Meeting Date: March 1, 2023
Meeting Location: San Mateo County Office of Education
101 Twin Dolphin Dr.
Redwood City, California 94065
Board Members Present: Susan Alvaro (remotely), Chelsea Bonini, Hector Camacho, Jr., Jim Cannon, Beverly Gerard, Ted Lempert
Board Members Absent: Joe Ross
County Attorney Present: John Nibbelin, County Attorney
Staff Officials Present: Nancy Magee, Secretary
Jennifer Perna, Executive Assistant
Other Staff Present: Kevin Bultema, Marco Chávez, Niambi Clay, Patricia Love, Tami Moore, Lorrie Owens, Kris Shouse
Youth Commission Liaison Present: Seth Weinfield

1. **OPENING ITEMS**

   A. **Call to Order**

   Board President Beverly Gerard called the meeting to order at 7:02 p.m.

   After a motion by Board Member Bonini and a second by Board Member Lempert, the Board approved Board Member Alvaro’s remote attendance due to a physical medical emergency, by a vote of six in favor (Alvaro, Bonini, Camacho, Cannon, Gerard, and Lempert) with one absent (Ross), by roll call vote.

   B. **Approval of Agenda**

   After a motion by Board Member Lempert and a second by Board Member Alvaro, the March 1, 2023, agenda as presented was approved by a vote of six in favor (Alvaro, Bonini, Camacho, Cannon, Gerard, and Lempert) with one absent (Ross), by roll call vote.
2. **PUBLIC COMMENT**

The following speaker provided live public comment:

- Janice Pellizzari, SMCOE teacher and San Mateo County Educators Association (SMCEA) President

3. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL**

   A. *Existing Litigation* (GOV'T CODE § 54956.9(d)(1)): Name of Case: In Re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation - Case No. 3:19-md-02913-WHO

   B. *Anticipated Litigation* (GOV'T CODE § 54956.9(d)(4)): One Case

At 7:15 p.m., Board President Gerard announced the meeting would move into Closed Session.

4. **OPEN SESSION: REPORT ON CLOSED SESSION**

   A. **Report on Actions Taken in Closed Session**

The Board reconvened in Open Session at 7:57 p.m.

County Attorney Nibbelin reported that regarding Closed Session Item 3A, the Board gave instruction to Counsel with respect to that matter.

County Attorney Nibbelin reported that regarding Closed Session Item 3B, the Board approved, by a vote of five in favor (Alvaro, Camacho, Cannon, Gerard, and Lempert), one opposed (Bonini), with one absent (Ross), the initiation of litigation. The action, the defendants, and other particulars of the case shall, once formally commenced, be disclosed to any person upon inquiry, unless otherwise provided by Section 54957.1 of the Government Code.

5. **INTRODUCTION OF NEW/RECENTLY PROMOTED STAFF**

   A. **Jonathan Harris, Manager, Outdoor Education, Educational Services Division**

Karen Gnusti, Executive Director, College, Career, and Secondary Education, Educational Services Division, introduced Jonathan Harris, Manager, Outdoor Education, Educational Services Division. Manager Harris discussed his vision to provide access to the outdoors for all students and thanked everyone for the honor to serve in this position.

6. **APPROVAL OF MINUTES**

   A. **February 15, 2023, Regular Board Meeting**
APPROVAL OF MINUTES (continued)

After a motion by Board Member Alvaro and a second by Board Member Cannon, the Minutes of the February 15, 2023, Regular Board Meeting as presented were approved, by a vote of six in favor (Alvaro, Bonini, Camacho, Cannon, Gerard, and Lempert) with one absent (Ross), by roll call vote.

7. CONSENT AGENDA

 B. Adopt Joint Resolution No. 23-7 Honoring Joe Ross for His Service to the San Mateo County Board of Education

After a motion by Board Member Lempert and a second by Board Member Cannon, the Consent Agenda was approved, by a vote of six in favor (Alvaro, Bonini, Camacho, Cannon, Gerard, and Lempert) with one absent (Ross), by roll call vote.

8. OFFICE OF THE SUPERINTENDENT

 A. Provide Update on Development of Administrative Regulations on Conflict of Interest

The following speakers provided live public comment:

- Christian Morales, SMCOE staff member and California School Employees Association (CSEA) 887 Vice President
- Misty Seago, SMCOE teacher

Superintendent Magee reported that efforts are underway to update some existing regulations around Independent Contractors as well as to create new regulations in the areas of Form 700 review and disclosure to the Board in the event of an employee with a possible business interest.

