

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES, ALTA LOMA SCHOOL DISTRICT, COUNTY OF SAN BERNARDINO–WEDNESDAY, FEBRUARY 17, 2021**

OPEN SESSION, CALL TO ORDER AND ROLL CALL

The regular meeting was called to order by Board President Caryn Payzant at 6:00 PM. Present were members Buller, Davies, Martinez, Oerly, and Payzant. Absent none.

PLEDGE OF ALLEGIANCE

Associate Superintendent Steve Thomas led the flag salute.

PUBLIC COMMENT ANNOUNCEMENT

Mrs. Payzant read aloud the Public Comment Announcement.

ADOPTION OF AGENDA

Moved by Mrs. Davies, seconded by Mrs. Oerly, and carried unanimously to adopt the agenda of the meeting with the following changes:

*Consent Calendar Items L. (1) & L. (4) pulled for separate discussion and voting.*

APPROVAL OF MINUTES

Minutes from 2/3/21 meeting will be approved at the 3/3/21 meeting.

RECOGNITIONS AND PRESENTATIONS

None.

PUBLIC COMMENT

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

**Matthew Johnson**

Good evening,

I would first like to thank the school board for their efforts in working to keep our schools running amidst the chaos of the last 11 months. Your dedication is commendable.

As we look forward, I would like to express how important it is to get our kids back in school. Due to the minimal risk to students and the increasing availability of a vaccine, I ask that you allow students to come back to school ASAP. Having four children including one with special needs, I know how important in person education is. Although our teachers have been outstanding, online learning has been sucking the joy out of school for our kids. The minimal health risk of returning to school is more than outweighed by the chance to make up for the social and educational deficiencies that this year has unfortunately caused.

Please let our children come back to school this year!

Respectfully,

**Marianne Grosner**

Good afternoon,

Can someone please read my public comments into record for today's board meeting.

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Thank you,  
Marianne Grosner

Agenda Item I - Public comment

Earlier this month I made a public comment regarding ALSD's response to my public records request and I wanted to acknowledge that I did receive an email response to my public comments, so thank you for that. However, I continue to need more clarity as the policies that were given to me cited fees for duplications of public records. I was simply requesting electronic records that already exist and therefore do not need to be duplicated.

Would the District prefer that I come into the District Office so I can scan the documents myself to avoid being charged for the electronic records? I understand that ALSD had to close the office in December due to POSITIVE COVID cases within the District office. I am immunocompromised so it would be risky to go into the District office when these documents can be provided electronically and without charges. In my experience, other government agencies have provided electronic public records without charging duplication costs. I hope ALSD will take a closer look at this matter as this is a deterrent to transparency and public record accessibility.

Consent Calendar L1 - Board payments

There is a PO #210965 to CDWG Inc. The amount is \$76,689.15. The description for this PO is IT/Cameras. I was wondering if the board can pull this item for discussion? Why are these cameras needed and where will they go? Also, can the board refresh the public's memory on when the need for spending \$76,000 on cameras came up in a prior board meeting?

Agenda Item S6 - closed session

It appears there is one potential legal case up for discussion during today's closed session. Since this case is likely to be a due process case, I'd like to comment that it is not clear in this agenda if ALSD is contemplating suing another family or if ALSD is anticipating a lawsuit by this family.

Please look into how your for-profit law firms such as Fagan Friedman & Fulfroost are using taxpayer dollars to deny Services to children with disabilities. They have a history of protracting litigation and other interesting tactics which benefits the law firms but not the school district and certainly not the student. Our kids need education not litigation. Thank you for the opportunity to make public comment.

**Mike Malone**

Hello School Board,

While I can certainly appreciate the struggles and issues that some parents have with our treatment of students with disabilities and the fees paid for law services, this letter is a passionate plea from a concerned parent of 3 children that attend Deer cannon schools. I would like to first put time in perspective, while some folks (including teachers) may say that "sacrificing" one year of school is well worth it to ensure that not a single child or teacher catches COVID-19 I have a different perspective. I have a son who is in 1<sup>st</sup> grade and more than 50% of all of his elementary schooling so far has been done in a virtual environment in which his teacher only spends 2 hrs. a day (or less) in instruction. My 2<sup>nd</sup> grade son while he receives a full day still almost 33% of his elementary education has been done virtually. I point this out to mention that

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while some see a year as a short time for some of us who have been on this earth for a while, it is enormous in the life of our young students. These are the years in which they are to learn all of the fundamentals and my fear is that some students will be left behind.

While my wife and I are fortunate that we have experience with teaching children as we were former tutors, I can just imagine what are families are going through with this new model. 2 hours of school for a 1st grader is simply not enough. I do want to thank our teachers as they are doing their best, but unfortunately this process is not sustainable nor very effective. My ask in this forum is for some one the superintendent or another board member to clearly lay out and articulate our plan for return to school. We have had almost a year to get a plan together and I would be highly disappointed if we had to wait additional weeks or months for us to get a plan that shows some of the following, drop off, pick up, spacing, students per class, how we would do lunch, how we would do specials ect.. Also do we have commitment from the teachers themselves if they are able or willing to come back? Please don't wait to get these identified and communicated NOW via your website.

**Christine Shores**

To whom it may concern,

I am writing this email to relay my thoughts on my child returning to in person school. Mackenzie is a first grade student at Jasper Elementary. Her teacher is wonderful and goes above and beyond for the children, however, this is not how are children should be in school. Please consider having the kids return to school. I have spoken with many other parents and teachers all of which have agreed the best thing is to have our kids back in school. Thank you very much for your time.

Christine Shores  
Parent

**Jennifer Barker**

Good evening Board members,

I am a parent of a second grader at Stork elementary. I wanted to put my voice out there again for the importance of re-opening schools as soon as possible. We have met the number needed for the county. We know all the precautions that will be taken. Now it's time to just bring the kids back! We have to start somewhere and stop having the kids suffer. Please put them first!

