

BEAR VALLEY UNIFIED SCHOOL DISTRICT  
MINUTES OF A REGULAR BOARD MEETING  
HELD ON NOVEMBER 3, 2021  
SCHOOL DISTRICT OFFICE

Present: Dr. Steve Foulkes  
Mrs. Cathy Herrick  
Mr. Jack Roberts  
Ms. Sudie Smartt  
Mr. Paul Zamoyta

Also Present: Dr. Mary Suzuki  
Mrs. Linda Rosado  
Dr. Lisa Waner  
Ms. Lucinda Newton

**1. Call to Order Open Session**

President Herrick called the meeting to order at 4:17 p.m. noting this meeting is being audio recorded.

**2. Adoption of Agenda**

**M21-22-045**

President Herrick called for a motion to adopt the agenda for the meeting.

Motion by Dr. Foulkes.

Second by Mr. Roberts.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**3. Public Comment on Closed Session Agenda Items**

Hearing none, President Herrick adjourned the meeting to Closed Session at 4:18 p.m.

**4. Closed Session**

**a. Student Personnel Item #21-22-010**

**5. Call to Order Open Session at 5:34 p.m.**

**6. All present participated in a Moment of Silence and the Pledge of Allegiance.**

**7. Report of Action Taken in Closed Session**

**a. Report of Action Taken Pertaining to Student Personnel Item #21-22-010**

The decision was made unanimously by the Governing Board to expel the student for the remainder of this semester and next semester with conditions that need to be met as outlined in an improvement plan.

## **8. Comments From Bear Valley Education Association (BVEA) Union President**

**Ms. Jeanne Gardner, BVEA Union President** – Discussed the monumental task of mitigating learning loss caused by distance learning for many of our students. Ms. Gardner shared that a seventh-grade student has not had a full normal school year since 4<sup>th</sup> grade. Many primary teachers are finding first and second-grade students who don't know how to hold a pencil or use primary ruled paper. Ms. Gardner continued stating that no standardized test or benchmark score can accurately measure the importance of in-person instruction that our teachers give each day. Ms. Gardner asked that when reviewing data, Governing Board and Cabinet Members give the students and teachers the grace they deserve. Ms. Gardner referenced the MOU between BVEA and Bear Valley Unified School District, which was written with three purposes in mind, to listen to the needs of the teachers, encourage district management to hire more substitute teachers and to show appreciation to teachers by financially recognizing the extraordinary work teachers have done during these unprecedented times. Ms. Gardner expressed her gratitude to the Governing Board for allowing resident substitute teachers at the school sites to assist with class coverage and in school interventions. Ms. Gardner stated that the teachers are united as a general membership that their primary concern is the students' health, safety, and progress in education.

## **9. Hearing Section**

### **a. Public Comment**

President Herrick read the Public Comment Quick Summary / Abstract.

**Cindy Dupry** – Expressed her displeasure with board meeting protocol saying that three minutes per person is not enough time for public comment. Ms. Dupry stated she feels her First Amendment Rights are being violated. Ms. Dupry also spoke against the mask and vaccine mandate. Ms. Dupry gave her opinions on the Constitution and Nuremberg Code.

**Madeline Westover** – Mrs. Westover shared that she is a bus driver for BVUSD. She spoke about the choice she made to be put on administrative leave rather than be vaccinated or tested. Mrs. Westover shared that if she needs to be tested, so should everyone else. Mrs. Westover stated that she would like to return to her job.

**Ashley Wood** – Spoke against the COVID-19 vaccine mandate. Mrs. Wood read a letter to the Superintendent and Governing Board against the vaccine mandate for students and staff and for medical choice, signed by 378 members of the public. Mrs. Wood addressed the loss of 400 students and what that would mean financially to the district.

**Kelly Ohlson** – Spoke in opposition to the vaccine mandate because she feels this is an experimental vaccine. Ms. Ohlson gave statistics regarding the vaccine. She demanded Dr. Foulkes resignation. Ms. Ohlson spoke about the Constitution and Nuremberg Code. Ms. Ohlson stated that mandates are not law; they are dates between two men.

**Jill Ohlson-Wade** – Spoke in opposition to the vaccine mandate and masks. Ms. Ohlson-Wade expressed her concern about Virtual Academy and single parents. Ms. Ohlson-Wade shared statistics about COVID-19.