Superintendent Magee also noted that the leadership will support an annual training for all relevant staff on new and revised processes.

Board Member Bonini noted that the Board, Superintendent, and staff will be participating in the upcoming Policy Development Workshop and have the opportunity to compare California School Boards Association (CSBA) model policies to existing SMCOE and Board policies.

Board Member Bonini said she has identified several policies the Board might consider as priorities including Board policies 3600, 3312, 3310, 9270, and 4301. She also noted the Placer County Board Policy 4301 and Superintendent Policy 4301 as models regarding conflict of interest.

Board Member Bonini added that Board Policy 9322, regarding Meeting Agendas and Materials, might also be relevant to review.

Board Member Lempert said the Board might also want to have a conversation with CSBA about their thoughts about what happened in Orange County. Board Member Lempert underscored that as
the Board goes through the policies, the focus should be on the Board’s policies which affect meetings and transparency and not on superintendent policies.

Board Member Bonini responded that all of the policies she mentioned are related to the Board’s work and efforts at transparency around contracting and the budget and have nothing to do with staff or teachers.

Board Member Lempert stated that at the previous meeting when staff spoke, the Board did not respond with the standard comment that the Board is not the employer and has no ability to respond to or deal with employee complaints. He said this is something the Board should be doing. He does not want to mislead the employees into expecting action from the Board that cannot be provided.

Board President Gerard responded there was no member of the Board who did not understand that the Board has nothing to do with the employees themselves and that employees are the Superintendent’s responsibility.

B. Superintendent’s Comments

Superintendent Magee shared about a new state program called the California Kids Investment and Development Savings Program (CalKIDS), which establishes savings accounts for California children and was shared out to the community in a co-sponsored event with State Treasurer Fiona Ma.

Superintendent Magee thanked Teresa Mendivil for providing Spanish translation for the event, which included nearly 70 participants, as well as Kevin Bultema, Deputy Superintendent, Business Services Division, and Patricia Love, Executive Director, Strategy and Communications, for their participation and support.

Board Member Camacho asked if income guidelines for the program could be confirmed and then shared out.

Superintendent Magee also reported that the Teacher and Administrator Development Team had applied for an expansion grant of the SMCOE/Alder Teacher Residency program and received news they were awarded a $575,000 grant. This will allow the program to expand to include residents pursuing a multiple subject credential, including a transitional kindergarten (TK) credential, as well as any Science, Technology, Engineering, and Mathematics (STEM)-related single subject credential. She thanked Carmen French, Director, Teacher Residency and Administrator Programs, Educational Services Division, and Winnie Hardie, Executive Director, Teacher and Administrator Development, for leading the work.

Superintendent Magee announced two local districts, Cabrillo Unified and San Bruno Park, received California Community Schools partnership planning grants.

Superintendent Magee congratulated Lorrie Owens, Chief Technology Officer, Integrated Technology Services, Business Services Division, for her article on cybersecurity in the winter edition of the CSBA Quarterly Publication.
Superintendent Magee also shared that she was honored to be participating the following day in a planning session with former Congresswoman Jackie Speier around the vision of ending child poverty. She will speak as part of a panel with Dave Pine, President, Board of Supervisors, and Mike Callagy, County Executive, and is excited to see what comes from the session.

Superintendent Magee wished happy March birthdays to Board Member Bonini and Marchelle Moten, Executive Director, PreK-3 and Early Education, Educational Services Division.

9. **BOARD MEMBERS**

   A. **Discuss/Act on Review of Candidate Applications to Decide Who Will be Interviewed for the San Mateo County Board of Education Vacancy in Trustee Area Seven**

Superintendent Magee restated there are six candidates whose applications qualified for the appointment process. The Board’s next step would be to choose whether they would interview all six candidates or narrow that field to a smaller number.

Board President Gerard asked the Board what they were looking for in a candidate and reminded the Board of the four requirements for being accepted as a qualified applicant which include being at least 18 years of age, being a registered voter, residing in Trustee Area Seven, and not being an employee of any school district in San Mateo County.

County Attorney Nibbelin clarified that the last requirement applied to public school districts in San Mateo County. Superintendent Magee asked if there were applicants who were employees of a public school district. County Attorney Nibbelin said there was one applicant who was a substitute teacher. If the individual was removed from the substitute teaching list, they could assume the Board position.

Board Member Alvaro described seeking a candidate with overall knowledge of what the Board does, someone who understands public education and their district, has the well-being of youth at heart, and can engage in a civil manner.