Thank you!

**Jason Yang**

Good evening Alta Loma Board Members and Superintend,

I want to share a quote from Abraham Lincoln. Even though he passed away a long time ago, his wisdom and spirit still lives on and inspires us to do the right thing.

“ Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser – in fees, expenses, and waste of time. “

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On September 18, 2017, the West End SELPA organized one-day training themed “ Building Relationships of Trust and Effectiveness between Families and Educators “ to address the ever increasing amount of due process complaints.

The presenter made a memorable quote “The nature of relationships among the adults within school has a greater influence on the character and quality of the school and student accomplishments.”

We can expand this quote from a school to a District. Litigation costs money, time, trust, public image, and community partnership that cost far more than education does. The District should ensure that education take places in the classroom instead of courtroom. I believe that Alta Loma does not make FFF the public face of the school district.

It is sensible for the District to work with families to resolve the issue in a cost effective way. Just like a small bush fire, it costs much less time and money to put it off than hire a profit-seeking law firm to fan the flames and make a small bush fire into a large forest fire storm.

Students shall be the center and beneficiary of the special education instead of the profit-making litigators.

This is the moment to change, the changing from you - Educate, not litigate.

### Nicole Creollo

Hello, I am a parent to a first grader at Jasper elementary and I am writing this email in hope it will help persuade the board to let our kids go back to in person learning. Being away from school has been detrimental to my sons health and his ability to stay focused in school. He is completely over with online learning and begs me everyday to have to log into the computer. He needs to socialize and be in campus, I believe it is what's best for him, even if it's a few weeks, he wants to go back!!

\*\*correction. My son begs me NOT to have him log into school. His teacher is absolutely amazing, but this is not what I want for my child. Sincerely,

### April Dalton

Good evening Board Members!

Every time I have sat down to write to you, I have been too emotional. As you know, we are coming up on a year of our children not attending in person. A year of education, making new friends, building on present friendships, discovering new things, and just being kids that they will not get back. I thought our district had more courage and was a leader. However, what I discovered is that our district is a follower. It breaks my heart when my kindergartener tells me, "This is the worst thing in the world.". To him, it is. He's not able to have the same experiences his older sisters have had. What I don't understand is how you are allowing the union to dictate our children's lives. If grocery store employees can work, so can the teachers. What will be the excuse given to us parents now that the vaccine is being offered to your teachers? Since the teachers are being offered the vaccine, our children should be able to come back FULLY and not the blended model. Are we coming back in the fall? Please remember you do not work for the union, but your tax payers. Thank you for taking time to read my email.

Thank you,

**Casey Stel**

Good Evening,

I am writing this email to plea with the board to open schools. I have been forced to remove my Kindergartener from the district & place her in an in person private school. Private schools in our area have been open & functioning with proper Covid procedures in place since August. I am beyond sad that you have chosen to let this go on as long as you have. ALSD has had a waiver since October & has chosen not to use it since the first week of December when they sent home all SDC classes. I'm happy to hear SDC will be back on March 1st, which is great news for my 2nd grader, but what about the rest of the children?? If parents want to keep their kids home, let them.... but if there are parents that want their kids at school (in person).... give them the opportunity to send them back. You've had a year to get the proper protocols & procedures in place. I am beyond frustrated and sad that you aren't fighting for our children. The mental health implications of this shut down, will be prevalent for years to come.

Regards,

Casey Stel

Concerned & Frustrated Parent

**Kellie L. Claflin**

To the Board of Trustees:

I think this school year has been a disgrace to our kids. I give so much credit to her teacher for the work she has done trying to keep the kids engaged. And I want nothing more than my daughter back in school.

However, I can't imagine going back with the parameters that are being set in the event we actually get to go back. The environment that is being described is even worse than what she has endured online. Because at least online class has a semblance of normalcy. She gets to SEE her teacher. SEE her classmates. The interaction they get with each other even though virtual isn't restricted or governed for "safety". They get to be kids. But if they go back, they get a school day filled with plexiglass dividers/masks/distancing. The whole day centered around Covid. Their teachers in masks and face shields as if being around their students is the same as handling hazardous materials. No hugs, no kids holding hands with their friends. Smiles and facial expressions covered. No matter how much she needs to go back. She cannot go back like this.

Kellie L Claflin

Parent of a 2nd grader at Deer Canyon

**Melissa Mendoza**

Hello there. I am a mommy to a 3<sup>rd</sup> and 1<sup>st</sup> grader at Jasper. Distance learning for a child who is an over achiever and thrives in a school classroom has been cumbersome. My 3<sup>rd</sup> grader is determined to become a teacher and the experience of the classroom, from each teacher she has had shapes her for her future endeavors. Yes, school is meant for education, but it truly teaches life skills. It teaches our kids how to adapt to their teachers classroom rules, expectations, how to solve problems on the playground, how to work with their peers on assignments and most of all

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to have fun! For my 1<sup>st</sup> grader, who struggled at the beginning of the year, as he did not finish kinder due to this pandemic, was an obstacle we overcame together but it is an injustice to him. Learning to read electronically is not ideal. It is not only difficult for the students but also very trying for the teachers to identify the student's true struggles, as the amount of time they would spend with their students is not even close to being there. As much as us parents try to maintain normalcy for our babies, we cannot do it alone. Our children get a sense of their identity from their school community. In a sense our babies have been robbed a year of their childhood. Sports have been taken away. Birthday parties. Holidays. True education. They are only little once; lets not continue this hidden agenda – lets call it what it is. Lets stop this nonsense and stop perpetuating the damage. We have lived through pandemics in the past and never have we been forced to shut down. We can do hybrid! We can sign waivers! My 4 year old is attending preschool 3 days a week, mask free and this is wonderful! She gets to play with peers, learn from a teacher and gets a little taste of what life used to be. Why can't we do this? Clean between classes, set up hand sanitizer stations, have classes eat lunch and interact with only their classroom. Lets stop being scared. Lets think logically and make it happen. It is possible! We owe this to our children. Their mental health and overall childhood deserves it! Lets send them back!

