

Contra Costa County Board of Education
MINUTES
BOARD OF EDUCATION MEETING- JOINT MEETING –
Board of Education and County Committee on School District Organization
October 13, 2021

MEMBERS

Consuelo Lara, Area 1 Trustee
Sarah Butler, Area 2 Trustee
Anamarie Avila Farias, Area 3 Trustee
Mike Maxwell, Area 4 Trustee
Annette Lewis, Area 5 Trustee

STAFF PRESENT

Lynn Mackey, Superintendent
Denise Porterfield, Deputy Superintendent, Business Services
Norma Gonzales, Assistant Superintendent, Human Resources
Nick Berger, Senior Director, Student Programs
Marcus Walton, Director, Communications
Michelle Kiernan, Exec. Asst. To the Superintendent and Board
Alejandra Chamberlain, Manager, Youth Services
Neil McChesney, Coordinator, Charter School Oversight
Cynthia Schwerin- County Counsel

1. CALL TO ORDER

Board President, Annette Lewis called the Board meeting to order at 5:04 p.m.

2. GENERAL INFORMATION

2.1 General Information

3. OPENING PROCEDURES

3.1 Roll Call

All Board Members are present.

3.2 Agenda Review and Adoption

Action: Adopt the agenda as presented.
Motion by Mike Maxwell, second by Sarah Butler
Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler
No: None
Absent: None
Final Resolution: Motion Passes

4. CLOSED SESSION

None

5. RECOGNITIONS

5.1 Resolution #2-21/22: Filipino History Month- Oct.

5.1 Resolution #2-21/22: Filipino History Month
Action: Adopt the resolution as presented.
Motion by Mike Maxwell, second by Consuelo Lara
Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler
No: None
Absent: None
Final Resolution: Motion Passes

5.2 Resolution #14-21/22: Week of the School Administrators- Oct.

5.2 Resolution #14-21/22: Week of the School Administrator

Action: Adopt the resolution as presented.

Motion by Mike Maxwell, second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

5.3 Resolution #7-21/22: LGBTQ History Month- Oct.

Public Comment:

No Name- Opposed to LGBTQ History Month

RB- Opposed to LGBTQ History Month

5.3 Resolution #7-21/22: LGBTQ History Month

Action: Adopt the resolution as presented.

Motion by Consuelo Lara, second by Mike Maxwell

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

5.4 Resolution #5-21/22: Homeless Youth Awareness- Nov.

5.4 Resolution #5-21/22: Homeless Youth Awareness

Action: Adopt the resolution as presented.

Motion by Mike Maxwell, second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

5.5 Resolution #6-21/22: Disability Awareness Month- Nov.

5.5 Resolution #6-21/22: Disability Awareness Month

Action: Adopt the resolution as presented.

Motion by Sarah Butler, second by Mike Maxwell

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

5.6 Resolution #8-21/22: Native American History Month- Nov.

5.6 Resolution 81-21/22: Native American History Month

Action: Adopt the resolution as presented.

Motion by Consuelo Lara, second by Mike Maxwell

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

5.7 CCCOE's Education Champions- October 2021 (WALTON)

Contra Costa County Superintendent of Schools Lynn Mackey will recognize an Education Champion each month to thank our valued partners for their help and collaboration. For the month of October 2021, Rainbow Community Center has been selected to receive the CCCOE Education Champion award.

6. CONSENT AGENDA

6.1 Consent Agenda

6.2 Board Meeting Minutes - September 14, 2021

6.3 Temporary County Certificates (TCCs) - September 2021 (GONZALES)

6.4 Review of Williams Uniform Complaint Quarterly Report (BERGER)

6.5 Consider Granting of a Contra Costa County High School Diploma to Court School Student MM1–101321 (BERGER) - ACTION

6.6 Consider Granting of a Contra Costa County High School Diploma to Court School Student MM2–101321 (BERGER) - ACTION

6.7 Consider Granting of a Contra Costa County High School Diploma to Court School Student MM3–101321 (BERGER) – ACTION

Action: Adopt the consent agenda as presented.

