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2024-03-27, Special Meeting


Agenda





Duration

03:17:10

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-  [**Aiden Hill**] at approximately 6 p.m. Okay, so, Miss Euster, can we do roll call, please? Sure.

-  [**Kadie Eugster**] Member Thomas? Here. Member Nguyen? Here. Member Plancante? Here. Member Jones? Here. And President Hill?

-  [**Aiden Hill**] Here. Okay. Moving on to Agenda Item 1.2, Meeting Practices and Information. So greetings, everyone, and thank you for joining. Before we get started, I would like to say that the board appreciates and supports stakeholder input at our meetings. Engagement by members of the public in civic matters is a cornerstone of our democracy. Per the California School Board Association, however, it is important to note that a board meeting is not a meeting of the public, but rather a meeting to conduct the public's business. Everyone should have a chance to express their opinions within the guidelines the board has established for its meetings so that we are able to conduct the meeting effectively and efficiently. During the meeting there will be a time for the public to comment on basically matters connected to the agenda. So since this is a special meeting we don't have an opportunity to actually speak on non-agenda items. But we will have an opportunity to speak on closed session items. And when we reach that point, I, as the board president, will ask for public comment on an item. Until it is your turn to speak, or if you are here just to observe the meeting, please refrain from any behavior that prevents others from participating in the meeting. This includes any conduct that prevents members of the board, district staff, or the person making a comment from speaking. We also ask that when you are called upon, you address only the board. While we assume that members of the public intend to participate in the meeting in a civil manner, and while legitimate criticism of the board is protected speech, per Board Bylaw 9323 and Government Code 54957.95, we will not permit actual disruption of the board meeting. Disrupting means engaging in behavior during a board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person at the meeting shall be grounds for the president to terminate the privilege of addressing the board and remove the individual from the meeting. Prior to removal, the individual will be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior will result in removal. If after being warned, the individual does not promptly cease the disruptive behavior, the board president will ask that the individual be removed. Thank you for your attention to these protocols, and we look forward to your participation in our meeting. Okay, so moving on to item 2.1, public comment on closed session items. So again, in a special meeting situation, we don't have public comment on non-agenda items. As I call forward the individual speakers, if you could reference the specific closed session item that you're speaking to, it would be appreciated. Okay. So, with that, Ms. Jacqueline Carrillo. 3.4.

-  [**Jacqueline Carrillo**] Board, your actions and lack of transparency to the Newark community have demonstrated that you cannot be trusted. You hired an agency that placed Dr. DeLeon. and they were eager to earn their commission. Instead of asking questions, you chose to ignore blatantly obvious red flags and did not do your due diligence and research her history and her previous two districts. Look at where we are now, not even a year later. Reading through the superintendent employment agreement between Newark Unified School District and Dr. Penelope DeLeon, there are multiple violations, but there has been no accountability by the board. Section 3.8 entitled sick leave states the superintendent shall be allocated sick leave at a rate of one day per month Section 4, entitled Work Year, states the position will require the superintendent to average more than 8 hours a day and or 40 hours per week. Additionally, the superintendent shall be required to render 225 work days of full or regular service to the district during each annual period. Section 5.C.9, entitled Administration Functions, State said unless unavoidably detained, attend all regular and special board meetings of the board, yet she has been MIA for over three weeks. First, it was she was sick. Then she was stressed. Sounds like a lot

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of lies and excuses. Where is the communication? Where is the accountability and transparency? Who has been tracking her sick leave and paid time off? She would have gone through this quickly, considering she has only been with the district since May 4, 2023, and takes every Friday off. Why Is there even a contract if it won't be implemented? What this behavior demonstrates to the Newark community is that the board follows the rules, contracts, and policies when it's convenient for you and your agenda. Since Dr. DeLeon started NUSD, she's been allowed to do whatever she wants. We are in a deficit, but she spent over 10K of our district money to remodel her office, requested and maxed out district credit card. And this is on top of her \$270,000 annual salary. This is money that our schools, staff and students desperately need. Board, it is your job to review the warrant reports and see where our district money is being spent and listen to community feedback. For months, multiple community members have made comments at board meetings, but instead of listening to our concerns and suggestions, you do the exact opposite. It's laughable that you think community members will waste their time attending your listening tours when you've made it very clear to Newark residents that our voices and opinions do not matter.

