

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES, ALTA LOMA SCHOOL DISTRICT, COUNTY OF SAN BERNARDINO–WEDNESDAY, December 9, 2020

OPEN SESSION, CALL TO ORDER AND ROLL CALL

The special meeting was called to order by Board President Rebecca Davies at 5:30 PM. Present were members Buller, Davies, Oerly, Payzant and Roberts. Absent none.

PLEDGE OF ALLIGIANCE

The flag salute was led by the Board of Trustees.

PUBLIC COMMENT ANNOUNCEMENT

Mrs. Davies read aloud the Public Comment Announcement.

ADOPTION OF AGENDA

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

PUBLIC COMMENT

Superintendent Moore made an announcement before the public comments were read. The two items under General Functions regarding Board Bylaws are simply codifying the existing practices that are in the Alta Loma School District. These practices have been in place for at least the last twenty years or more and they will apply to all Board members.

Public comments were read by a District Representative in the order received.

Martina Ortega

Good evening board members, President, Superintendent, cabinet and members of the public.

After reading your agenda for today and because of the fact that you have a new board member that is not your ethnicity I am perceiving that you are trying to discriminate against a new board member with a LatinX last name. Please be warned that an EEO and/or an EEOC can and should be filed against the school district.

EEO complaints are filed when there is an accusation of discrimination based on --- Race - Gender - Age - Color - Disability - Sexual Harassment - National Origin – Retaliation.

I can imagine why there is a new bylaw at tonight's board meeting. It's to harass a newly elected board member of another ethnicity other than yours. If you were so concerned this bylaw it should have been created years ago. It sickens me that in 2020 this world and your school district is so racist.

You and the school district board members should be required to take Mandatory diversity training.

Jennifer Barker

To whom it may concern,

I have a 2nd grader at Stork Elementary. I cannot even express how angry and upset I am with how opening of schools has been handled for our district. And now again sending special Ed students home again for distance learning. It clearly says even from our Governor that small cohorts can stay on campus for in class learning. The district is making their own rules!! When will you take into account the real harm being caused here?! I know that numbers are higher

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than anyone wants but we all know that children do not suffer from COVID, but they are definitely suffering now! School is ESSENTIAL!!! They can go ahead and close other things in the state but children NEED to be in a classroom! We have the waiver and we should have opened quickly after that Oct 26th date of approval. What is the point of having the waiver if no one is even trying harder to be open? Who is actually the voice of our children and advocating for them? It seems like we as parents have no say! Where are the surveys that were suppose to be sent out last month?! There will always be families that choose distance learning but also us parents that want their children on campus should be given that choice!

It is even said on the district page that the rise in Covid has not been connected to the schools. Along with many other studies and reports about the rise of cases, none of it is linked to schools. Is there a dashboard of numbers that just show positive cases for actual children and staff in school? I have seen them for OC districts and others even out of state districts. So why can't we go by those numbers? We need to start somewhere and have these kids back in school!! Someone needs to fight for these kids!!

How can other districts in Orange County or neighboring districts and even all the private schools in the area be open?! They are also following the health department and numbers but they know that it is not connected to schools being open. Why can't we look at those numbers of actual schools and districts cases also to confirm opening? What can we do to make this possible? Who can stand up for these kids and say enough is enough!? ENOUGH IS ENOUGH!! SCHOOL IS ESSENTIAL!! And as parents we should have a say in our children's health and well being!

Thank you!

Marianne Grosner

Dear Alta Loma Board of Trustees and Superintendent Moore,

I'd like to make public comments concerning Agenda Item H.1 and H.2. I am asking the board to not adopt these 2 new Board Bylaws.

These new bylaws to check criminal history appear to be created in retaliation for a newly elected board member who will start serving the board next week. The reason why I say this is because I looked at several school districts in the San Bernardino area to see if they have these particular Board Bylaws and they do not. In fact, all of the Board Bylaws do not go past 9400 and ALSD is creating a brand new Board Bylaw starting at 9500 that no other district appears to have.

Your recommendation to adopt these 2 Board Bylaws states that ALSD sought out CSBA to "facilitate the review and revision of all Board Bylaw." Your Superintendent's Memorandum states "In order to keep Board Bylaws in compliance with applicable State and Federal laws, as well as to create consistency of format within all Board Policies, the District contracted with CSBA" but yet no other districts seem to have these Bylaws.

