

GRAVENSTEIN UNION SCHOOL DISTRICT

3840 TWIG AVENUE
SEBASTOPOL, CA 95472

Board of Education
Special Meeting Agenda - [Zoom link](#)

DATE: Tuesday, October 5, 2021
TIME: 6:00 PM
LOCATION: Gravenstein Elementary, Multipurpose Room

I. CALL TO ORDER

Gregory Appling, President
Alexander Kahn, Trustee
Jennifer Koelemeijer, Clerk
Patrick Lei, Trustee
Jeri McNeill, Trustee

II. ADOPTION OF THE AGENDA

Approval of the agenda for October 5, 2021 (2 min.)

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JM: _____

III. PUBLIC COMMENTS

At this time the public may address the Board on any item not listed on the agenda. Presentations are limited to three minutes per person per topic. The Board may not respond to presentations. The public may address the Board on any item listed on the agenda at the time the matter is taken up by the Board.

IV. CONSENT AGENDA (2 min.)

ACTION ITEM

A. (p.1) Memorandum of Understanding with West County Union High School District for Credentialed School Nurse Services

V. GENERAL ACTION ITEMS

A. (p.4) Board Meeting Format (10 min.)

Situation: The suspension of certain parts of the Brown Act that eased the mandates related to Trustee virtual attendance for Board Meetings was set to expire on September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which includes an amendment to the Brown Act that allows for remote meetings during a proclaimed state of emergency without following Brown Act teleconferencing rules. AB 361 mandates that in order for a school district utilize this amendment, the Board must make findings every 30 days that the Board has reconsidered the circumstances of the state of emergency and either the state of emergency continues to directly impact the ability of members to

meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing. This amendment is set to expire on January 1, 2024.

Plan: For the Board to discuss Trustee attendance preferences going forward and determine whether or not to make this a standing agenda item until this provision of AB 361 expires.

Recommended motion: No recommendation at this time.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JM: _____

B. (p.9) Board Bylaw 9121 (2 min.)

Situation: GUSD took action to amend Board Bylaw 9121, in October of 2020, that excluded the Board President from participating in labor negotiations. The unintended consequence of that amendment is that if the current Board President also happens to be an experienced negotiator or whose expertise would benefit the district during labor negotiations, the district would not be allowed to benefit from that person's participation in the process. This item was pulled from the September 14, 2021 agenda.

Plan: GUSD administration consulted with John Laughlin, Associate Superintendent of Human Resources for the Sonoma County Office of Education on this issue. He shared with us that the district could cite the unintended consequences of the amendment and in fairness to all Board Members the district could remove the limiting language. In order to remedy this situation and allow GUSD to utilize all resources available during such an important process, the Board could remove this restriction from BB 9121.

Recommended motion: To remove the sentence "The Board Member elected to the role of Board President shall be excluded from any labor negotiations representing the Board during their tenure as President" from BB 9121.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JM: _____

C. (p.11) Board Bylaw 9100 (5 min.)

Situation: The Board has requested an addition to Board Bylaw 9100 that will empower the Board, on an annual basis, to determine the membership of the GUSD Negotiations Team.

Plan: Pending Board approval, the agenda for the annual organizational meeting will be expanded to include an Action Item to establish the GUSD Negotiating Team for the upcoming calendar year.

Recommended motion: None at this time.

Action taken/comments

Motion _____ Second _____

Vote: GA: _____ PL: _____ JK: _____ AK: _____ JM: _____

VI. PUBLIC COMMENT ON ITEMS IN CLOSED SESSION

VII. ADJOURNMENT TO CLOSED SESSION (120 min.)

A. Board Retreat to review Annual Goals and Budget Reserves

VIII. FUTURE BOARD MEETINGS

- A. October 12, 2021 at 5pm**
- B. November 9, 2021 at 5pm**
- C. December 14, 2021 at 5pm**

IX. ADJOURNMENT

ADA Compliance: In compliance with Government Code 54954.2(a), the Gravenstein Union School District, will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. 12132) and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact Dave Rose, District Superintendent, Gravenstein Union School District, 3840 Twig Ave., Sebastopol, CA 95472. Telephone (707) 823-7008.