Board Member Camacho reflected on how non-profit Boards are formed. In those settings, they consider areas of need to help those Boards be successful. The County Board is currently composed of individuals who have been in education, Human Resources, law, and those from the non-profit world. With Board Member Ross’ departure, he considered what gap had been created.

For him, an understanding of Trustee Area Seven is critical, as well as an understanding of the needs of the local community including what types of appeals may come before the Board. He discussed Trustee Area Seven’s student demographics which are 51% Latino and African American and 25% multilingual learners.

Board Member Alvaro suggested putting forth three or four candidates to interview to allow more time for each candidate in the interviews. County Attorney Nibbelin suggested that Board Member Alvaro could make a motion to move forward with a slate of three names.
BOARD MEMBERS (continued)

After Board discussion, Board Member Alvaro made a motion to move Katherine Menendez Cherry, Jo­Ann Byrne Sockolov, and Hugo Torres forward for interviews. Board Member Camacho seconded the motion.

County Attorney Nibbelin advised the Board could have a discussion about the motion before taking a vote.

Board Member Lempert shared he was not comfortable making this decision without hearing from the candidates. He read the very short resumes which did not give a lot of background. He suggested the Board review and discuss each candidate.

Board Member Camacho asked if there was any more discussion. Board Member Cannon stated that six was a manageable number of candidates, and he would like to hear from everyone. Youth Commission Liaison Weinfield commented that three interviews fall on the smaller side and his personal preference would be to interview all six candidates.

Board Member Camacho reminded the group there was always the opportunity for Board Member Alvaro to withdraw her motion if she so chose. County Attorney Nibbelin agreed and added the Board could also vote and if the motion failed, they could start again. Alternatively, the motion could be amended or withdrawn. Board Member Alvaro related there was no way to amend the motion, but she could withdraw it.

Board Member Bonini stated her preference would be to vote and if it fails, the Board could do something different.

After the motion by Board Member Alvaro and the second by Board Member Camacho, the Board voted to move Katherine Menendez Cherry, Jo-Ann Byrne Sockolov, and Hugo Torres forward for interviews, by a vote of four in favor (Alvaro, Bonini, Camacho, and Gerard), two opposed (Cannon and Lempert), with one absent (Ross), by roll call vote.

Board Member Lempert stated if the Board expressed strong feelings about issues, that should be respected. He asked about communication to the three applicants who had not been chosen to move forward.

County Attorney Nibbelin noted that the Board, acting through standard process, adopted a motion to move three candidates forward. That motion was seconded and approved by a 4-2 vote. He explained there was no legal requirement to communicate more than that.

Board Member Camacho said the three who were chosen met his initial criteria, so he was comfortable seconding the motion. If the discussion had been expanded, he would have also been comfortable with that.

Board Member Alvaro explained she would like to spend more time with each of the candidates in the interviews as opposed to spending less time with more candidates. She considered what she felt was
BOARD MEMBERS (continued)

important to the Board, read the applications, and chose the ones who met her criteria. That was why she
made her motion.

Board Member Lempert indicated he could not remember a divided vote, outside of appeals, throughout
all the years he has served on the Board until two years ago. He shared he felt that he and Board
Member Cannon had expressed their views and were shut out.

Board Member Bonini noted it was okay for them to disagree on issues. There are reasons behind
individual decisions, and they have the right to vote the way they want to vote.

Board Member Cannon pointed out he did not review the different candidates because he incorrectly
assumed they were going to talk to everyone. He had assumed the time to make a judgement about
candidates would be the same way it had been done for the past 30-40 years as a member of school
boards, panels, and districts hiring superintendents, principals, and teachers, through interviews. He
expected they would interview all the candidates, especially when the group was small.

County Attorney Nibbelin reviewed how the memo presented with the agenda item outlined the different
scenarios which could occur and included advancing all the candidates or advancing a slate of
candidates. He noted that what happened was one of the scenarios offered in the memo.

Board Member Camacho noted it seemed like some felt there was a faction who voted, but he seconded
and voted on the merits of the motion. When given the opportunity, the motion was not withdrawn but it
was not amended, either. He voted for the motion on the face of it, and his assumption was that because
there was not an amended motion proposed, there was no interest in a change of procedure. Board
Member Camacho emphasized he was not comfortable with the idea of a factional vote.

Board President Gerard summarized the Board would be moving forward with three candidates to
interview on March 15, 2023.