- ▶ [**Aiden Hill**] Thank you, Ms. Carrillo. Okay, moving on to next speaker, Lucia Gutierrez. And if you could also tell us what item you're speaking to. 3.4.
- ▶ [**Lucia Gutierrez**] Board members, the lack of transparency with regards to how you are managing the district is inappropriate. You hire new employees by appointing them in closed session and not allowing the community to have any input. The current superintendent has been missing in action for three weeks and without saying anything to the community. has been missing for three weeks and you guys haven't said anything to the community regarding her absence. Now tonight you reconvene to possibly find a new super, a new interim superintendent, yet there's been no communication to the community about what's been happening to her. As a Newark resident and parent of a child at NUSD, I am here to inform you that I do not have faith in this board and I do not have faith that this board represents my child or any child at NUSD. The four majority board members of this board have done nothing but stroke your own egos and do as you wish with regards to the students, their funds, and the staff. This board was so incompetent to hire the current superintendent, so I do not believe you are now in a capacity to find a replacement for them. At this point, our students deserve a superintendent who will put their education first, And that decision should not be left, should be left in the hand of the parents and not in the hands of self-centered board majority who do not have children in this district, do not have any skin in this organization. I repeat, I do not want this board majority to select another fraudulent and failed superintendent.
- ▶ [**Lucia Gutierrez**] Miembros de la mesa directiva. La falta de transferencia con respecto a como se gestiona este distrito es inapropiado. Contratar nuevos empleados en sesión cerrada sin permitir que la comunidad tenga ninguna opinión es inapropiado. La actual superintendente esta desaparecida y no se sabe de ella por tres semanas. Y sin aviso a la comunidad, hoy en esta noche nos avisan que van a contratar una suplente para la superintendente. Como residente de Newark y padre de una niña en este distrito, yo estoy aquí para informarles que no tengo fe en esta mesa directiva para que represente a mi hijo o a ningún niño de este distrito escolar. Los cuatro miembros mayoritarios de esta mesa directiva han hecho más que acariciar sus propios egos y hacer que hagan solamente sus propias acciones y sus propias decisiones sin representar a nuestros estudiantes. Ustedes fueron incompetentes para contratar una superintendente adecuada para este distrito y ahora yo creo que no tienen la capacidad para encontrar un reemplazo. A este punto nuestros estudiantes merecen una superintendente que ponga la educación de nuestros estudiantes primero y esa decisión ahora debe dejarse a los papás. La mayoría de esta mesa directiva no sabe lo que está haciendo y no merecen estar en ese asiento. Gracias.

Board members. The lack of transfer regarding how this district is managed is inappropriate. Hiring new employees in closed session without allowing the community to have any input is inappropriate. The current superintendent is missing and has not been heard from for three weeks. And without notice to the community, tonight we are told that they are hiring an alternate for the superintendent. As a resident of Newark and a parent of a child in this district, I am here to inform you that I have no faith in this board to represent my child or any child in this school district. The four majority members of this board have done nothing but stroke their own egos and have them make only their own actions and their own decisions without representing our students. You were incompetent to hire an adequate

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superintendent for this district and now I believe you have no ability to find a replacement. At this point our students deserve a superintendent who puts the education of our students first and that decision should now be left to the parents. The majority of this board does not know what they are doing and do not deserve to be in that seat. Thank you.

- ▶ [**Aiden Hill**] Thank you, Ms. Gutierrez. Moving on to Senora Santiago. And if you could also let us know the item you're speaking to, please.
- ▶ [**Marta Santiago**] Buenas noches, miembros de la mesa directiva. Mi nombre es Marta Santiago. Soy parte del Comité de DILA. Soy la voz de esos padres que están trabajando en este momento y no pueden acompañarlos. Yo vengo a preguntar, ¿por qué esta acción tan importante como para contratar a una superintendente, para suplementar a la actual superintendente? Se hace una reunión especial y no una reunión regular para que toda la comunidad esté informada de esta acción tan importante. Parece que ustedes estuvieran tratando de esconder algo. Si así no lo es el caso, entonces, ¿por qué no ser más transparentes con la comunidad? Recuerden que nosotros, los residentes, pagamos su salario y ustedes representan y exigimos que dejen de gastar los fondos de los estudiantes. Tener una super ejecutiva de finanzas que ha estado a cargo por tres semanas, que ella cubre el trabajo del superintendente. [00:13:37] No pueden justificar el cierre de programas y despedir a nuestros maestros, mientras siguen pagando salarios altos de sus ejecutivos. Hoy les digo que no tenemos confianza en esta mesa directiva porque no hay transparencias con sus acciones. Les dejo este lema, la transparencia genera confianza y nosotros como padres de familia de este distrito escolar es lo que esperamos de ustedes. Muchas gracias.

