Beverly Hills Unified School District Minutes

Regular Board of Education Meeting
April 28, 2020, 5:00 PM

As per Executive Order N-29-20 from Governor Newsom, the Board of Education meeting will move to a teleconferencing environment. If members of the public would like to contact the Board about the upcoming agenda, please do so by 4:00 p.m. on April 28, 2020 by emailing community@bhusd.org. If you wish for your comment to be read aloud, please indicate this specially in your communication. Requests to be read aloud will be honored, subject to the Board's usual time limits on public comment.

Attendance Taken at 5:00 PM:

Present:
Isabel Hacker
Rachelle Marcus
Noah Margo
Mr. Thomas Recupero
Mel Spitz
Tristen Walker Shuman

I. OPEN SESSION-3:00 P.M.

II. AGENDA HEARING PERIOD-PUBLIC COMMENT

III. CLOSED SESSION-3:00 P.M.

III.A. THREAT TO PUBLIC SERVICES OR FACILITIES (Gov. Code Section 54957(a) Consultation with agency counsel

III.B. CONFERENCE WITH LEGAL COUNSEL-Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) & (d)(2) of Section 54956.9: (3 Cases)

III.C. CONFERENCE WITH LEGAL COUNSEL Existing Litigation (Government Code 54956.9(d)(1)): Beverly Hills Unified School District v. Federal Transit Administration; et al. (Case No. 2:18-cv-0716)

III.D. CONFERENCE WITH LABOR NEGOTIATORS: Agency Designated Representative(s): Luke Pavone, Executive Director Human Resources

III.E. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Gov. Code 54957)

IV. OPEN SESSION-CALL TO ORDER-FLAG SALUTE-5:00 P.M.

Minutes:
Board President Isabel Hacker called the meeting to order at 5:08 p.m. and asked Mr. Spitz to lead the audience in the Pledge of Allegiance.
The meeting was held on Google Hangouts.

V. APPROVAL OF THE AGENDA
Motion Passed: A motion was made to approve the Agenda. Passed with a motion by Tristen Walker Shuman and a second by Isabel Hacker.

Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

VI. REPORT OF CLOSED SESSION ACTION

Minutes:
Dr. Bregy reported that there was no Closed Session Action.

VII. AGENDA HEARING PERIOD-PUBLIC COMMENT

Minutes:
The following emails were received and read at the meeting:

1. Dear Beverly Hills Unified School Board of Education Members:

We appreciate the teachers and administrators who have worked tirelessly to keep education going and have organized the web-conference hour for students. For Horace Mann 2nd grade, we had classes every school day from 9:30am to 10:30am, which we truly appreciate. We have been very involved with our child's schoolwork to ensure that everything was completed each day.

We kept our child busy with other activities as well throughout the day. But coming to the end of the school year, since the shutdown, we are extremely concerned about the mental, emotional, and physical health of all our children in the community. As much as we would like to stay positive and keep them away from the fear of the virus, still because of the lack of interaction with other children, and having the normal educational environment, the effect of our effort is minimal. Every day we notice the importance of having our children in a school environment playing with their classmates, friends and connecting with teachers. Especially, for families like us that only have one child at home. As parents in our community, we are very concerned that we are injecting our children's lives with all the negativity and fear in our society, instead of building a life of positivity, hope and courage.

The only thing they are getting is fear. That has a long-lasting deleterious effect to their life and future. We are all in this shutdown together but young children cannot comprehend this point and it does not help to keep them isolated.

We are demanding that our schools open in the fall. Parents should have the option to have their children attend or not. Those who choose to keep their children at home should have the online option. For our part, we will not accept this continued lock down. This is not good for our children, or our community. We ask that the schools in the 2020/2021 school year be opened to all our children we are willing to accept measures taken to make all feel safe.