B. Discuss/Act on Board Appointment Process for the San Mateo County Board of Education
   Vacancy in Trustee Area Seven

Superintendent Magee referred to details outlined in the Board memo that summarized the appointment
process as it was implemented in 2014.

The Board then engaged in discussion regarding the selection process. As a result of the discussion,
the Board agreed to the following process:

- The Board will interview three candidates as individuals
- The Board will request that candidates remain outside of the Board room during
  interviews, understanding that candidates can decide to remain in the Board room if they
  choose
- The Board will interview all three candidates using the same questions
- Candidates will hear the questions for the first time during their interview
- The Board will have an opportunity to ask follow-up questions
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**BOARD MEMBERS (continued)**

- The order of the candidate interviews will be randomly drawn
- The Board will strive to reach consensus in the selection process
- The Board will begin the selection process with a straw poll of each Board Member’s top two candidates
- The Board will then engage in discussion until it is determined time to take a vote
- The selection may either be conducted through a motion or with each Board Member voicing their top candidate until a candidate has received a minimum of four votes

After a motion by Board Member Alvaro and a second by Board Member Bonini, the Board voted on the process outlined above, by a vote of six in favor (Alvaro, Bonini, Camacho, Cannon, Gerard, and Lempert) with one absent (Ross), by roll call vote.

C. **Suggested Topics for Future Board Agendas**

There were no suggestions for future Board agendas.

D. **Board Member Comments**

**Board Member Alvaro**
Board Member Alvaro thanked everyone for their patience with her remote participation and noted she plans on attending the next meeting in person.

Board Member Alvaro extended her heartfelt sympathy to Board Member Camacho.

**Board Member Lempert**
Board Member Lempert had no comments.

**Board Member Camacho**
Board Member Camacho shared that early Thursday morning, his father, Hector Camacho, passed away. He was a 24-year employee of the South San Francisco Unified School District. One of the most important periods of Board Member Camacho’s life was when he was a co-unit member of the California School Employees Association (CSEA) 197 with his father when they were both classified employees. Board Member Camacho learned the critical role that classified employees play in schools as well as lessons which have shaped his life from his father, and from his mother who was a classroom aide.

**Board Member Cannon**
Board Member Cannon expressed his condolences to Board Member Camacho and shared he could relate with the deep grief from his own experience losing his father. Board Member Cannon shared it took him an entire year to even start to grieve because the experience was so impactful. He wished Board Member Camacho strength in his process.

**Youth Commission Liaison Weinfield**
Youth Commission Liaison Weinfield expressed his deepest condolences to Board Member Camacho and shared he was looking forward to embarking on the upcoming interview process.
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**BOARD MEMBERS (continued)**

Board Member Bonini  
Board Member Bonini shared she has been thinking a lot about Board Member Camacho during this difficult time and expressed her condolences.

Board Member Bonini reported the previous day she had attended the Juvenile Justice and Delinquency Prevention Committee (JJDPC) as a liaison of the Commission on Disabilities with Ligia Andrade-Zuniga, Trustee, San Mateo Union High School District. At their meeting, the JJDPC members shared their anticipated projects for the year, many which align with the work of the County Office. One of these projects is assessing whether educational process is being made with students using the Measures of Academic Progress (MAP) testing. Another project relates to feedback from their inspection reports and discussions around student transitions back to the comprehensive high schools. The third project is discussing best practices in the county around restorative justice.

Board Member Bonini shared they are still having conversations around the SamTrans issue and recommended that Superintendent Magee share the information which has been gathered on that front to help them find alternative solutions. She suggested that Superintendent Magee help close the loop.

Board President Gerard  
Board President Gerard reported that on Monday she attended the San Mateo County School Boards Association (SMCSBA) dinner. The Campbell Union School District presented an excellent and informative program on equity.

Board President Gerard asked Superintendent Magee to share about the (PASC) Celebration. Superintendent Magee reported that the previous evening Board President Gerard, Deputy Superintendent Chavez, and she celebrated with the seventh cohort of the PASC program. This is the first time they had conducted a celebration in person since the pandemic. Board President Gerard agreed it was a wonderful event and fun to see how excited the graduates were to take the next step in their careers.

Board President Gerard shared her heart goes out to Board Member Camacho and his family and expressed her deepest condolences.

10. **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 9:31 p.m. Board President Gerard announced the next Regular Meeting would take place on Wednesday, March 15, 2023, at 7:00 p.m.

Nancy Magee, Secretary