Since other districts (eg. OMSD, Upland, Fontana, Cucamonga, Chaffey Joint Union, etc.) do not have these particular Board Bylaws, I question the motive of creating these 2 brand new Bylaws.

As I previously mentioned, you have a new Board Member starting next week. She is qualified, a special need's parent and a Latina. It almost seems retaliatory or perhaps discriminatory in nature that the Superintendent is asking the board to approve these 2 new

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Bylaws to check criminal history for the incoming board member especially since the other board members appear to be white. There is no mention of current board members needing to participate in fingerprinting/criminal background checks.

Also, you should correct the link to the Attorney General that you listed on the proposed Bylaws. This is what is listed in your document: <http://www.ag.ca.gov/fingerprints> (it should be “oag” not “ag”)

It should look like this: <http://www.oag.ca.gov/fingerprints>.

Thank you.

David Palmer

Good evening, it is an embarrassment to the community how this board is treating a new board member who happens to be the only board member who will be a parent in the district. To hold this sham of a meeting and rush through bylaws as the result of a new member questioning your procedures and asking for the bylaw is disgraceful. ALSD has had years to have properly address their procedures and you choose to finally address it now when questioned? This is no way to welcome a new board member, especially one who is also a parent. Is this an indication of how they will continue to be treated? I know it was similar in Central School District with the board member who is also a parent; bylaws rushed through just prior to them being sworn in that have kept them from holding office on the board. It is a shame that this is how our community is run. We can do better.

Lastly, in regards to Superintendent Moore’s evaluation, I think it should be noted that ALSD has targeted students of color in the due process filings over this last year. The Superintendent was cautioned about this trend and he continued to allow additional due process filings against students of color. This demonstrates his indifference to the concerns of the community and I ask that it be considered as part of his evaluation.

Thank you

Jessica Martinez

Public comment on agenda item H.1/H.2 and non-agenda item-Distance Learning

Dear Board Members and Superintendent James Moore,

My name is Jessica Martinez, newly elect Board Member to the Alta Loma School District. I have concerns regarding the proposed Board Bylaw, BB 9500, in today’s agenda. I’m concerned that this “new policy” stems from a question that I asked Adriana Mohler, the Administrative Assistant to the Superintendent & Board of Trustees.

As the proposed policy currently stands, my understanding is that it only applies to “newly elected” board members and not existing board members. This puts newly elected board members at a disadvantage and gives current board members an advantage. This policy needs to be applied **equally**. And is it stands this is not an equal policy.

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In regard to Distance Learning, the priorities of our community are to return all students to a classroom this year immediately. Our administrators should take a position that schools are “essential”. People are advocating for gyms to open because they are “essential” but our administrators are not doing the same for our schools. Schools are essential for the overall well being of our children. Parents should have a choice to have their children participate in in-person instruction full-time or distance learning. By not participating in in-person instruction many children are missing out on important developmental milestones.

In regards to public comment, the public, should be given the opportunity to read their own comments if they wish to. Many of our surrounding Districts give the public this option.

Thank you for your considerations!

More Teachers Less Lawyers

The definition of retaliation is vengeance, reprisal, punishment, revenge.

The Association of California School Administrators represents over 14,000 California school administrators. They surveyed their members, district administrators throughout CA to identify groups and parents who had been critical of schools and organized the survey responses into a secret Enemies List.

The Enemies List that was created showed that the list was organized by district, with columns for the name of the superintendent, the name of the group, followed by names of the parents involved in the group. There was also a section for comments describing the activities of the parents and what they did to earn a place on the list.

Targeted parents questioned special education placements, filing complaints with the Office of Civil Rights, and objecting to the way Parent Advisory Groups were set up.

Someone leaked the Enemies List to the press.

The existence of this list confirmed the worst fears of many parents - that schools single out parents who advocate for their children. It further suggests an adversarial and repressive attitude towards these parents - a precursor to the retaliation reported by many.

Retaliation against parents is a taboo topic in special education. Yet, whenever parents talk among themselves, the topic of retaliation is often brought up. The focus of retaliation is not limited to parents alone. Anyone who advocates for children can become the target of retaliation.