**Erin Coster** - Mrs. Coster spoke to staff/parent/personal choice, concerns about mandatory vaccines for employees. Mrs. Coster shared that she has deep concerns about the vaccine.

**Heather Wylie** – Spoke in opposition to the vaccine mandate. Mrs. Wylie asked that the Board stand up for what is right and oppose illegal vaccine mandates. Mrs. Wylie shared that she feels medical decisions are personal.

**Justin Barlow** – Spoke in opposition to the vaccine mandate. Mr. Barlow referenced the letter that was spoken about earlier by Mrs. Wood. Mr. Barlow cited statistics on incidences of COVID cases. Mr. Barlow spoke to concerns about staffing shortages and his decision to home school his children.

**Bobbi Hazelton** – Ms. Hazelton read a statement from Dr. Laura Norton, a family medicine doctor in San Bernardino; she is also a scientist and has her masters degree in biotechnology. The statement was in opposition to the COVID-19 vaccine. Ms. Hazelton states that masks and vaccine mandates are unconstitutional. Ms. Hazelton addressed the liability for which the district could be held responsible.

**Keaton Carmody** – Spoke against the vaccine mandate. She expressed the challenges she faced over distance learning. Ms. Carmody spoke in favor of medical choice and asked that the Governing Board listen to the students and stand up with them.

**Wendy Corey** – Shared information on her daughter’s reaction to the H1N1 vaccine. Her daughter has now recovered. Ms. Corey spoke in opposition to the vaccine mandate.

**Marianna Litvinoff-Barrale** – Spoke in opposition to the vaccine mandate. Mrs. Barrale shared that her family had COVID, and they all are fine.

**Pete Barrale** – Commended the Governing Board that they appear to be listening. He encouraged the Governing Board to listen to these parents.

**Ron Mead, from Make America Godly Again** – Mr. Mead quoted a Bible verse and spoke in opposition to the vaccine mandate.

**Amanda Young** – Spoke for freedom of choice, expressed her concerns about the message this is sending to our children, and her children's challenges on distance learning.

**Will Rahill** – Mr. Rahill encouraged the Governing Board Members to do research on both sides of the vaccine issue, mainstream vs alternative. He cited several resources such as Bobby Kennedy Jr.’s website: Children's Health Defense Network and Med Page Today. He thanked the Board for making this decision carefully.

**Alejandra Mejia** – Spoke against the vaccine mandate as a Respiratory Care Practitioner, licensed for more than 11 years. Refuses to take the vaccine herself and spoke to patient choice. Ms. Mejia shared that her pediatrician said doctors can’t say anything against COVID or give exemptions because they will be flagged and lose their jobs.

**Joyce Crist** – Ms. Crist spoke about constitutional law said that the time allotted to public comment is not enough. She stated that true science is being censored and spoke against vaccines. Ms. Crist stated that the Board is hereby notified they do not approve of this agenda, of pending lawsuits and that board members will be held accountable for any injury to a child.

**Kim Boda** – Spoke against vaccine mandates. Ms. Boda spoke about the harmful effects the vaccine had on her father. She said that there are hundreds of thousands of vaccine-injured people who are being censored.

**Kenneth Anderson** – Noticed that we started the meeting with the president of the teachers union. He stated that he feels the teachers union has a lot to do with these mandates. Mr. Anderson asked the Board Members if they had ever accepted political campaign contributions or sought the endorsement of the teachers union. He stated he would like parents to have complete access to curriculum online and cameras in all classrooms for parents.

**Melissa Grote** – Spoke against the vaccine mandate. Mrs. Grote said that the vaccine mandate will rip the community apart. She talked about the families that will leave the district if it is passed. Mrs. Grote asked the Board to advocate for their kids. Mrs. Grote shared an incident at

Big Bear Middle School where she heard someone over the loudspeaker telling kids to pull up their masks because they weren't outside.

**David Rufner** – Spoke against the vaccine mandate. Mr. Rufner urged the Governing Board to not comply with this agenda. He referenced letters to the Governor sent by Lucerne Valley and Apple Valley School Districts.