Thank you

**Sammuel Arias**

PUBLIC COMMENT – BOARD MEETING OF February 17, 2021

Hello Alta Loma School Board Members and public,

Thank you for the opportunity to provide public comments. I am a 10-year-old student with special needs. Special needs children deserve equality in education. Please follow me at the **“YOU TOO MOVEMENT \* EVERY STUDENT SUCCESSFUL \* MORE EDUCATION/LESS LITIGATION \* SPECIAL EDUCATION CHILDREN MATTER.** Please, do not give the Superintendent the authority to approve purchase orders of unlimited amount for legal services. I believe this process is out of **compliance with the Brown Act** which requires that the Board approve litigation and put it on the agenda so that the public can see how you are using our tax dollars. We want Transparency.

Under California law, children with disabilities and their families are your constituents. Delegating decisions to the Superintendent, who is most likely following legal advice from the for-profit litigators, who are profiting from denying help to children with disabilities, is discriminatory. Does your board delegate decisions about other groups such as the African American children, English Language Learners or Transgender students to the Superintendent?

I would venture to say that they do not so why is it acceptable for your school board to decide you will not provide the oversight to special education matters. Your decision not to get involved with special education matters sends out a message that you do not want to represent a part of your constituency, the special education children.

You have decided not to represent students solely based on their disability status. The Superintendent is not an elected official and therefore your decision to ignore special education issues is denying students with disabilities access to be governed by elected officials of the

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people's choosing; the very bedrock of our democracy. Please review and change the policy of delegating special education matters to the Superintendent without board approval. This process segregates children with disabilities as second class citizens. **Please support inclusion, not segregation.**

I have visited your Board of Trustees web page again today, and it seems there are 5 board of trustees. Yet, your web page does not include an updated group photo. I find it very disrespectful that there **is not biography for the new member Ms. Martinez.** It seems she is the only Hispanic member of the group; please include her photograph and biography.

I have a sister with a vision impairment, so I am disgusted to learn that ALSD has litigated six cases in federal court to deny services to students with disabilities. In one case, the parents were just asking for a Vision evaluation that would have cost the district only \$1,000. There are two cases pending before the Ninth Circuit Court of appeals related to the Vision assessment case. These Alta Loma cases can be found on the PACER. Special Education students get always the blamed for being high cost, but the public does not know that the money is not going to services but rather to lawyers who are milking the system. ALSD should not used taxpayer funds to legal firms to sue the children. Instead, tax funds should go to education. **“YOU TOO MOVEMENT \* EVERY STUDENT SUCCESSFUL \* MORE EDUCATION/LESS LITIGATION \* SPECIAL EDUCATION CHILDREN MATTER.**

**Maria Arias**

**PUBLIC COMMENT – BOARD MEETING OF February 17, 2021**

Good evening Alta Loma School Board Members and public,

Thank you for the opportunity to provide public comments. I am here to speak on behalf of the Special needs children who deserve equality in education.

First, I request the Superintendent is not given the authority to approve purchase orders of unlimited amount for legal services. I believe this process is out of **compliance with the Brown Act** which requires that the Board approve litigation and put it on the agenda so that the public can see how you are using our tax dollars. We ask for transparency and accountability.

Children with disabilities and their families are your constituents. Delegating decisions to the Superintendent, regarding special education children is wrong and is discriminatory. Your board do not delegate decisions about other groups such as the African American children, English Language Learners or Transgender students. Why is it acceptable for your school board to decide you will not provide the oversight to special education matters? Your decision not to get involved with special education matters sends out a message that you do not want to represent a part of your constituency, the special education children.

You have decided not to represent students solely based on their **disability status.** Please review and change the policy of delegating special education matters to the Superintendent without board approval. This process segregates children with disabilities as second class citizens. Please support inclusion, not segregation.

In addition, I find it very disrespectful that there is not a photograph and biography for the new member Ms. Martinez. She represents most Hispanic community members within your district.

Special Education students get blamed for being high cost, but the public does not know that the money is not going to services but rather to special education layers. ALSD should not use taxpayer funds to legal firms to sue the children. Instead, tax funds should go to education.

**“YOU TOO MOVEMENT \* EVERY STUDENT SUCCESSFUL \* MORE EDUCATION/LESS LITIGATION \* SPECIAL EDUCATION CHILDREN MATTER.**

**Yukiko Hakamada**

Below are my public comments for today's board meeting. This is a non-agenda public comment.

I've been watching the last few ALSD board meetings and I find some of the anonymous public comments a little suspect. It seems there are a gang of commenters that are targeting the new board member Jessica Martinez with scathing remarks about her. While I don't know her, from what it appears is that it was quite an adjustment for the other board members to have a new member on board.

After all some of the board members have been on the board for multiple decades. The suspicion is that the public commenters that don't seem to like the newly elected board member might have been put up to the task by others at ALSD who are not fond of "outsiders". I hope that is not the case but one can't help but to wonder when you see these targeted attacks toward a new board member. There is nothing wrong with questioning the way things are done and really nothing wrong with seeking transparency and accountability. Just my 2 cents. Cheers.

**Brie Kabia**

Good evening members of the board, executive cabinet, and members of the public

I am the mom of three kids in the district, all of whom are distance learning from my living room and kitchen table.

As usual, I have a few thoughts I'd like to share with the board so thank you in advance for the time to do so.