As parents, as intelligent adults, as professionals, as business people we are capable of making the right decision for our family and for our community. We will make sure that we will follow all of the safety protocols. The big aspects of maintaining our children's mental health at this critical age is the school environment. That is something that is out of our control. The sooner we resume our normal lives with caution and following commonsense health guidelines, the sooner we will preserve our children's future and wellbeing. The only other option is to keep the schools closed until a vaccination is developed, tested, and approved. But this could take
years. Children are the least likely to suffer bad effects from this pandemic. They are far more likely to suffer seriously bad outcomes from the standard influenza, but the school board does not shut our schools down every flu season and for very good reason. Risks are inherent in all aspects of life. At this point, the risk of infection and a bad outcome is far less than the risk of continued social isolation for children who desperately need socialization.

We are imploring you to open the schools this coming 2020/2021 season to prevent long term damage to our children's emotional and psychological wellbeing. We respectfully request that our message be read aloud at the April 28 Board Meeting.

Most Sincerely,
Jilla and Shallom Berkman

2. Shannon Chon

Without an exact repeat of the letter that Jilla & Shallom Berkman wrote to you, I would like to express my support of their sentiment in imploring you to open the schools for 2020-2021 as scheduled in August 2020. My name is Shannon Chon & have a rising 3rd grader at Horace Mann. Please reach out to me if you need any parent input into your decision.

Thank you.

3. Dear Governing Board of the Beverly Hills Unified School District:

The resolution to layoff the Director of Maintenance & Operations position, currently held by your employee (my client) Eugene Garcia, is an act of employment discrimination in violation of the Fair Employment and Housing Act and other laws. BHUSD has been discriminating and retaliating against Mr. Garcia for a long time and this resolution is a thinly veiled attempt by the District to terminate several individuals, including Mr. Garcia, who the District has been trying to get rid of for some time. BHUSD is exploiting the COVID-19 situation as a cover to lay off people who are on administrative leave and who BHUSD doesn't want to come back. There is no lack of work, no lack of funding for these positions. This is a contrived layoff masquerading under the thin veneer of Education Code provisions.

Mr. Garcia is fully qualified to work but as an act of discrimination and retaliation, BHUSD placed him on an unjustified administrative leave in July 2019, purportedly "pending further investigation." However, there has been no further investigation or any interviews of Mr. Garcia, nor any charges or allegations brought forth. Mr. Garcia has remained on admin leave for almost a year without any notifications. The entire administrative leave has been a farce.

Additionally, as part of this Resolution the District is intentionally also eliminating the Maintenance & Construction Operations Manager position. This position is currently empty but it is the position Eugene Garcia could bump into. BHUSD is purposely eliminating the position so that Mr. Garcia is unable to bump into it, thus ensuring he cannot return. This is confirmed because the person (Anthony Talbert) who fills the position you are layingoff in the Information Tech Manager position, is also on administrative leave. And the LMS Lead position you are getting rid of is the position that person could bump into. This is too incredible to be a mere coincidence. BHUSD is intentionally targeting the two individuals it has placed on administrative leave (without justification or investigation), and also simultaneously happening to target the two positions each of these people can bump into, to ensure that they cannot be reemployed. Not only that, but Ken Haas, the Executive Director of Construction and Facilities, is currently performing Eugene Garcia's job duties while Mr.
Garcia sits on this unjustified administrative leave for the last year. Therefore, the claim that there is a "lack of work" is a patent falsehood; clearly there is work being done in this position's duties. There is no reason Ken Haas should be doing this work instead of Eugene Garcia, the rightful employee. BHUSD must take Mr. Garcia off admin leave and put him back to his position immediately. Please do not proceed with this layoff.

Your anticipated cooperation and prompt attention to this matter is greatly appreciated. If the District proceeds with this layoff, we will pursue all legal remedies available for all employees who are similarly affected and whose layoffs are nothing more than contrived efforts to cull unwanted employees out of the District.

Should you have questions upon receipt, please do not hesitate to contact our office.

