



## Special Board of Education Meeting

**07/07/2020 4:00 PM**

### **Pace Training Center**

9625 Van Ruiten Street  
Bellflower, California 90706

Pursuant to Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020, and the County of Los Angeles Department of Public Health Order of the Health Officer Revised Order Issued May 26, 2020 as a response to mitigating the spread of Coronavirus known as COVID-19 and providing direction for moving the County through Stage 2 of California's Pandemic Resilience Roadmap, the Special Board of Education meeting scheduled for Tuesday, July 7, 2020 at 4:00 p.m. will allow members of the public to participate and address the Board of Education during the open session of the meeting via teleconference as well as a limited number of in person attendees within Pace Training Center on a first come, first served basis.

**Attend in person, limited number, on a first come, first served basis:**

Pace Training Center, 9625 Van Ruiten Street, Bellflower, CA 90706

**How to Connect to the Meeting electronically/telephonically:**

**Special Meeting Zoom Information:**

**Video Link:**

**<https://us02web.zoom.us/j/89492704403?pwd=RDJLQVdHaGtEZG1TQ3JocUZuRTICUT09>**

**Password: 1BXmWt**

**Telephone Number: (669) 900-6833 or (408) 638-0968**

**Webinar ID: 894 9270 4403**

**Password: 952772**

**Public Comment:**

Persons who want to comment on agenda items only that cannot attend in person are invited to submit comments via email to [publiccomment@dusd.net](mailto:publiccomment@dusd.net) by Tuesday, July 7, 2020, at 4:00 p.m. All public comments will be read into the record at the meeting. Please limit comments to 300 words or less (3 minutes).

## AGENDA

Pursuant to Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020, and the County of Los Angeles Department of Public Health Order of the Health Officer Revised Order Issued May 26, 2020 as a response to mitigating the spread of Coronavirus known as COVID-19 and providing direction for moving the county through Stage 2 of California's Pandemic Resilience Roadmap, the Special Board of Education meeting scheduled for Tuesday, July 7, 2020 at 4:00 p.m. will allow members of the public to participate and address the Board of Education during the open session of the meeting via teleconference as well as a limited number of in person attendees within Pace Training Center on a first come, first served basis.

**Public comments may be submitted in person or by email only. Persons who want to comment on agendized topics only are invited to submit comments via email to [publiccomment@dusd.net](mailto:publiccomment@dusd.net) by Tuesday, July 7, 2020 at 4:00 p.m. All public comments will be read into the record at the meeting. Please limit comments to 300 words or less (3 minutes).**

*In compliance with the American Disabilities Act, those requiring special assistance to access the Board Meeting room, written documents being discussed at the Board Meeting, or to otherwise participate in Board Meetings, please contact the Superintendent's Office at 562-469-6511 at least 48 hours prior to the meeting to accommodate reasonable requests.*

### I. GENERAL BOARD FUNCTIONS

#### 1. CALL TO ORDER

Call to Order by Mr. Donald E. LaPlante, President of the Board of Education at 4:00 p.m. on Tuesday, July 7, 2020, in the Pace Training Center, 9625 Van Ruiten Street, Bellflower, California.

#### 2. FLAG SALUTE

Renewal of the Pledge of Allegiance to the Flag of the United States of America to be led by Mrs. Barbara R. Samperi, Member of the Board of Education.

#### 3. INVOCATION

Invocation to be delivered by Mrs. Giovanna Perez-Saab, Member of the Board of Education.

#### 4. ROLL CALL

Donald E. LaPlante  
Tod M. Corrin  
D. Mark Morris  
Giovanna Perez-Saab  
Barbara R. Samperi  
Martha E. Sodetani  
Nancy A. Swenson

John A. Garcia, Jr., Ph.D.

5. ADOPT Agenda #1 for the Special Meeting of the Board of Education held on July 7, 2020.
6. RECEIVE correspondence and refer it to the proper order of business or to the Superintendent for handling.
7. HEAR Public on items appearing on the Agenda.

## **II. GENERAL ADMINISTRATIVE SERVICES**

1. DISCUSS a Mascot Change at Griffiths Middle School.
2. HEAR a presentation from John Harris, Director of College & Career Readiness, regarding Career Technology Education and the Reach Higher Initiative updates.
3. DISCUSS the Return to School plan for the 2020-21 school year.
4. ADOPT Resolution No. 202021-01, in support of the Emergency Arising from the Spread of Coronavirus (COVID-19). 4
5. SUPPORT the Passage of Assembly Bill 1384, regarding Liability for Local Educational Agencies.

## **III. NEXT MEETING**

The next meeting of the Board of Education will be a Regular Meeting to be held on Monday, July 20, 2020, at 5:00 p.m. in the Pace Training Center, 9625 Van Ruiten Street, Bellflower, California.

## **IV. CLOSED SESSION**

Retire into Closed Session to discuss:

- a. Potential Litigation
- b. Public Employment - Certificated Administration/Classified Management
- c. Discipline/Dismissal/Release
- d. Negotiations
- e. Threat to Public Services or Facilities (Government Code Section 54957)
- f. Superintendent's Evaluation

## **V. ADJOURNMENT**

ADJOURN the Regular Meeting of the Board of Education at the specified hour with the consent of the Board Members.