First, I thought I'd start by doing something I don't know if I've done this school year, and that is thank all of the new staff for the 2020-2021 school year, including our new superintendent Mrs. Hendricks, and our new board member Jessica Martinez. Thank you for dedicating your time and coming aboard in the middle of a chaotic year/pandemic where seemingly nothing can be done that would make EVERYONE happy. Thank you for committing yourselves to help the students of ALSD, for your inquisitiveness, and starting the work to make things better. Thank you.

Second, while distance learning is not my kids nor my favorite nor first choice of learning, I do want to say thank you to the district staff, the school site admins, the teachers, office staff, etc and all who helped put together the curriculum for our students and ensure that every teacher had a new computer and training, and that every student that needed one was able to pick up a Chromebook and internet service. Again, I cannot imagine the tall task that that was, and a part of me feels very fortunate that my kids are in a district that was able to ensure none of their students would technologically be left behind. I'm grateful that my 2 kids that were in school before COVID-19 were exposed to computers, tech, and learning platforms online prior to the shutdown.



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With that said, I would also like to applaud the parents that have also taken the time out of their own evenings the past 11 months to respectfully express the concerns we have about our kids. Many of us are not educators by trade, and only want the best for our children which is why we've taken the time to express our feelings and concerns to the district's school board. However, many times, you guys have made it painfully clear to us parents that you don't necessarily care about our opinion as parents and seem to think we are against you when we are not. We are trying to work with you, and being an active parent and participant in our child's education shouldn't be viewed as negative because we have a different opinion and understanding than you do. In fact, we know first hand that you are teaching our kids not to just accept things as fact, but ask questions, do their research and cite their sources, things we as parents are doing and then seen as problem parents. If we can all accept the fact that we all want what's best for our students, maybe we can come together and sit at a table and figure out how to do that.

Finally, some of the Public comments from prior meetings seem to be from other board members friends against Jessica, especially the comments saying she's looking at her phone or some other screen to find out what to say. You can see that Mrs. Martinez has the current meeting agenda, likely with her notes taken in preparation for the meeting, and refers to these as any decent professional would to make sure she is on topic and concise. Mrs. Martinez is also clearly taking notes about what is being said in the meeting, during the meeting, which is something every single other board member and executive cabinet member is doing as well. For the "members of the public" to imply she is doing otherwise or doing so because she's receiving handler instructions actually goes even more towards the racial biases and harmful implications the ALSD perpetuates and allows for its community members of color. Mrs. Martinez is doing an excellent job showing up to an environment that has not always been welcoming of her, and doing her due diligence to ensure that the board is holding not only itself accountable, but holding accountable the district as a representative of the public, and the actual parents of the district who have been paying attention this year and prior are grateful for her service and commitment to the children and public of Alta Loma.

Thank you for your time

I would like to add to my comment please, time permitting.

While I appreciate the districts efforts to put together a "compliant" plan to get the kids back in school, please take a look at the 3 different schedules proposed between TK-6 and ask yourselves if you were a parent, and say you had a child in each of the proposed schedules, would you be able to send them back to school? Now please consider the working parents and whether or not you are even really giving them or their child an opportunity to return to school. Further, I understand it is likely logistically easiest to keep every child with their same teacher whether or not they choose to return in person or continue online, but what impact does that have on the teacher whose attention will essentially be divided between 2 classes and the students who will be forced to learn to deal with it? What message is that sending to the people who are already burnt out after a year of this? Please reconsider your schedules and options so they don't just work best for the district office, but the people who will be implementing this and the people that will have to adapt to some other new weird form of normal for now.

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**Peter Attwood**

The rest of the board members, with the courteous exception of Brad Buller, have shown themselves excessively hostile to Jessica Martinez from the get-go. I am reminded of how The Donald has had so much trouble getting used to the idea of having lost his election.

Look. It is not any board member's statutory obligation to be a "team player," which is to say, a captive regulator. The board's primary responsibility is not to get along with the superintendent and her administration. It's to hold them accountable to do the job of getting the kids educated in a safe environment, without wasting the public money - especially on lawyers to keep the kids from being educated. Getting along is important but secondary, same as a cop's first responsibility is to protect and to serve, and secondarily to encourage people to like him.

Unlike the other board members all the time that I've been acquainted with ALSD, Martinez at least understands that, and given time and experience will doubtless get better at it. Any kid who at least attempts his homework will do better than any kid who doesn't even recognize that obligation.

So, Jessica, the dogs bark, but the caravan moves on. Just keep doing your job. Inevitably, those who do not want the job done, who instead feel obliged to provide impunity and be team players at the expense of the kids, will not like you. Just do your job, learning it better all the time.

**Dolores Lopez**

I am here in support of children with disabilities in Alta Loma who have been litigated against just because their parents have asked for help. I am extremely disturbed by information I saw on social media showing how one of the attorneys with the law firms of Fagen, Friedman and Fulfrost; went to Cuba on vacation. As a Cuban American, it is shocking to see contractors for a public school district go on vacation to a country that oppresses its people and who is classified by the United States as a State sponsor of terror. Your board should ask questions about the people your contract with to ensure they are acting ethically. These lawyers are already profiting from the suffering of families of children with disabilities and now they use the dollars they get from your district to vacation to terrorist countries.

The California School Boards Association legal counsel recently said that a Due process case costs a district over a hundred thousand dollars. A federal court case costs the district much more. In the past year Alta Loma has litigated six cases in federal court to deny services to students with disabilities. In one case, the parents were merely asking for a Vision Therapy evaluation that would have cost the district \$1,000 which happens to be the amount allowed by the SELPA policy. There are two cases pending before the Ninth Circuit Court of appeals related to the Vision Therapy assessment case. These Alta Loma cases can be found on the Public Access to Court Electronic Records website or PACER. The public can also request that the district provide copies of the Due Process complaints in Alta Loma by sending a Public Records Act Request to the Superintendent.