MEMORANDUM OF UNDERSTANDING SPECIAL EDUCATION SERVICES

This Memorandum of Understanding ("MOU") is dated for identification purposes as of June 24, 2020 and is entered into by and between Gravenstein Union School District (GUSD) and West Sonoma County Union High School District (WSCUHSD).

RECITALS

1. By means of this MOU, the parties wish to establish a fee for speech services provided by a WSCUHSD Credentialed School Nurse to be delivered at GUSD.

GENERAL PROVISIONS

1. Services. School Nurse services to be delivered in accordance with the health and IEP needs at GUSD. This service will include student screening, assessment, direct and consultation service, report writing and IEP attendance as assigned by the GUSD administrators.

2. Term. Provider shall commence providing services under this MOU September 2, 2020 and will continue through June 2, 2021. This MOU may be renewed for an additional term upon written agreement by all parties.

3. Cost agreements:

- GUSD agrees to pay a fee of \$784.00 per day for 55 school days for a total not to exceed \$43,120.00. One school day is 7.5 hours.

4. Termination. This MOU is subject to termination upon thirty (30) days written notice to the either party. Each agency (district or GUSD) shall notify the other of termination in writing.

5. Hold Harmless: GUSD agrees to and does hereby indemnify, hold harmless and defend WSCUHSD and its officers, agents, and employees from every claim or demand made and every liability, loss, damage or expenses, of any nature whatsoever, which may be barred by reason of any act, neglect, default, or omission of the other party arising out of, or in any way connected with the services covered by this

Special Education Services MOU
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MOU, except for liability for damages which result from the sole negligence or willful misconduct of WSCUHSD or its officers, employees or agents.

WSCUHSD agrees to and does hereby indemnify, hold harmless and defend GUSD and its officers, agents, and employees from every claim or demand made and every liability, loss, damage or expenses, of any nature whatsoever, which may be barred by reason of any act, neglect, default, or omission of the other party arising out of, or in any way connected with the services covered by this MOU, except for liability for damages which result from the sole negligence or willful misconduct of GUSD or its officers, employees or agents.

7. Compliance with Applicable Laws. WSCUHSD agrees to comply with all federal, state, and local laws, rules, regulations, and ordinances that are now or may in the future become applicable to WSCUHSD or its business, equipment, and personnel engaged in operations covered by this MOU or accruing out of the performance of such operations.

8. Entire Agreement/Amendment. This MOU and any attachments constitute the entire agreement among the parties to it and supersede any prior or contemporaneous understanding or agreement with respect to the services contemplated, and may be amended only by a written amendment executed by both parties.

9. Notice. All notices or demands to be given under this MOU by either to the other shall be in writing and given either by (a) personal service or (b) by postage prepaid U.S. Mail, registered or certified, return receipt requested. Service of notice or demand shall be considered given when received if personally served or, if mailed, on the second day after deposited at any U.S. Post Office. The address to which notices or demands may be given by either party may be changed by written notice given in accordance with the notice provisions of this section. At the date of this MOU, the addresses of the parties are as follows:

GUSD

3840 Twig Avenue
Sebastopol, Ca. 95472

WSCUHSD
West County Consortium
462 Johnson Street
Sebastopol, Ca. 95472

Special Education Services MOU
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10. Severability. If any term, condition or provision of this MOU is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

11. Governing Law. The terms and conditions of this MOU shall be governed by the laws of the State of California with venue in Sonoma County, California and no other county.

12. Authority. Each individual executing this MOU, or its counterpart, on behalf of the respective party thereto, warrants that he/she is authorized to do so and that this MOU constitutes the legally binding obligation of the party which he/she represents.

Attached Memorandum outlines specific details of service and cost estimate.