**Note: The Superintendent's recommendation for action on each agenda item is indicated by the word appearing in CAPS.**

*Any writings or documents that are public records are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 11627 Brookshire Avenue, Downey, California during normal business hours.*

**II. 4. ADOPT Resolution No. 202021-01, in support of the Emergency Arising from the Spread of Coronavirus (COVID-19).** 

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**Supporting Documents**

 [Resolution20.pdf](#)

DOWNEY UNIFIED SCHOOL DISTRICT  
EMERGENCY RESOLUTION NO. 202021-01

IN SUPPORT OF THE EMERGENCY ARISING FROM THE SPREAD OF  
CORONAVIRUS (COVID-19)

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health declared the existence of a local and public health emergency arising from the coronavirus (COVID-19); and

WHEREAS, on March 7, 2020, the California Department of Public Health issued guidance advising, in part, that "community transmission of COVID-19 has occurred in California. Educational institutions should prepare for possible impacts of COVID-19 and take precautions to prevent the spread of COVID-19 as well as other infectious diseases, including influenza and gastroenteritis"; and

WHEREAS, on March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings (over 250 people) and to enforce social distancing; and

WHEREAS, on March 13, President Trump declared a national state of emergency; and

WHEREAS, Article I, Section 28, of the California Constitution declares that "[a]ll students and staff of public, primary, elementary, junior high, and senior high school ... have the inalienable right to attend campuses which are safe, secure and peaceful"; and

WHEREAS, Education Code section 35161 permits the Board to delegate to an officer or employee of the District any of the Board's powers and duties, and the Board desires to delegate to the District Superintendent certain powers and duties to address the Coronavirus (COVID-19) pandemic; and

WHEREAS, at the Downey Unified School District Emergency Board of Education Meeting held on March 13, 2020, the Board of Education declared that an emergency situation exists in accordance with Government Code section 54956.5, as determined by a majority of the members of the Board of Education; and

WHEREAS, the State of California, the State Board of Education, the State Superintendent of Schools, the County of Los Angeles and the City of Downey are all continuing to monitor the impact of COVID-19 and are continuing to issue orders, establish requirements and recommendations that will impact how the District will educate its students, up to and including the first day of school at the District, all of which establish an emergency situation where the District will be very likely be required

to enter into contracts and take other required actions to provide educational services;  
and

WHEREAS, generally, Public Contract Code section 20111 requires a school district to competitively bid any contract in 2020 for equipment, materials, supplies or services exceeding \$95,200; and

WHEREAS, the District has opted to comply and be subject to the California Uniform Public Construction Cost Accounting Act (Public Contract Code § 22000 et seq.) (the “Act”); and

WHEREAS, an exception to sections 20111 and the Act exists in cases of emergency whereby, “pursuant to a four-fifths vote of its governing body” the District, “may ... take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts” [Pub. Con. Code § 22050(a)(1)]; and

WHEREAS, an emergency is a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services (Public Contract Code § 1102), including the continuance of existing school classes (Public Contract Code § 20113); and

WHEREAS, Public Contract Code section 22050 requires the following steps be taken for the District to take action in an emergency situation:

- (1) Pursuant to a four-fifths (4/5) vote of the Board, the District may take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts;
- (2) Before taking any action pursuant to paragraph (1), the Board shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency;
- (3) The Board, by a four-fifths (4/5) vote, may delegate the District Superintendent and/or its designee, the authority to order any action pursuant to paragraph (1);
- (4) If a person with authority delegated pursuant to paragraph (3) orders any action specified in paragraph (1), that person shall report to the Board, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency;

- (5) If the Board orders any action specified above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action. If the Board meets weekly, it may review the emergency action in accordance with this paragraph every 14 days;
- (6) If a person with delegated authority orders any action specified in paragraph (1), the Board shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action, unless a person with delegated authority has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to this subdivision. If the Board meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days;
- (7) When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

NOW THEREFORE, BE IT RESOLVED that the Board of Education of the Downey Unified School District finds, determines, declares, orders and resolves as follows:

1. That the above recitals are true and correct; and
2. That the circumstances described in the Resolution require entering into contracts for and/or making purchases of services, equipment, materials and/or supplies and taking other required actions as needed in order to mitigate the effects of COVID-19, and that those circumstances constitute an emergency condition (“Emergency”); and
3. The circumstances of the Emergency necessitate that required contracts and other actions related to the Emergency be let without a competitive solicitation for bids to respond to the Emergency; and
4. That the District’s superintendent or his designee is authorized to execute contracts or amendments and take other required actions, as appropriate and as necessary with firms to perform work related to the Emergency, without further advertising for or inviting of bids, and to take all steps and perform all actions necessary to execute and implement those contracts, amendments or other actions; and

5. That all contracts with firms to perform work related to the Emergency for which performance has already begun are hereby ratified and the District's superintendent or his designee is authorized to execute amendments, as appropriate and as necessary, and to take all steps and perform all actions necessary to execute and implement those contracts; and
6. That District staff report on the status of this Emergency to the District's Board at the Board's next regularly scheduled Board meeting and at all subsequent regularly scheduled Board meetings until the Board terminates the Emergency action.

PASSED AND ADOPTED by a four-fifths (4/5) vote by the Governing Board this 7th day of July, 2020.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

DOWNEY UNIFIED SCHOOL DISTRICT

\_\_\_\_\_  
D. Mark Morris  
Clerk, Board of Education