The district also took two brothers to Due Process in a 48 hour period. They filed yet a third due process case against the same family to deny the child assessments. The law firm of Fagen, Friedman and Fulfrost, acting on behalf of the district, has engaged in tactics such as trying to remove the parent as the Guardian for the child and try to get a foster parent assigned to the case. Thankfully, the Judge rebuked FFF and denied their request but they billed your district for

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every penny of the work they contrived on behalf of Alta Loma. FFF has also notified the Court that they will be seeking attorney fees and costs from the parent, surely as a way to intimidate the parent into not advocating for the student. I encourage you to look at the contract you have with FFF which will most likely have a clause that will authorize FFF to hire private investigators to conduct what amounts to government funded surveillance on the parents in your district. I say government funded because FFF will bill you for the surveillance so your board is essentially funding the surveillance.

Special Education students get blamed for being high cost but the public does not know that the money is not going to services but rather to a special interest group of lawyers who are milking the system. Why not spend the money you are giving to FFF to sue the children of the Alta Loma district on education services for children instead?

Please reconsider your decision to give you Superintendent the authority to approve purchase orders of unlimited amount for legal services that will be used to sue children with disabilities in your district. You are essentially abrogating you responsibility to represent all children in your district. Children with disabilities should not be treated as second class citizens and decisions related to them should come to your board. The Superintendent is not an elected official. A decision to enter into litigation on behalf of the District should not be left up to one person who is not elected by the community. The Alta Loma community has elected you to make decisions and you should do your job and not simply look the other way as law firms will most likely recommend litigation so that they can continue to profit by robbing the Alta Loma tax payer dollars. The Superintendent can approve contracts with legal firms for unlimited amounts. Theoretically speaking, the Superintendent could award a contract for 10 million dollars with no board approval. Furthermore, this process is out of compliance with the Brown Act which requires that the Board approve litigation and put it on the agenda so that the public can see how you are using our tax dollars. Please show that decisions related to children with disabilities in your district are important enough for the board. I thank Board member Martinez for voting NO last month but sadly, the other board members are going along with a culture of secrecy and non-compliance with the law. Please spend district resources on education and not litigation.

#Moreteacherslesslawyers

### **Rita Loof**

Public Comment- Non-agenda items

Good evening board members, Superintendent and members of the public. As you know, the Alta Loma District is a member of the West End Special Education Local Plan Area. As parents and community members, we are very concerned with how WESELPA is using our tax dollars. We are committed to improving educational outcomes for children with disabilities.

WESELPA is acting like an insurance company and not like an educational agency to help children with disabilities. WESELPA has a record number of cases in federal court. According to a recent article by the California School Board Association Legal counsel, a Due Process case costs a district over a hundred thousand dollars so it stands to reason that a federal

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court case costs even more than that. In the last year there have been approximately 8 federal cases including two Ninth Circuit court of appeals cases in the WESELPA.

Currently, there are no internal controls or any policies and procedures in place to prevent fraud, waste and abuse by the for profit law firms that are controlling the WESELPA. Law firms are allowed to marginalize IEP teams and school board members and engage in unfettered litigation against children with disabilities. The Local Plan does nothing to prevent this type of abuse or protect our children. In many cases, the school board is never made aware of the cases.

As an example, the law firm of Fagen, Friedman and Fulfrost has engaged in questionable practices and has protracted litigation in many cases. The law firm has greatly profited from denying services to children with disabilities and the current contract which has no maximum amount, is essentially a blank check to FFF to continue using our tax dollars to the detriment of children with disabilities. The actual contract has not been presented to your board or the WESELPA Superintendent's Council and Superintendents are essentially asked to vote on a contract sight unseen.

The main problem is that the SELPA's policies act as an incentive to litigate. The Local Plan has an addendum called the Fiscal Allocation Plan which will most likely not be presented to your board as part of the Local Plan approval process. The Fiscal allocation plan states that your district will send SELPA all your special education money but you can only get 30% of it back if you decide to provide services instead of litigation. Then, you can't have independent counsel and have to get SELPA approval before you can even talk to a lawyer. SELPA paid lawyers are loyal to SELPA, not your district. Then when the hardball lawyer goes to extract money from the families who live in your district, whatever money is generated goes back to the SELPA. This is a very good deal for the SELPA but how does that scenario benefit the district? You are supposed to be advocates for your district you are supposed to speak up for your district's interests. I here in support of parents and children in Alta Loma whose situation is caused by the dereliction of duty of WESELPA combined with the unscrupulous actions of FFF.

FFF is literally profiting from the pain they are inflicting on families who are already vulnerable. While kids and families suffer, some of the FFF attorneys go to vacation in Cuba. As you may know, Cuba has been designated as a state sponsor of terror. The State department is designating Cuba as a sponsor of terror because the country continues to harbor American fugitives including a convicted killer of a New Jersey state trooper; among the many human rights abuses against the Cuban people. I provided the Board and Superintendent with a picture of the FFF attorney in Cuba.

I was born in Cuba and I have been a proud American citizen for many years. It is disturbing to see American tax dollars going to a corporation that has employees who vacation in a terrorist state against our government's directives. The lawyers for the district are contractors for a public agency and thus should follow the law. Please investigate why your contractors are taking actions that go against public policy.

I found out about this issue because a picture on social media was posted which I emailed. The Caption reads: "Taxi, Cuban style, hoops, hoops and more hoops but we have finally arrived" The picture show a 1950s car used as a taxi. Due to the oppressive Cuban government, the people cannot own new cars and they have to rely on old cars for transportation. The hoops

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being referred to sound to me like circumvention of United States travel policies. As a Cuban American, I am outraged to see how an American citizen is amused on vacation at the expense of the suffering of the Cuban people. In the special ed world this lawyer is profiting from the suffering of families of children with disabilities. Please investigate this matter and ask how an UUSD contractor, who is representing a public agency, can get away with disregarding the law

Please direct the WESELPA Due Process Manager, Dr. Royal Lord to stop enabling private law firms to take our public dollars and profit from denying children with disabilities educational services. Please find us at #moreteacherslesslawyers. Thank you for your time.