Very truly yours,
TRYGSTAD, SCHWAB & TRYGSTAD
Rosty G. Gore

4. Dear Board Members,

I'd like to provide you feedback as a concerned parent regarding my 3 children's experiences with remote learning as it applies to your agenda below:

XV.A. Discussion-summer enrichment and assessment opportunities for students
XV.B. Discussion-fall plans (options) for return to school IF social distancing measures are still in place
XV.C. Discussion-quality, equitable turn key remote education

My 6th grader only has a 10-15 minute direct lecture interaction per week with his teachers. Although a few of his teachers provide a self developed short video of the weekly lesson plan, there is hardly any lecture or instruction time directly between the teacher and the students. The short videos don't come close to replacing instructor lead live lectures.

1. Can you please clarify how an instructors 40 minute daily lectures has now been reduced to 15 minutes per week? What are the teachers doing with the remaining 5 hours of the work day if they are spending a few hours peeping a lesson plan and 15 minutes a week to interact per ea. Period of class?

2. Can you explain why homework is now considered class work during school hours?

3. Why is the student only able to request a 5 minute zoom meeting to ask questions about his assignments vs. asking questions throughout the daily live lesson plan, as before?

The same holds true for my two high school students who are mostly doing self learning. Thankfully there are a couple of teachers that are still providing 30-40 minute lectures, although it's only 2 days a week. I'm speaking on behalf of many concerned parents that are realizing remote education at BHUSD as turned into self education. Our kids are not receiving the same level of teacher interaction and instructor led learning as they should be. If our educators are still employed, why aren't they continuing the same schedule of live lectures as if the students were sitting in their classrooms? What is those work hours replaced with as the teachers have much more down time now but getting full salary?

Thanks to modern technology many private schools within the Los Angeles area are keeping
exactly the same lectures hours and schedules as if kids were still in school, plus home work to complete after school. These schools start with live lectures sharply at 8:00 am through 3:00 pm. The teachers are still working full time with live interaction all week with their students.

Some insiders have mentioned the LAUSD only permits 30 minutes of device time per day. Is that why teachers are not permitted to teach live lectures beyond this time limit? Can this be addressed to higher officials to make amendments due to the changed landscape?

I hope the board takes the time to clearly differentiate remote learning from self learning. Our children deserve a higher level of interaction from their passionate teachers to get them excited about the subject matter. I’m sad to see summer learning has also gone digital BHEF as our kids deserve a more interactive summer experience.

Thank you for your consideration.

Regards,
Sharon Nassir

VII.A. AGENDA HEARING PERIOD-PUBLIC COMMENT

VII.A.1. If members of the public would like to contact the Board of Education about the upcoming agenda, please do so by 4 p.m. on April 28, 2020 by emailing community@bhusd.org. These comments will be shared with the board members prior to the board meeting. If you wish for your written comment to be read aloud, please indicate this specifically in your communication. Requests for written comments to be read aloud will be honored, subject to the Board’s usual time limits on public comment. Public comments should relate to topics on the agenda.

VIII. REPORTS

VIII.A. BHEF Update

Minutes:
BHEF President, Cindy Trost reported that BHEF will donate over $500,000 in 2020-2021 to continue the various programs they have supported in the past.
Preston Joseph will be the administrator of the BHEF Summer Academy and it will be conducted completely online.
You can view their entire catalog at BHEF.org.

IX. CONSENT CALENDAR*

Motion Passed: A motion was made to approve the Consent Calendar minus item B.1. A roll call vote was taken.
Mr. Recupero made a provisional vote of yes. Passed with a motion by Rachelle Marcus and a second by Isabel Hacker.
Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman
IX.A. Approval Board Meeting Minutes

IX.A.1. Regular Board Meeting-4.14.2020
IX.A.2. Special Board Meeting-4.20.2020

IX.B. Personnel Reports

IX.B.1. Certificated Personnel Report

Motion Passed: This item was pulled for further discussion.
A motion was made to approve the Certificated Personnel Report.
A roll call vote was taken. Mr. Recupero made a provisional vote of yes. Passed
with a motion by Rachelle Marcus and a second by Isabel Hacker.

Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

IX.C. Ratification of Purchase Order Report #18 for 2019-2020

IX.D. Cash Collection Report #16 for 2019-2020

X. REPORTS

X.A. Superintendent's Report
Minutes: Superintendent Dr. Bregy gave a Power Point presentation for his report
which covered A.1. and A.2.
X.A.1. Update on Strategic Plan
X.A.2. Projections for enrollment-2021
X.A.3. Update-7/11 Committee
Minutes: Dr. Bregy reported that 12 people have submitted applications for the
7/11 committee. They will be reviewed and brought back to the Board.

X.B. Student Board Member Report

Minutes:
Student Board member Thomas Recupero reported that he stays connected with the
schools through the BHUSD instagrams. Social media is vibrant and colorful and a
great way to keep up with other students. Everyone has settled in to Home Learning
and making the best of the situation. Mr. Recupero thanked the PTSA, the Senior
Committee and the high school staff for working on ways to honor our seniors. On May
13 the Senior Door Decorations will be revealed and be on the lookout for yard signs to
showcase our 2020 graduating class.

XI. HUMAN RESOURCES

XI.A. APPROVAL OF RESOLUTION No. 2019-2020-026 REGARDING LAYOFF OF
CLASSIFIED PERSONNEL

Motion Passed: A motion was made for approval of Resolution No. 2019-2020-026
Regarding Layoff of Classified Personnel.
A roll call vote was taken. Passed with a motion by Tristen Walker Shuman and a
second by Isabel Hacker.
XII. BUSINESS AND FINANCE

XII.A. Approval of Resolution #2019-2020-024 - Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program (CAL OES 130 Form)

Motion Passed: A motion was made for Approval of Resolution #2019-2020-024 - Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program (CAL OES 130 Form).
A roll call vote was taken. Passed with a motion by Rachelle Marcus and a second by Isabel Hacker.

Yes Isabel Hacker  
Yes Rachelle Marcus  
Yes Noah Margo  
Yes Mel Spitz  
Yes Tristen Walker Shuman

XII.B. Approval of Amendment No. 4 to the Agreement By and Between the City of Beverly Hills, ARB, Inc. and the Beverly Hills Unified School District for Operation and Abandonment Services of Oil and Gas Wells at 9865 Olympic Boulevard within the City of Beverly Hills

Motion Passed: A motion was made for Approval of Amendment No. 4 to the Agreement By and Between the City of Beverly Hills, ARB, Inc. and the Beverly Hills Unified School District for Operation and Abandonment Services of Oil and Gas Wells at 9865 Olympic Boulevard within the City of Beverly Hills.
A roll call vote was taken. Passed with a motion by Tristen Walker Shuman and a second by Noah Margo.

Yes Isabel Hacker  
Yes Rachelle Marcus  
Yes Noah Margo  
Yes Mel Spitz  
Yes Tristen Walker Shuman
XIII. PLANNING AND FACILITIES

XIII.A. Authorization to Purchase PE Lockers for Beverly Vista Middle School from Jorgenson Industrial Companies by Utilizing U.S. General Services Administration Contract No. GS-27F-0012W.

Motion Passed: A motion was made to approve the Authorization to Purchase PE Lockers for Beverly Vista Middle School from Jorgenson Industrial Companies by Utilizing U.S. General Services Administration Contract No. GS-27F-0012W. A roll call vote was taken. Passed with a motion by Mel Spitz and a second by Isabel Hacker.

Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman


Motion Passed: A motion was made to approve the Authorization to Purchase Wireless Access Points for Beverly Hills High School B1/B2 Buildings from CDW-G, LLC by Utilizing Irvine Unified School District IT, Technology Equipment and Peripherals Contract No. 19/20-01 Piggyback. A roll call vote was taken. Passed with a motion by Tristen Walker Shuman and a second by Rachelle Marcus.

Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

XIII.C. Approval of Amendment No. 3 to the Agreement with Environmental Audit, Inc., for Design and Investigation Services under Department of Toxic Substance Control (DTSC) Oversight at Beverly Hills High School

Motion Passed: A motion was made for Approval of Amendment No. 3 to the Agreement with Environmental Audit, Inc., for Design and Investigation Services under Department of Toxic Substance Control (DTSC) Oversight at Beverly Hills High School. A roll call vote taken. Passed with a motion by Tristen Walker Shuman and a second by Isabel Hacker.

Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

XIII.D. Acceptance of Asphalt and Concrete Repair Work by Edgar Garza Construction on Heath Avenue at Beverly High School and Authorize a Notice of Completion and Release of Retention

Motion Passed: A motion was made to approve the Acceptance of Asphalt and Concrete Repair Work by Edgar Garza Construction on Heath Avenue at Beverly High School and Authorize a Notice of Completion and Release of Retention.
Repair Work by Edgar Garza Construction on Heath Avenue at Beverly High School and Authorize a Notice of Completion and Release of Retention.
A roll call vote was taken.
Passed with a motion by Noah Margo and a second by Rachelle Marcus.
Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

XIII.E. Approval of Agreement Extension for the William Scotsman, Inc, Relocatable Buildings used for Interim Housing for the El Rodeo School Modernization Project

Motion Passed: A motion was made for Approval of Agreement Extension for the William Scotsman, Inc, Relocatable Buildings used for Interim Housing for the El Rodeo School Modernization Project.
A roll call vote was taken. Passed with a motion by Mel Spitz and a second by Isabel Hacker.
Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

Minutes:
Mrs. Marcus confirmed that Hawthorne School does not have portables.

XIV. PROFESSIONAL AND OFFICIAL BUSINESS

XIV.A. Approval of Board Governance Handbook

Motion Passed: A motion was made to approve the Board Governance Handbook. A roll call vote was taken. Passed with a motion by Noah Margo and a second by Tristen Walker Shuman.
Yes Isabel Hacker
Yes Rachelle Marcus
Yes Noah Margo
Yes Mel Spitz
Yes Tristen Walker Shuman

Minutes:
Mrs. Marcus suggested that all new Board members receive a hard copy of the Board Governance Handbook.

XIV.B. Approval of Resolution #2019-2020-025 To Order Governing Board Member Election-November 3, 2020

Motion Passed: A motion was made for Approval of Resolution #2019-2020-025 To Order Governing Board Member Election-November 3, 2020. A roll call vote was taken. Passed with a motion by Noah Margo and a second by Isabel Hacker.
Yes  Isabel Hacker
Yes  Rachelle Marcus
Yes  Noah Margo
Yes  Mel Spitz
Yes  Tristen Walker Shuman

XV. COMMUNICATION FROM THE BOARD MEMBERS

Minutes:
There was a conversation combining items A., B. and C.

Staff is in constant conversation about the way the 2020-2021 school year will look. Will we be back in school, will we have Home Learning or will be have a hybrid of the two? We must take everything into consideration including the health and safety of our staff and students. Many of our decisions are based on the recommendations of the Governor and the State Superintendent. We can't make any decisions yet but we need to talk about our options now.

XV.A. Discussion-summer enrichment and assessment opportunities for students

XV.B. Discussion-fall plans (options) for return to school IF social distancing measures are still in place

XV.C. Discussion-quality, equitable turn key remote education for every student and grade level

XVI. FUTURE BOARD MEETINGS

XVI.A. Regular Board Meeting-Tuesday, May 12, 2020-5:00 PM-Meeting will move to a teleconferencing environment

XVI.B. Regular Board Meeting-Tuesday, May 26, 2020-5:00 PM-Meeting will move to a teleconferencing environment

XVII. ADJOURNMENT

Minutes:
Mrs. Hacker announced the Future Board meetings and adjourned the meeting at 7:08 p.m.