you for your time.

ANNOUNCEMENTS

The date of the next special meeting of the Board of Trustees is Wednesday, September 2, 2020, 6:00 PM at Alta Loma Junior High School, 9000 Lemon Ave.

CLOSED SESSION

The Board adjourned to Closed Session at 4:15 PM for the purpose of discussing matters Expressly authorized by Government code Section 3549.1, 54956.9, 54956.9(d), 54957, and 54957.6.

1. Public Employee Appointment / Discussion - Superintendent

ADJOURNMENT

The meeting was adjourned at 4:59 PM.