**Cassandra Morton**

Good evening board of trustees,

I realize you have many hard choices to make and I commend you for the time spent listening to the community to do the best with the parameters given.

I beg you to please bring back k-6 in some kind of in person fashion. My own children are currently being assessed for social/emotional support through the district. They are struggling academically and emotionally. I recognize there will be restrictions in place, but I know that some form of in person instruction for my kids will benefit them long term.

Again, I appreciate your time and consideration.

**Melanie Blair**

Our children NEED to be back to in-person school full time. All “science “ states they nor the teachers are at risk for excessive transmission of Covid as is evident from other counties, states and counties that have in-person schooling. Not to mention the statistical detriment our children are facing from not going to school; the excessive loss of learning and failure rates, the passing/graduating of uneducated children who will be expected to continue their lives despite their deficiencies, the increase in suicides and depression (to name a few), etc. None of the stated catastrophes of Covid have come to fruition. Our children have suffered enough, physical, mentally and emotionally. Back to in-person school is the only option. It’s been 1 year too long.

For those who are maintaining their fear, they can stay home. That will help reduce class size. Both systems are in place so utilize them.

Thank You,

**Sandra Chavez**

I don’t have a question, this is a statement.

I’m a concerned parent of a child in the ALSD district. And soon my son will possibly be starting kindergarten this fall if ALSD opens. We have been discussing pulling out my daughter this next school year and go to private. What stopped us from doing it this year? The faith that I had on this district to do the right thing. As weeks went by, we continued to get discouraged. We saw how other schools remained open with no Covid cases from children. We saw how my son continued to stay in private for pre-k while my daughter sat alone behind a computer screen. Fortunately I was able to quit my job, but that should have never been an option for our family. I am saddened with the decisions being made. I wish the board would be completely open with us

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parents and let us know what is really going on behind the scenes. Who gets to decide? We are all adults and we all deserve the real answers. We feel lost and out of the loop, so why is the district not asking us parents for our input. A year later, this is enough! A year that kindergarten children lost the experience of their first year in a school. A freshman lost the experience of what high school is like. A senior lost the experience of enjoying his or her last year, all the activities, dances, prom night, graduation.

Please do the right thing and open the schools back up. Open traditional school for those who want it! Open virtual for those who want to continue to do so. Give us parents more rights to decide for our children.

Thank you!

### **BOARD REPORTS**

Board member Brad Buller . . . continues to do a lot of reading, watching, and learning where we are COVID wise, and California Education wise; Mr. Buller is coaching a Little League team, he has eleven 8, 9, and 10-year old's; he is enjoying himself.

Board member Rebecca Davies . . . had the opportunity to attend Hermosa's Kindness Drive-Thru lunchtime festivities; Principal Bires and Assistant Principal Bowyer organized a fun and festive event; families drove thru the parking lot, picking up a Valentine gift bag, a sack containing lunch for today and another sack containing breakfast for tomorrow, then proceeded on to a visit with their school mascot Hunter the Husky, who gave each a candy treat; kudos to the teaching and child nutrition staff for an uplifting event; Member Davies is thankful for the partnership that the Assistance League of the Foothill Communities has with the Alta Loma School District; two retired ALSD staff members Karolyn Bragg and Judy Bach are now Assistance League volunteers and they shared their recent outreach project; each family received a large box of non-perishable food as well as a gift card for Stater Bros to purchase fresh food; additionally, included were freshly picked oranges donated from a local orange grove; volunteers delivered all the food to the District office and with the assistance from Belinda Holdridge Hays, our District Family Liaison, and other helpers, it was taken to school sites for pickup; 40 families were served; Member Davies thanked the Assistance League volunteers for their kindness and caring for our community; participated in Jasper's dine-out fundraiser hosted by Vince's Spaghetti and participated in Carnelian's dine-out fundraiser hosted by Carl's Jr.; Member Davies continues to read the CSBA daily and weekly education briefs as well as the EdSource updates; listened in to the 6<sup>th</sup> Grade Parent Information Night hosted by Vineyard Junior High Principal, Sandy Rose, Assistant Principal, Maureen Voss and Dean of Students, Matt Dzama; they shared with parents what their children can look forward to as they promote from elementary to Jr. High; thanked Superintendent Hendricks, Associate Superintendent Steve Thomas and Board President Caryn Payzant for their tenacious advocacy with the County of San Bernardino for prioritizing vaccines for our staff and securing vaccine appointments; Member Davies is pleased to hear that many staff have received their first dose and to see that the COVID rates show significant decrease in both Alta Loma and the City of Rancho Cucamonga;

Board member Jessica Martinez . . . attended another day of ACSA's Every Child Counts Symposium and a two day training with CSBA for new and first term Board Members; this last election was one of the highest for new Board members in the State of California with over 1000 new Board members; last week attended a meeting with San Bernardino County District Advocates for Better Schools, its comprised of local Board members, Superintendents and local Assemblymen; February 15<sup>th</sup> attended a town hall meeting presented by Board member Rita

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Loof from San Bernardino County, Area B; Member Martinez thanked Superintendent Hendricks and the Executive Cabinet for their efforts in creating a plan to open schools; Member Martinez asked how the parent surveys will go out, she is a parent in the District and she has not received any previous surveys; participated last night in Carnelian's dine-out hosted by Carl's Jr and shared tomorrow evening at 6:00 PM, Mr. Deegan, Principal at Carnelian will be hosting a chat with the principal.