Motion by Mike Maxwell, second by Anamarie Farias

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

7. PUBLIC COMMENT

7.1 Public Comment

In-Person:

John Bessmer- against vaccination mandate

Jennifer Kibby- against vaccination mandate

Barbara Smiglewski- against vaccination mandate

Kayla McKissick- against vaccination mandate

Morgan- against vaccination mandate

Michael Aiello- against vaccination mandate

Kristyna R.- against vaccination mandate

The Irish Marine- against vaccination mandate

Rick Wesson- against vaccination mandate

Ashley Pool- against vaccination mandate

Mareh- against vaccination mandate

Claudioia Ayers- against vaccination mandate

Jenn Cayan- against vaccination mandate

Press Maycock- against vaccination mandate

Nikki Collins- against vaccination mandate

Kristin Lauria- against vaccination mandate

Angelina- against vaccination mandate

Laura Lencioni- against vaccination mandate

Sarah Cole- against vaccination mandate

Alejandra Stah- against vaccination mandate

Online:

Dawn- against vaccination mandate

RB- against vaccination mandate

Nicole- against vaccination mandate

Lacy Bustos- against vaccination mandate

PJ John Paul- against vaccination mandate

Karine Boyce- against vaccination mandate

Erika Ledesma- McIntyre- against vaccination mandate
Carol- against vaccination mandate
May Nash- against vaccination mandate
Alisa Cannon- against vaccination mandate
Sunny Wells- against vaccination mandate
KC- against vaccination mandate
M- against vaccination mandate
L Hannon- against vaccination mandate
Jenna Von Ranson- against vaccination mandate
Tessa- against vaccination mandate
871- against vaccination mandate
Hanna- against vaccination mandate
Amy Slovick- supports vaccination mandate
AL- against vaccination mandate
Alicia Hernandez- against vaccination mandate

8. PUBLIC HEARINGS

8.1 NONE

9. BUSINESS/ACTION ITEMS

9.1 County Committee will consider whether to approve the Petition to Transfer Territory submitted jointly by the Antioch Unified School District, Brentwood Union School District, and Liberty Union High School District pursuant to Education Code section 35709. (PORTERFIELD) ACTION

In accordance with state law, the Contra Costa County Committee (County Committee) held two public hearings dated August 17 and August 24, 2021. During the public hearings, the County Committee heard from the Petitioners who spoke on behalf of three school districts seeking to transfer territory for the purpose of resolving boundary issues effecting nineteen homes proposed for construction that are split between the current school district boundaries. Additionally, the County Committee voted at its September 14, 2021 meeting to accept the recommendations of the Contra Costa County Counsel who determined that the territory transfer as proposed is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) (COUNTY COUNSEL)

Tonight, the District Transfer Team presented a summary of the nine criteria that must be satisfied in order to approve the transfer request. That criteria are summarized as follows:

- (1) The reorganized districts will be adequate in terms of number of pupils enrolled.
- (2) The school districts are each organized on the basis of a substantial community identity.
- (3) The proposal will result in an equitable division of property and facilities of the original district or districts.
- (4) The reorganization of the school districts will preserve each affected district's ability to educate pupils in an integrated environment and will not promote racial or ethnic discrimination or segregation.
- (5) Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
- (6) The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the affected districts.
- (7) Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.
- (8) The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

(9) The proposed reorganization will continue to promote sound fiscal management and not cause a substantial negative effect on the fiscal status of the affected district(s).

County staff believes that the territory transfer as proposed meets all of the above criteria. Staff's findings are summarized in the table attached with this agenda item. The proposed transfer has the support of all three school boards and district administrative staff. The Petitioners are requesting approval of the proposed boundary transfer as submitted (see attached Petition and proposed boundary map). Should the County Committee approve the Petition, notification of the transfer will be sent to the County Board of Supervisors. If the Petition is not approved, the Petitioners may appeal the decision to the State Board of Education based on the criteria defined in Education Code Section 35710.5.