Retaliation is the act of using official resources to "punish" parents. It can take many forms. It can be difficult to detect. Retaliation is defined and prohibited by the Americans with Disabilities Act.

The underlying "causes" of retaliation are no mystery. There are two key ingredients: power and accountability - too much of the former and not enough of the later. The mechanism that seems to trigger retaliation is effective advocacy.

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Many parents never encounter retaliation. Those that do are usually strong advocates for their children. Retaliation does occur and the fear of retaliation inhibits many special education parents.

CA Taxpayer

Maria Arias

Good evening Board members, President, Superintendent, cabinet and members of the public.

After reading your board agenda for today and because of the fact that you have a new board member that is not your ethnicity I am perceiving that you are trying to discriminate against a new board member with a LatinX last name.

Please be warned that an EEO and/or an EEOC can and should be filed against the school district. This is also disrespectful and discriminatory.

EEO complaints are filed when there is an accusation of discrimination based on --- Race - Gender - Age - Color - Disability - Sexual Harassment - National Origin – Retaliation.

I can imagine why there is a new bylaw at tonight's board meeting. It's to harass a newly elected board member of another ethnicity other than yours.

If you were so concerned this bylaw it should have been created years ago. It sickens me that in 2020 this world and your school district is so racist. We need to free from discrimination.

You and the school district board members should be required to take Mandatory diversity training.

Thanks

Mr. Arias

Public comment on agenda item H.1/H.2 and non-agenda item-Distance Learning

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My name is MrARIAS I have concerns regarding the proposed Board Bylaw, BB 9500, in today's agenda. I'm concerned that this "new policy" stems from a question that I asked Adriana Mohler, the Administrative Assistant to the Superintendent & Board of Trustees.

As the proposed policy currently stands, my understanding is that it only applies to "newly elected" board members and not existing board members. This puts newly elected board members at a disadvantage and gives current board members an advantage. This policy needs to be applied **equally**. And is it stands this is not an equal policy.

In regard to Distance Learning, the priorities of our community are to return all students to a classroom this year immediately. Our administrators should take a position that schools are "essential". People are advocating for gyms to open because they are "essential" but our administrators are not doing the same for our schools. Schools are essential for the overall well

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being of our children. Parents should have a choice to have their children participate in in-person instruction full-time or distance learning. By not participating in in-person instruction many children are missing out on important developmental milestones.

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Thank you

PIB enwaercx5

I am very concerned that this Board has thrown together this “Special Meeting.” This has given little notice of proposed new Board policies which make Jessica Martinez, a duly elected Board of Trustee member, jump through hoops that none of the other Board members have done - under the guise of “safety and security.”

This new policy blatantly makes it impossible for Ms. Martinez to comply. This new policy – called Resolution 12-16-2020 – just happens to be named for the date that Ms. Martinez will be sworn in. It then requires that she – AND ONLY SHE - get this fingerprinting clearance test within one week of commencing her duties. This ONE week takes place during the COVID-19 worldwide pandemic and right before Christmas and the holiday break. It is clear that the current Board members do not want Ms. Martinez to be able to accomplish this new requirement – meant only for her.

And, if Ms. Martinez is unable to comply, then this Board has conveniently given ITSELF the authority to prohibit Ms. Martinez from visiting ANY district school facility. It also allows the current Board members to “publicly censure” her – in other words, try to publicly shame her. The current Board members also give themselves the authority to engage in “lawful action” against Ms. Martinez if she is unable to get the fingerprint clearance in this extremely limited one week period right before the holidays. Ms. Martinez, will be an equal Board member once she is sworn in – but would not have the same authority over the other Board members to censure or take "lawful action," as it appears that you have exempted yourselves from this fingerprinting clearance requirement.

And why are you Board members so obviously against Ms. Martinez? If this Board was really concerned about school safety – it would not have created a special meeting, with little notice to create a new policy that only Ms. Martinez needs to comply with. If you were really serious, and not acting in a discriminatory manner, then each of you would gladly volunteer to be fingerprinted YOURSELVES. That way, Ms. Martinez would not be singled out as a “lesser member” of the Board, and she would have equal authority to hold each one of YOU accountable.

If you, as current Board members, are unwilling to follow your own policies that you create – then it is abundantly clear that your discriminatory actions are for the sole purpose of intimidating Ms. Martinez and attempting character assassination of this duly elected Board member.