Board member Sandie Oerly. . . enjoyed the second day of the ACSA Every Child Counts Symposium; sat in on many informative sessions, Table Talk, Factor and Fees, Calculating the True Cost of Special Education Litigation, Seeing and Responding to Student Emotional and Academic Educational Distress, Through the Lens of Distress, Every Shut eye, Eat, Sleep, Comprehensive Mental Health in School and lastly Every Child Counts, Navigating the New Normal; had the opportunity to sit in on two of the ACSA lunch sessions, one featuring Assemblyman Kevin McCarthy and the other lunch session had representatives from CASBO and the California County Superintendents Educational Services Association, CCSESA; supported both Carnelian's and Jasper's dine-outs by having breakfast at Carl's Jr. and dinner at Vince's Spaghetti; commended Mr. Thomas for his efforts in getting timely vaccination information out to all of our staff.

Board member Caryn Payzant. . .expressed how honored she is to serve alongside her fellow Board members; February 10, attended a roundtable discussion hosted by Assemblyman James Ramos; the purpose was to discuss reopening of schools and get different perspectives ; six people were invited and three out of the six were from Alta Loma School District, Superintendent Karen Hendricks, Banyan Principal, Cara Cereceres, and herself Board member Payzant; the other three participants were Director of the East End Selpa , County Superintendent and the Chief Executive of the Boys and Girls of America; it was a great opportunity to speak with the Assemblyman, there was some focus on the emotional health of our students and staff; appreciated the opportunity to participate in the roundtable meeting.

### SUPERINTENDENT & STAFF REPORTS

Superintendent Hendricks started one of her mornings by stopping by Alta Loma Junior High for their doughnut drive-thru; shout out to Principal Rachielles and all the teachers that were out there in the parking lot helping, lots of great energy, great way to start the morning.

Superintendent Hendricks had the opportunity to film a slice of the Banyan Bulldog Assembly and be a part of it live in Stephanie King's Class. Principal Suttner shared with Ms. Hendricks the importance of their Proud Boards and how they are utilized to motivate and celebrate student growth and reading. Superintendent Hendricks had the opportunity to join in, in a breakfast and lunch distribution accompanied by Child Nutrition Director, Heather Sloan, Cafeteria Lead Isabel Santos, and Bus Driver, Brenda Madrana. Child Nutrition Director, Heather Sloan appreciates how Transportation has partnered with Child Nutrition to keep the food going out the door and into the hands of our students who are happy to receive it.

Superintendent Hendricks had the opportunity to participate in the roundtable discussion with Board member Payzant and Assemblyman Ramos; grateful for the opportunity to be sharing in that conversation. Ms. Hendricks expressed appreciation for ALEA President, Peggy Swistock, she has had the opportunity to meet with Peggy several times in the short amount of time that she has been part of the District.

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Superintendent Hendricks shared that she did a little homework on how our neighboring school districts manage the public comment section of the Board meeting. Central School District allots 5 minutes per person, Cucamonga allots 3 minutes per person and no more than 20 minutes on the same subject, Etiwanda is up to 3 minutes per item and no more than 10 minutes for an individual on all desired agenda items that they want to talk to. Districts manage this in different ways, the primary point of what Superintendent Hendricks looked at and researched is that an agency's policy may indicate the amount of time each speaker has to address the Board and further the agenda may indicate the total time allocated for public comment.

Associate Superintendents Lori Thompson and Steve Thomas presented to the Board the plan for Reopening Classrooms in the Alta Loma School District. The school year started on August 10, 2020, with Distance Learning. Child Care opened on August 10, at four sites. ALSD applied for a waiver that was approved on October 26, but COVID rates began to rise. November 4, 2020 students in Special Day Class began In-Person instruction at Carnelian, Banyan, Victoria Groves, Jasper and Alta Loma Junior High. In mid-November principals contacted kindergarten parents regarding their choice of Distance Learning, an AM or PM program with intentions of opening January 4, 2021. In early December, due to an increase in COVID rates, the District had to close the Child Care program, Special Day Class students had to return to Distance Learning and reopening was halted.

During the entire time, the District has been consulting with Alta Loma Educators Association, teacher groups, grade level teams, LCAP Advisory Parent Group, site administrative teams and cabinet leaders. In speaking with all these groups there were a few agreements or requests. To maintain the school roster, so students do not change teachers, to follow all safety and PPE protocols, and parents and staff want to open when we believe we can stay open, and parents and staff have requested a two week notice to transition back to open classrooms.

The reopening model for Preppy K and Kindergarten: Parents may opt to continue Distance Learning, Parents may opt to send their student to school Monday through Friday for either the AM or PM. There will be some class roster changes, but as minimal as possible. Students will have 120 minutes synchronous instructions with teacher and 60 minutes asynchronous assignments. Sack lunches will be available and Child Care (fee based) will be available.

Reopening Model for Grades 1 and 2: Parents may opt to continue Distance Learning, Parents may opt to send their student to school for the AM or PM on Tuesday through Friday. Monday will continue to be a Distance Learning Day. There will be some class roster changes, but minimal as possible. Students will have 150 minutes synchronous instruction and 90 minutes asynchronous assignments. Sack lunches will be available and Child Care (fee based) will be available.

Reopening Model for grades 3 through 6: Parents may opt to continue with Distance Learning 5 days a week, however the schedule and routines will change. Parents may opt to send their student to school 2 full days a week, while they learn remotely the other three days. Monday will continue to be a Distance Learning day. Students will not have to change their teacher in this Hybrid model. Lunch will be available at school and Child Care (fee based) will be available.



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Junior High, waiting for State Guidance on how to safely open classrooms. Distance Learning remains in place at this time. The aspirational reopening timeline, March 1 Special Day Class students and Child Care returns, March 8 staff on sites, March 15 Preppy K and Kindergarten return, March 30 1<sup>st</sup> and 2<sup>nd</sup> Grade students return, April 6 3<sup>rd</sup> through 6<sup>th</sup> Grade students return. The next steps are to continue to monitor the County and ALSD COVID rates, finalize logistics for safe reopening. Ensure all staff have the opportunity to receive vaccine and contact parents about their preferences regarding Distance Learning or In-Person instructional options.