THIS AGREEMENT IS ENTERED INTO THIS DAY OF June 24, 2020

GUSD

By: _____
Signature

Title

WSCUHSD

DocuSigned by:
By: Rose Velasquez 9/2/2021
Signature

Director, West Sonoma County Consortium
Title

Governor signs AB 361 allowing for virtual board meetings

1 message

CSBA <csba@csba.org>
To: drose@grav.k12.ca.us

Fri, Sep 17, 2021 at 4:46 PM

Trouble viewing this email? [Click here »](#)



Governor signs AB 361 allowing for virtual board meetings

On September 16, 2021, Governor Newsom signed [AB 361](#) into law. The bill, which is an urgency bill that became effective immediately upon the Governor's signature, amends the Brown Act to provide the ability for boards to hold remote meetings during a proclaimed state of emergency without following the Brown Act's teleconferencing rules. Boards had been anxiously awaiting this bill, as Governor Newsom's Executive Order suspending certain parts of the Brown Act to allow teleconferenced meetings during the COVID-19 pandemic expires on September 30, 2021.

AB 361 provides that boards need not follow the Brown Act's teleconferencing rules if the board makes a finding that there is a proclaimed state of emergency **and** either state or local officials have imposed or recommended social distancing measures **or** meeting in person would present imminent risks to the health or safety of attendees due to the emergency. If a board chooses to use the option provided in AB 361, the board must make findings **every 30 days** that the board has reconsidered the circumstances of the state of emergency **and** either the state of emergency continues to directly impact the ability of the members to meet safely in person **or** state or local officials continue to impose or recommend measures to promote social distancing.

If boards utilize the remote meeting option provided in AB 361, they must also adhere to the following requirements:

- Give notice of meetings and post agendas as otherwise required by the Brown Act.
- Provide members of the public virtual access to the meeting and an opportunity to address the board directly through that virtual access;
- Provide notice of the means by which members of the public may access the meeting virtually in any instance in which they give notice of the time for the teleconferenced meeting or post the agenda for the teleconferenced meeting;

- Ensure the agenda identifies and includes an opportunity for all persons to attend the teleconference meeting by a call-in option or internet-based service option;
- Provide an opportunity for the public to address the board in real-time; boards may not require members of the public to submit comments in advance;
- Stop the meeting if there is a disruption into the call-in option or internet-based service option that results in members of the public being unable to access the meeting; boards may not take action on any agenda items during this disruption of access; and
- Refrain from closing a timed public comment period before the time for the comment period has elapsed. If boards do not use timed public comment periods, they must allow a reasonable time per agenda item for public comment.

The bill includes a sunset on local agency provisions which are repealed on January 1, 2024.



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FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

Urgency Bill Allowing Virtual Meetings Signed by Governor Newsom



BY KYLE HYLAND

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posted September 17, 2021

On Thursday, September 16, 2021, Governor Gavin Newsom signed [Assembly Bill \(AB\) 361](#) (Rivas, R., D-Salinas) into law, which gives local agencies, including local educational agency (LEA) governing boards, flexibility in conducting public meetings virtually during a declared state of emergency (wildfires, floods, pandemics, etc.). As an urgency measure, AB 361 went into effect immediately upon Governor Newsom's signature, meaning its provisions are currently law.

Governor Newsom's signing of AB 361 is timely, as the executive orders that provided local agencies flexibility to conduct public meetings remotely under the COVID-19 crisis are expiring on September 30, 2021 (see "[Brown and Bagley-Keene Acts Flexibilities to End on September 30](#)" in the June 2021 *Fiscal Report*). It is important to note that while AB 361 offers flexibilities similar to the expiring executive orders, there are number of key differences in regards to public comment and meeting operations, which we detail in the summary below.

How Can a Local Agency Trigger the AB 361 Teleconferencing Provisions?

AB 361 authorizes, until January 1, 2024, a local agency to use teleconferencing for public meetings, without complying with certain Brown Act requirements, in any of the following circumstances:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing
- The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining by majority vote whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees
- The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees

What Are the Virtual Meeting Requirements Under AB 361?