Rita Loof

Good evening Alta Loma School Board,

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I have concerns about the board policies you are enacting under Section H—Board Bylaws and would urge you not to adopt these policies as the requirements are arbitrary, do not meet the federal or state requirements for elected officials and are entirely prohibitive. These policies appear to be exclusive to the Alta Loma School District. I am not aware of any other school districts or the county requiring duly elected board members to have a criminal background check. Election law is dictated by the Fair Political Practices Commission and the state Legislature, not local school boards. The current board has no authority over board members who have been duly elected by the people. ALSD is essentially creating new law that currently does not apply to other districts or even to its own incumbent board members.

The process used in this instance is very suspect. It seems that this new board policy is being rushed through before the swearing in of the new board member. It was scheduled during a Special board meeting that only gives the public 24 hour notice of the meeting. Is this policy an emergency? Special board meetings are reserved for emergency situations. Do the incumbent board members see a new board member getting elected as an emergency? Have any of the incumbents sitting on the board today been fingerprinted and processed through the California Department of Justice? Perhaps there has been a recent change to the law of which I am not aware but the timing of this policy is highly suspect. And, if there was a law already in the books then that means that Alta Loma has been out of compliance all this time and just now, a week before Jessica Martinez gets sworn, that's when Alta Loma decides to comply with the law.

Proposed Board policy 9550 is equally problematic in that it gives the unelected Superintendent unfettered power to enforce the policy against the duly elected board member. I don't think that's the way the system is supposed to work. The system of government should be for the people by the people and of the people; that is the point of having elected officials and not agency bureaucrats, in charge. Giving a bureaucrat the power to supervise an elected board member deprives the public of their voice which they acquire through their duly elected board member. This policy gives discretion to the unelected Superintendent and other lower level bureaucrats to babysit the board member during school visits and since the policy does not specify any criteria whatsoever, the result will be an arbitrary and capricious scenario which will benefit those that are in the "in-crowd" and have developed relationships throughout the decades they have been sitting on the board. But, a newcomer to the board such as parents like Jessica Martinez, will most likely have a higher level of scrutiny applied to them.

As previously mentioned, the timing of these policies is highly suspicious. It feels like this is a set up for the newly elected board member and it would not surprise me if it was a tactic by the law firm of Fagen, Friedman and Fulfroost attorney Shiva Stein who is currently suing both of Jessica Martinez' kids on behalf of the Alta Loma School District. For the reasons mentioned above, please do not approve the proposed board policies #Moreteacherslesslawyers.

Section K—Closed Session

Please be aware that the Closed Session of your agenda does not meet the requirements for appropriate notice under the Brown Act. Under the expulsion section there is no case number or student number referenced. Similarly, the section for potential/existing litigation does not provide any case numbers and thus deprives the public of their right to know as the Brown Act

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requires. Please correct your agenda to ensure that it complies with the requirements of the Brown Act.

Thank you for your consideration.

Bria Kabia

Good Evening Members of the Board

I am the mother of 3 students within the district, and my children, like all others within the district, have been distance learning since March of this year. When I saw on the district website that there was a special board meeting scheduled for today, I assumed a few things:

1. First, since we are in the middle of a pandemic where the children of ALSD cannot attend school nor child-care in person, AND considering the new stay-at-home orders dictated by the CA governor, I assumed at least some of the public portion of this meeting would be addressing the pandemic, these orders, the school closures, etc. I was disappointed to find that the board is choosing once again to ignore the irreparable damage this closure is causing the students of ALSD.
2. Second, I assumed that you would have included the newly elected board member Jessica, instead of finding ways to exclude her from participating in her rightfully elected position.

As such, I would like to know what triggered the urgency of these 2 new proposed board by-laws that needed to be reviewed IMMEDIATELY and why aren't we talking about things such as the December 2, 2020 Return to School update? This was an update that mandated that all avenues of children being on any ALSD campus were closed, seemingly solely at the discretion of Superintendent Moore. Was there a special board meeting that took place to discuss that mandate?