County staff request the County Committee to take action to approve or disapprove the Petition as follows:

- a. Consider whether the Petition to transfer territory would substantially meet each one of the nine statutory criteria stated in Education Code section 35753 (a) (1)-(9)
- b. Consider whether it would be true that the Petition to transfer territory, taken as a whole, substantially meets all nine statutory criteria stated in Education Code section 35753 (a) (1)-(9) (Education Code, § 35709(a))
- c. Consider whether it would be true that the Petition to transfer territory involves uninhabited territory and has the consent of the territory owner and the governing boards of the affected school districts. (Education Code, 35790 (b) (1))
- d. Consider whether to approve and order the Petition granted (Education Code, § 35709)
- e. Adopt Resolution 13-21/22 stating the Committee's determination on items (a) through (d)

Criteria 1- District Size- substantially met

Action: approve criteria 1

Motion by Mike Maxwell, second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 2- Community Identity- substantially met

Action: approve criteria 2

Motion by Annette Lewis, second by Mike Maxwell

Yes: Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias, Mike Maxwell

Absent: None

Final Resolution: Motion Passes

Criteria 3- Division of Property/ Facilities- substantially met

Action: approve criteria 3

Motion by Mike Maxwell second by Consuelo Lara

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 4- Discrimination/ Segregation- substantially met

Action: approve criteria 4

Motion by Mike Maxwell second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 5- State Cost Increase- substantially met

Action: approve criteria 5

Motion by Mike Maxwell second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 6- Educational Programs- substantially met

Action: approve criteria 6

Motion by Consuelo Lara second by Mike Maxwell

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 7- School Facilities Cost- substantially met

Action: approve criteria 7

Motion by Mike Maxwell second by Annette Lewis

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara

No: Anamarie Farias, Sarah Butler

Absent: None

Final Resolution: Motion Passes

Criteria 8- Property Values- substantially met

Action: approve criteria 8

Motion by Mike Maxwell second by Consuelo Lara

Yes: Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias, Mike Maxwell

Absent: None

Final Resolution: Motion Passes

Criteria 9- Fiscal Status and Management- substantially met

Action: approve criteria 9

Motion by Mike Maxwell second by Consuelo Lara

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias

Absent: None

Final Resolution: Motion Passes

Criteria 1- 9 are substantially met

Action: approve criteria 1- 9

Motion by Mike Maxwell second by Sarah Butler

Yes: Annette Lewis, Consuelo Lara, Sarah Butler

No: Anamarie Farias, Mike Maxwell

Absent: None

Final Resolution: Motion Passes

Territory Transfer

Action: has consent of the territory owner and governing boards consent to the territory transfer

Motion by Mike Maxwell second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler
No: Anamarie Farias
Absent: None
Final Resolution: Motion Passes

Uninhabited
Action: determine if land is uninhabited
Motion by Annette Lewis second by Mike Maxwell
Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler
No: Anamarie Farias
Absent: None
Final Resolution: Motion Passes

Action: overall decision to transfer territory
Motion by Mike Maxwell second by Annette Lewis
Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler
No: Anamarie Farias
Absent: None
Final Resolution: Motion Passes

Action: Adopt resolution #13-21/22
Motion by Mike Maxwell second by Sarah Butler
Yes: Mike Maxwell, Annette Lewis, Consuelo Lara, Sarah Butler
No: Anamarie Farias
Absent: None
Final Resolution: Motion Passes

Board voted to move 9.9 to the next item on the agenda

Action: move item 9.9 after 9.1 on the agenda
Motion by Anamarie Farias, seconded by Consuelo Lara
Yes; Mike Maxwell, Anamarie Farias, Consuelo Lara, Sarah Butler
No; Annette Lewis
Absent: None
Final Resolution: Motion Passes

9.9 Resolution #12-21/22: AB 361 Resolution to Authorize Teleconferencing for Meetings- ACTION

Cynthia Schwerin read the Resolution to authorize teleconferencing for meetings. This resolution will need presented at each meeting in order to continue to have Board of Education meetings virtually, as the resolution needs to be updated every 30 days. In hybrid meetings, a quorum of the Board would need to be teleconferencing.