The Board engaged in discussion and questions regarding the presentation. This presentation will be available on the District website after the Board meeting.

### CONSENT CALENDAR

Consent Calendar Items pulled for separate discussion and voting: L. (1) & L. (4)

Moved by Mr. Buller, seconded by Mrs. Payzant, and carried unanimously to adopt the following Consent Calendar items:

#### Routine Personnel Items

Approved employment, terminations, resignations, leaves and temporary assignments, as presented.

#### Request to Remove Signer

Recommend the Board approve the request to remove signer on the Floyd M. Stork Elementary School checking account. This action would remove Laura Sosa, Teaching Assistant Principal from all related documents for Floyd M. Stork Elementary School.

#### Board Payment Report L. (1)

Member Martinez wanted clarification on where are the cameras being placed and if they will be in the classrooms. Mr. Thomas clarified that the cameras will not be in classrooms, but are needed on campuses that do not have campus wide coverage.

Moved by Mrs. Davies, seconded by Mrs. Oerly, and carried unanimously to approve the Board Payment Report, as presented.

#### Governance Team Consulting Proposal L. (4).

There was discussion and questions on the proposed consulting agreement. There was Board discussion to postpone this action item until the March 3, 2021 meeting to gather more information and rework the consulting proposal.

Moved by Mr. Buller, seconded by Mrs. Davies, and carried unanimously to motion to postpone the approval of the Governance Team Consulting Proposal for work provided by Facilitator Carolyn Post and Authorize Superintendent Karen Hendricks and/or Associate Superintendent Steve Thomas to sign all related documents.

### GENERAL FUNCTIONS

#### 2021 CSBA Delegate Assembly Election

Moved by Mrs. Oerly, seconded by Mrs. Davies, and carried with the following vote to cast a ballot for the following 2021 California School Boards Association (CSBA) Delegate Assembly, Subregion 16B Candidates:

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Tom Courtney (Lucerne Valley USD), Shari Megaw (Chaffey Jt. Union HSD), Gabriel Stine (Victor ESD), Eric Swanson (Hesperia USD), Mondy Taylor (Etiwanda SD), and Kathy Thompson (Central SD).

Number of members voting AYE:	-4- (Buller, Davies, Oerly, Payzant)
Number of members voting NO:	-1- (Martinez)
Number of members voting ABSTENTION:	-0-

Member Martinez would like the minutes to reflect that she expressed she was unaware that the 2021 CSBA Delegate Assembly Elections were a group vote and not an individual vote. She was voting “No” because she only agreed on 2 out of the 6 nominees.

### CURRICULUM AND INSTRUCTION

#### Consulting Agreement with WHOLE CHILD THERAPY

Member Martinez asked how or who considered WHOLE CHILD THERAPY, how did the District come to the determination to use this provider? Mrs. Thompson explained that the District Special Education Director works with many agencies and when the District can't use one of its own employees they have to use an agency. Mrs. Thompson would have to speak with Special Education Director, Liz Peña to see why the District went with WHOLE CHILD THERAPY, but it has been her experience that this may have been the only agency that had someone available in the time frame needed or had the specialist that was needed.

Moved by Mr. Buller, seconded by Mrs. Oerly, and carried unanimously to approve a consulting agreement with WHOLE CHILD THERAPY for provisions of Occupational Therapy Services from February 16, 2021-April 1, 2021 for an amount not-to-exceed \$17,280 and authorize Superintendent Karen Hendricks and/or Associate Superintendent Steve Thomas to sign all related documents.

### BUSINESS AND FINANCIAL PROCEDURES

#### Notice of Completion

Moved by Mrs. Davies, seconded by Mr. Buller, and carried unanimously to approve Notice of Completion for the Districtwide Prop 39 Energy Management System Project Performed by Anderson Air Conditioning L.P. and authorize Superintendent Karen Hendricks and/or Associate Superintendent Steve Thomas to sign all related documents.

#### Approval to advertise for Paper Products RFP

Moved by Mrs. Oerly, seconded by Mr. Buller, and carried unanimously to grant approval to advertise for Paper Products RFP and authorize Superintendent Karen Hendricks and/or Associate Superintendent Steve Thomas to sign all related documents.

#### Approval to request proposals

Moved by Mr. Buller, seconded by Mrs. Davies, and carried unanimously to grant approval to request proposals for photography and yearbook services.

### HUMAN RESOURCES

#### Job Descriptions

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A first reading was held to amend the job descriptions for Bus Driver/Dispatcher and Dispatcher/Trainer/Bus Driver as presented.

**BOARD INFORMATION/DISCUSSION**

**Budget Update**

The 2<sup>nd</sup> Interim Financial Report will be shared at the March 3 Board meeting, updating activity through January 31, 2021.

February 16 was the deadline for Certificated Employees to turn in their desire for early retirement. The District had 10 employees turn in their desire for early retirement papers.

**Bond Update**

The second phase of the Deer Canyon construction in the older facility is done and they have moved to the third phase demolition. Excellent momentum at Jasper and Carnelian.

**Future Agenda Items**

The Board requested a Solar update and adding a legend to the Board Payment Report to make it a little easier to understand.

**ANNOUNCEMENTS**

- 1 The date of the next regular meeting of the Board of Trustees is Wednesday, March 3, 2021 at 6:00 PM via Zoom Conference.

**CLOSED SESSION**

The Board adjourned to Closed Session at 8:38 PM for the purpose of discussing matters expressly authorized by Government Code Section 3549.1, 54956.9, 54956.9(d), 54957, and 54957.6.

**ADJOURNMENT**

The Board adjourned the meeting at 9:18 PM.