Good evening, members of the board of directors. My name is Marta Santiago. I am part of the DILA Committee. I am the voice of those parents who are working right now and cannot accompany them. I come to ask, why is this action so important as to hire a superintendent, to supplement the current superintendent? A special meeting is being held and not a regular meeting so that the entire community is informed of this important action. It looks like you are trying to hide something. If that is not the case, then why not be more transparent with the community? Remember that we, the residents, pay your salary and you represent and demand that you stop spending student funds. Have a super finance executive that's been in charge for three weeks, that she covers the superintendent's job. [00:13:37] They can't justify closing programs and laying off our teachers, while continuing to pay high salaries of their executives. Today I tell you that we have no confidence in this board because there is no transparency with their actions. I leave you with this motto, transparency builds trust and we as parents of this school district expect that from you. Thank you very much.

- ▶ [**Aiden Hill**] Thank you, Senora Santiago. Not this evening. Okay, so moving on to Elisa Martinez.
- ▶ [**Elisa Martinez**] Another data point. Good evening. My name is Elisa Martinez. I'm a parent of two students here at NUSD. I'm speaking to item 3.4. I hope that you're here as a board to discuss releasing Pena DeLeon for violation of her contract. There's plenty of line items that you can select, so I won't go through each one of them. To that end, less than a year ago I asked the same board to please let us know how much money you had basically flushed down the pipes by releasing our prior leadership and frankly pushing the rest of our team leadership team out. I'm still really curious to see where we are with that and obviously how much this failed hire has cost us. Item number, or following up with that item, I hope, I know I've heard a few people talk about a discussion about a replacement. Obviously, if you look at the agenda item and the way it's worded, you should not be having any discussion about a replacement because it was not agendized as such. It was agendized as a dismissal and discussion about a release and complaint, but nothing about a potential new hire. And or new appointments. So I hope you all observe your own rules And then finally we have about eight weeks you know, we have about eight weeks to to graduation and No budget, no LCAP, no CPSA All the all the open hires open roles. None of it has been posted Who's gonna do all this work? What are you guys doing? I'm looking at two of you who I believe actually know what they're doing and actually can have an impact on this board. There's three of you who really respectfully have shown that you have no idea what you're doing except meeting your own agendas. So I implore those of you that have the skill sets that know this district, that know this community to please Have the courage to speak up and ask for support. We will support you. Thank you.

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- ▶ [**Aiden Hill**] Thank you, Ms. Martinez. So, Mr. Jeff Anderson.

- ▶ [**Jeff Anderson**] Hola a todos. Feliz miércoles. Me gusta oír.

- ▶ [**Aiden Hill**] I'm sorry, can you tell us which item?

- ▶ [**Jeff Anderson**] Oh, sorry, 3.4. I'm speaking on 3.4. I was just saying that I was so happy to hear all the voices.

- ▶ [**Jeff Anderson**] So, I'm here to speak on 3.4. I haven't had a chance to read the

- ▶ [**Jeff Anderson**] agenda closely today, but it is my understanding that we are discussing a acting superintendent and I am hoping that moving forward in this district that we can engage the four major, which you might call groups, NEWMA, CSEA, NTA, and communities and families. I'll say today what I've said every time since we started coming here, which is we are stronger united, and we have brilliant people in this district that can solve every single problem that we are facing. When my district has problems with budgets, they come in consultation to our union. United, our union comes back with what we can do, and then we work together as a team with our staff union as well as our administration. I would really hope that that happens. That comes from the board down to recognize that the people who are running this district day in day out know more about that than anyone else. So that's one thing that I wanted to say. And then the second thing I wanted to say is I really do hope that in the replacement, we do not hire somebody outside the district. If indeed, I'm not aware, I'm looking forward to learning more about the details, but if indeed we are finding someone new, To bring someone new into this district that has no experience and no history and no previous relationships under the current state that we're in, I think would be a mistake. I think it is much smarter to bring somebody with a pre-existing history who understands how this district has been run, who has pre-existing relationships and knows how to listen to our community. We've just lost somebody like that a few, what was it, weeks, months? So I'm excited to hear The news from today, I'm hoping this is good news moving forward. When that happens, I hope that we engage the groups that already exist that know how to solve this problem and pay tribute to that wisdom. And then, as we find a replacement, I would encourage us, you, to find somebody that has done this job before, right, and invite them in to help so that we're not having to build from the ground up.