Teleconferencing Resolution

Action: Adopt the resolution as presented, allow for Board meeting teleconferencing
Motion by Anette Lewis, second by Sarah Butler
Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler
No: None
Absent: None
Final Resolution: Motion Passes

9.2 Presentation on the Youth Services (YS) Program (BERGER) – INFORMATION

Nick Berger, Senior Director, introduced Alejandra Chamberlain, Manager, Youth Services, who provided the Board with a presentation on the Youth Services Department including information on reentry, tutoring, etc.

Board members asked clarifying questions about Ms. Chamberlain's slide deck information and thanks her for presentation.

9.3 Charter School Update (MCCHESENEY)- INFORMATION

Neil McChesney, Coordinator of Charter School Oversight, introduced 2 charters to present their Charter School LCAP information to the Board.

Administration team from Clayton Valley Charter gave a presentation to the Board regarding their LCAP goals and other information about their programs.

Dr. Robert Chalwell from Coco SPA Charter gave a presentation to the Board regarding their LCAP goals and other information about their programs.

Neil McChesney gave the Board a general update on the County board authorized Charter schools. Including Board site visits, CVCHS updates including leadership changes, board elections and facility issue.

Board voted to extend the meeting until 10:30pm

Action: Extend meeting until 10:30pm

Motion by Mike Maxwell, seconded by Sarah Butler

Yes; Mike Maxwell, Anamarie Farias, Consuelo Lara, Annette Lewis, Sarah Butler

No; None

Absent: None

Final Resolution: Motion Passes

9.4 Labor Agreement Proposals - CCCSEA (GONZALES) – INFORMATION

Norma Gonzales, Assistant Superintendent, Human Resources, presented the Board with the Certificated labor (CCCSEA) agreement proposals. Proposals will be back on the November board agenda for Public Hearing.

9.5 Consider approval of the Elementary and Secondary School Emergency Relief (ESSER) III Expenditure Plan (BERGER) – ACTION

Nick Berger, Senior Director, presented the Board with an overview of the Elementary and Secondary School Emergency Relief (ESSER) III Expenditure Plan.

In accordance with the requirements of State law, staff requests Board approval of the Elementary and Secondary School Emergency Relief (ESSER) III Expenditure Plan.

Board members asked questions about learning loss and independent study students.

Action: Adopt the ESSER Plan as presented.

Motion by Annette Lewis, second by Mike Maxwell

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

9.6 Consider Adoption of Resolution No. 09-21/22 to Establish the Appropriations Limit on Proceeds of Taxes, Gann Limit, for 2020-21 and for the Estimated 2021-22 (PORTERFIELD)– ACTION

Denise Porterfield, Deputy Superintendent, presented the Board with the Gann Limit calculations showing adjusted Appropriations Limit and the appropriation subject to limit for the 2020-21 fiscal year. For the year 2021-22, the Contra Costa County Office of Education is in compliance with the Gann Limit. The estimated 2021-22 Gann Limit is \$2,900,676.

The Gann Limit calculation requires the submission of information from all school districts in Contra Costa County.

Action: Adopt the resolution as presented.