AB 361 specifies that if a local legislative body determines it is entitled to use the exemptions afforded to it in this bill, then it must abide by the following requirements when conducting a public meeting:

- Notice the meeting and post agendas as the Brown Act requires
- Allow the public to access the meeting and give notice for how the public can access the meeting and provide public comment
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body
- Provide a public comment period where the public can address the legislative body directly and allow for public comment up until the period is closed
- Prohibits limiting public comments to only those submitted in advance and specifies that the legislative body must provide an opportunity for the public to offer comment in real time
- In the event of a disruption that prevents the public agency from broadcasting the meeting or prevents members of the public from offering public comment, the legislative body is prohibited from taking action on items appearing on the meeting agenda until public access to the meeting via the teleconferencing option is restored

The bill stipulates that if the state of emergency remains active for more than 30 days, a local agency must make the following findings every 30 days by majority vote in order to continue utilizing the bill's teleconferencing provisions:

- The legislative body has reconsidered the circumstances of the state of emergency
- Any of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person
 - State or local officials continue to impose or recommend measures to promote social distancing

Are the Teleconferencing Flexibilities Under AB 361 Permanent?

The teleconferencing flexibilities for local agencies under AB 361 sunset on January 1, 2024. This means that unless subsequent legislation extends the provisions of AB 361 for local agencies, they will expire on January 1, 2024, and that local agencies would be expected to follow all of the rigid Brown Act requirements regardless of an emergency beginning in 2024.

Intent of the Bill

While this bill will provide local agencies flexibility and safe harbor to conduct public meetings virtually during an emergency, it is important to emphasize that the bill's provisions are only to be operative in circumstances when it is unsafe for members of the legislative body to meet in person. Additionally, the bill's provisions are only able to be utilized pursuant to a formal state of emergency, and the declared emergency must directly threaten the safety of the agency members, staff, or the public.

We recommend LEAs that plan to utilize the teleconference provisions under AB 361 work closely with their legal counsel in order to ensure they are in full compliance with this new law.

DRAFT

PRESIDENT

The president shall preside at all Governing Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the order of business and the conduct of meetings
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote

The president shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The Board President shall also perform other duties as directed by law, California Department of Education regulations and the Board, including the duty to:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board
2. Consult with the Superintendent or designee on the preparation of the Board's agendas
3. Appoint and disband all committees, subject to Board approval
4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law.
5. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings.

PRESIDENT (Continued)

BB 9121

6. Be responsible for the orderly conduct of all Board meetings
7. Share informational mail with other Board members
(cf. 9320 - Meetings and Notices)

When the president resigns or is absent or disabled, the clerk shall perform the president's duties. When both the president and clerk are absent or disabled, the Board shall choose a president pro tempore to perform the president's duties.

The Board President shall be elected at the annual Organizational Meeting, and shall not serve more than two consecutive years in the role. ~~The Board Member elected to the role of Board President shall be excluded from any labor negotiations representing the Board during their tenure as President.~~

Legal Reference:

EDUCATION CODE-

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

35144 *Special meetings*

Adopted: 3-11-04

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**

Revised: 10/20

GRAVENSTEIN UNION SCHOOL DISTRICT

Board Bylaw 9100 **DRAFT**

Organization

Annual Organizational Meeting

The Governing Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk from its members
2. Appoint a secretary to the Board
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Develop a Board calendar for the year.
6. Designate Board representatives
7. *Determine the membership of the GUSD Negotiations Team*

(cf. 9140 - Board Representatives) (cf. 9320 - Meetings and Notices)

Election of Officers

The Board shall each year elect its entire slate of officers.

Legal Reference:

EDUCATION CODE

5017 Term of Office

35143 Annual organizational meeting date and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

ATTORNEY GENERAL OPINIONS

68 Ops. Cal Atty. Gen. 65 (1985)

59 Ops Cal Atty. Gen. 619, 621-622 (1976)

Adopted: 3-11-04

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**