- ▶ [**Aiden Hill**] Thank you, Mr. Anderson. Okay, so we're about to recess to closed session. Under closed session, we're going to be covering four items. So 3.1, conference with labor negotiators, government code 54957.6. 3.2, conference with legal counsel, significant exposure to litigation pursuant Government Code 54956.9, subdivision D2, three potential cases. Item 3.3, conference with legal counsel, existing litigation, Government Code 54956.9, subdivision D1, case number 2024020183. And finally, 3.4, public employee discipline dismissal release complaint, Government Code 54957. Thank you, and we will recess to closed session.

- ▶ [**Aiden Hill**] Turning from closed session at 9.13 PM. OK, so reporting out item 4.1. So as many of you are aware, Dr. DeLeon has been out on medical leave. She has shared that she will be retiring on April 29, 2024. The Board of Education met tonight to ensure that the district has dedicated leadership in place during this time of transition. The Board of Education is committed to the mission of providing the 4,828 students who every day walk through our doors and receive a quality education from our dedicated teaching professionals. Earlier this month, the board adopted a positive multi-year budget that demonstrates our ability to bring budget stability for the next two years. The district is planning for future facilities improvements, including a new stadium and STEAM program labs. Newark Unified, like many districts, has had leadership transitions, but the board recognizes that we have dedicated staff and leaders who will complete the school year with a feeling of success and accomplishment. The board took the following actions tonight in closed session to ensure that we move forward. So, number one, item 3.2, Government Code 54956.9, Conference of Legal Counsel, significant exposure to litigation, pursuant to subdivision 2 d2 of government code section five four nine five six point nine

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The the board moved to direct the deputy superintendent to conduct an investigation regarding workplace misconduct Item 3.4 government code five four nine five seven public employee discipline dismissal release and under public employee discipline dismissal release complaint, the board took the following reportable action. The board accepted, I'm sorry, I'm sorry, I need to go back to the other one. So on item 3.2, the board moving that the board direct the deputy superintendent to conduct an investigation regarding workplace misconduct, there were five ayes. So member Thomas, member Nguyen, Member Plancarte, Member Jones and myself all voting yay. And then regarding item four, Government Code 54957, Public Employee Discipline Dismissal Release Complaint. Under Public Employee Discipline Dismissal Release Complaint, the Board took the following reportable action. The Board accepted the notice of retirement from Dr. Penny DeLeon, effective April 29, 2024, and wishes her the best of health in her retirement. The board's action was taken by the following vote. Again, it was a unanimous vote. Member Thomas, Member Nguyen, Member Plancarte, Member Jones, and myself all voting yes.

- ▶ [**Nancy Thomas**] Did you take down who made the motion, who made the second?

- ▶ [**Aiden Hill**] Yes, I did. And so for, I'm sorry, for item 3.2, it was Member Jones that made the motion and Member Plancarte. that seconded. And for item 3.4, it was Member Thomas who moved, and I believe it was Member Jones who seconded. OK. Great. OK. So those were the only reportable actions. And given that we are completing before 10 o'clock, we do not need to extend the meeting. So can I get a motion to adjourn?

- ▶ [**Nancy Thomas**] I move that we adjourn.

- ▶ [**Kat Jones**] I'll second.

- ▶ [**Aiden Hill**] All right. We'll call Ms.Eugster

- ▶ [**Kadie Eugster**] Member Thomas. Oh, no. Sorry. OK. Yes. OK. Member Thomas.

- ▶ [**Nancy Thomas**] Yes.

- ▶ [**Kadie Eugster**] Member Nguyen.

- ▶ [**Phuong Nguyen**] Yes. I was raising my hand.

- ▶ [**Kadie Eugster**] Thank you. Yes. Member Jones. Yes. And President Hill.

- ▶ [**Aiden Hill**] Yes. OK. We are adjourned. Thank you, everyone.