So, while on the surface these hard on crime proposed board policies seem innocent and perhaps even commendable should every board member and all district personnel be required to participate, I cannot help but wonder why such measures are being taken so expediently one week before the first parent of color and a parent of a child with special needs takes her position on the board? After a preliminary search, it seems other local districts in Rancho Cucamonga (Central, Chaffey, Cucamonga) do not have similar policies. In fact, knowing that there are huge racial disparities in both arrests and incarceration within lower income and communities of color, I am surprised that this much attention is only just now being dedicated at the convenient time when a woman of color is joining the board.

With this much emphasis on criminal history, I would like to remind the board that there is well-established research that a quality education reduces crime. I would instead please ask (BEG!) the board and all employees of ALSD to set aside any perceived differences and work together to focus on the children attending ALSD schools right now. We need to find solutions and ways to get the children back in school, close the achievement gaps for all groups of students (especially given the NINE MONTHS and counting of school closure,) and fix the disparities within our school community. Part of that starts with listening to all members at the table, focusing on science-based quality research, and putting the children as the number 1 focus.

Thank you for the opportunity to address the board. I hope that everyone listening has a happy holiday.

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Board president R. Davies thanked everyone that took the time to submit a public comment.

SUPERINTENDENT & STAFF REPORTS

Superintendent Moore, stated that the Board Bylaws are only going for a first reading tonight and there will be no action taken. He reiterated to everyone that these bylaws are codifying the past practices that the District has already had in place for the last twenty years if not longer and it does apply to everyone.

Moore shared that the main purpose of tonight's Special Meeting was to take action on bond construction items that needed approval.

Associate Superintendent Steve Thomas gave a brief presentation on the current COVID case rate in our local community. Since August 1, our District has had twenty positive cases of COVID, with no cluster of cases, they have all been spread out through the District. The District believes it is a best practice to scale back operations to allow distancing for adults and students at this time. Our goal as always is to bring back students as soon as possible as things become safer throughout the District.

Associate Superintendent Lori Thompson thanked our teachers in Preppy Kindergarten, Kindergarten, and First Grade, for working with the administration and ALEA to establish a re-opening plan that will give families a choice of Distance Learning or In-person instruction. The District had hoped to start this re-opening plan on January 4, but due to the rising cases of COVID the plan is on hold. After the New Year, the District will be reconnecting with families in hopes that the COVID trends will be more favorable.

Our students who attend special day class, had been back just shy of 5 weeks, but due to staffing concerns and COVID rates, those students have been transitioned back to Distance Learning. Once again the District will be reconnecting with families after the New Year to bring them back to campus when it is safe to do so.

The District's Child Care program has been open since August 10th, but as of this Friday, due to COVID the Child Care program will be closing. L. Thompson thanked the Child Care staff for contacting all the families. Associate Superintendent Lori Thompson shared she is hopeful that in the New Year we will see Child Care reopen, our special day class students back, followed by our Preppy Kindergarten, Kindergarten, and First Grade students.

GENERAL FUNCTIONS

Board Bylaw – Criminal History Information

A first reading was held to adopt Board Bylaw 9500 – Criminal History Information

The Board discussed that they have all had been fingerprinted when they became Board members with the exception of Board member Oerly who started on the Board over 40 years ago and it was not a past practice at the time. Board member Oerly said has had a background check every year for her involvement in AYSO and would gladly get fingerprinted for the District. Board member Buller stated that the District is constantly amending and updating policies on a regular basis.

Board Bylaw – Limiting Access to Campuses and School Activities

A first reading was held to adopt Board Bylaw 9550 – Limiting Access to Campuses and School Activities

Board member Payzant noted a grammatical error in the fourth paragraph.

BUSINESS AND FINANCIAL PROCEDURES

Contract Amendment

Moved by Mr. Roberts, seconded by Mr. Buller, and carried unanimously to approve Contract Amendment No. 1 for *Robert Clapper Construction Services* for a new Contract Price of \$2,629,807.43 and authorize Superintendent James Moore and/or Associate Superintendent Steve Thomas to sign all related documents.

ANNOUNCEMENTS

The date of the next regular meeting of the Board of Trustees is Wednesday, December 16, at 6:00 PM via Zoom Conference.

CLOSED SESSION

The Board adjourned to Closed Session at 6:26 PM for the purpose of discussing matters expressly authorized by Government code Section 3549.1, 54956.9, 54956.9(d), 54957, and 54957.6.

OPEN SESSION & ADJOURNEMNT

The Board reconvened to Open Session and adjourned the meeting at 7:03PM.