Motion by Mike Maxwell, second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

9.7 Consider Adoption of Resolution No. 10-21/22 Authorizing the Spending of Education Protection Account Funds for Fiscal Year 2021-22 for Court Schools (PORTERFIELD) – ACTION

Denise Porterfield, Deputy Superintendent, presented the Board with information regarding the spending of EPA funds for Court Schools. Pursuant to Article XIII, Section 36 of the California Constitution, school districts, charter schools, county offices of education and community college districts are required to determine how the monies received from the Education Protection Account (EPA) are spent in the school(s) within its jurisdiction, provided that the governing board makes the spending determinations in an open session of a public meeting and adopts a resolution approving the spending of the EPA funds.

The County Office of Education anticipates EPA funding in the amount of approximately \$28,825. These funds will be used to support Court School programs. The transfer of EPA funds will offset Other Purpose revenue.

To meet the requirements of the law, Board Resolution 10-21/22 is being presented at this public meeting to reflect that provisions of Proposition 30 are met.

Action: Adopt the resolution as presented.

Motion by Mike Maxwell, second by Sarah Butler

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

9.8 Consider Adoption of Resolution No. 11-21/22 Authorizing the Spending of Education Protection Account Funds for Fiscal Year 2021-22 for Golden Gate Charter School (PORTERFIELD) – ACTION

Denise Porterfield, Deputy Superintendent, presented the Board with information regarding the spending of EPA funds for Golden Gate Charter Schools. Pursuant to Article XIII, Section 36 of the California Constitution, school districts, charter schools, county offices of education and community college districts are required to determine how the monies received from the Education Protection Account (EPA) are spent in the school(s) within its jurisdiction, provided that the governing board makes the spending determinations in an open session of a public meeting and adopts a resolution approving the spending of the EPA funds.

The County Office of Education anticipates EPA funding in the amount of approximately \$11,869. These funds will be used to support Golden Gate Charter School programs. The transfer of EPA funds will offset Other Purpose revenue.

To meet the requirements of the law, Board Resolution 11-21/22 is being presented at this public meeting to reflect that provisions of Proposition 30 are met.

Action: Adopt the resolution as presented.

Motion by Mike Maxwell, second by Consuelo Lara

Yes: Mike Maxwell, Annette Lewis, Anamarie Farias, Consuelo Lara, Sarah Butler

No: None

Absent: None

Final Resolution: Motion Passes

Board agreed to move 12.2 to the next item on the agenda.

**9.10 School Site Visits by a Majority of the Board (BUTLER)- DISCUSSION
MOVE TO NEXT BOARD MEETING**

10. SUPERINTENDENT'S UPDATE

10.1 Superintendent's Update

MOVE TO NEXT BOARD MEETING

11. CABINET MEMBER UPDATES

11.1 Cabinet Member Updates

MOVE TO NEXT BOARD MEETING

12. BOARD UPDATES

12.1 Board Standing Committee Reports

MOVE TO NEXT BOARD MEETING

12.2 Ad Hoc Trustee Area Committee (PORTERFIELD) INFORMATION

Denise Porterfield, Deputy Superintendent, presented the Board with information on the Trustee Area Committee meetings. The committee has met twice to discuss redistricting, on 10/4 and 10/6. Ms. Porterfield had requested proposals and two proposals have been received.

Ad Hoc Committee member, Sarah Butler reported that she called a Trustee from the Community College District Subcommittee to discuss their process. The Community College District Ad Hoc Subcommittee has not met yet. Trustee Butler was told that in the past the CCCCD had drafted the maps. Trustee Butler would like to be sure that the CCCBOE Board is able to give input to shape our maps since it is our responsibility to decide on our maps. Trustee Farias expressed a desire to meet jointly with the Community College District board members about this topic. Committee members requested that we add this to our next meeting for further Board discussion and to take action, if needed.

12.3 Board Member Updates

MOVE TO NEXT BOARD MEETING

13. EVENTS CALENDAR

13.1 Calendar of Events 2021

13.2 Board Meeting Dates 2021

MOVE TO NEXT BOARD MEETING

14. ADJOURNMENT

14.1 The President will adjourn the Board meeting

President Lewis adjourned the meeting at 10:29 pm