**Jeanne Antes** – Spoke against the vaccine mandate. Ms. Antes suggested people watch Senator Ron Johnson on Del Bigtree's Highwire.

**Norman Dykesten** – Spoke against a vaccine mandate. Mr. Dykesten suggested the Governing Board uphold and adhere to Health and Safety Code 120325 – the ten current mandated vaccines, and to be the first line of defense for our dedicated staff.

**Haylee Cheek** – Spoke against the vaccine mandate. Miss Cheek asked that the Governing Board vote against a vaccine mandate and stand up for the students.

**Hannah Montbriand** – Miss Montbriand asked that the Governing Board vote against a vaccine mandate.

**Connie Newbrander** – Not present

**Angelique Bowman** - Spoke against masks and the vaccine mandate. Ms. Bowman states that the governing Board is doing the bidding of the union.

**Melissa Karnes** - Spoke about children's rights and medical freedom. Ms. Karnes stated she is not anti-vac but feels medical decisions should be the rights of the parent. Ms. Karnes cited California Health Code SB276 Section 1, Items F, G, and Health Code 120370 Item B regarding vaccinations.

**Christal Engle** – Ms. Engle spoke against vaccine mandates and cited the statistics on child deaths.

**Kailee Saderup** – Ms. Saderup expressed her disappointment in the actions of BVUSD. Ms. Saderup spoke against vaccine mandates and for freedom.

**Celia Reeser** – Ms. Reeser read a statement from her heart about raising her family. Then spoke against vaccine mandates. She stated that Board members will be held liable for any harm that comes to a child. Quoted Matthew 18:6.

**Bruce Campbell** – Mr. Campbell spoke against vaccines and quoted Matthew 18:6. Mr. Campbell noted board members should look at Vaccine Adverse Event Reporting System (VAERS). Mr. Campbell stated that he is doing the groundwork for a home school program.

**Adjourn for a ten-minute break at 7:41 p.m.**

**The meeting reconvened at 7:53 p.m.**

#### **10. Community -Staff Presentations**

##### **a. Governing Board Discussion of Possible Letter to Legislation for Vaccine Choice.**

**M21-22-046**

After a discussion about vaccine choice, review of sample letters to the Governor, and extensive discussion, the Governing Board agreed on a draft letter that will be sent to the Governor, state assembly members, and others as directed. A Board Member shared that this letter is intended to send a message to the Governor and the people putting out these mandates as we represent the community.

Motion by Dr. Foulkes that the draft letter with modifications will be sent.

Second by Mr. Roberts

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

There was a request from a board member that legal counsel review the letter before mailing it.

**b. Dr. Lisa Waner and Ms. Lucinda Newton will Present the Achievement/District Data Review**

Dr. Waner and Ms. Newton presented the Achievement Data/District Data Review. Dr. Waner reviewed the California Assessment of Student Performance and Progress (CAASPP) data district-wide. The CAASPP and AP tests were modified, so you can not compare these scores to 2019 (the tests were not given in 2020). These assessments are used to inform instruction. State and County results will not be available until late fall. Ms. Newton reviewed elementary test scores: 3<sup>rd</sup> grade ELA – 46% meets or exceeds, 3<sup>rd</sup> grade math – 38% meets or exceeds, 4<sup>th</sup> grade ELA – 34% meets or exceeds, 4<sup>th</sup> grade math – 27% meets or exceeds, 5<sup>th</sup> grade ELA 56% - meets or exceeds, 5<sup>th</sup> grade math - 25% meets or exceeds. There was a significant drop in 5<sup>th</sup> grade math scores compared to when they to the test in 3<sup>rd</sup> grade. Dr. Waner reviewed secondary scores: 6<sup>th</sup> grade ELA – 35% meets or exceeds, 6<sup>th</sup> grade math – 21% meets or exceeds, 7<sup>th</sup> grade – ELA 41% meets or exceeds, 7<sup>th</sup> grade math - 26% meets or exceeds, 8<sup>th</sup> grade ELA – 41% meets or exceeds, 8<sup>th</sup> grade math – 18% meets or exceeds, 11<sup>th</sup> grade ELA – 61% meets or exceeds, 11<sup>th</sup> grade math – 33% meets or exceeds. 11<sup>th</sup> grade showed growth. Dr. Waner reviewed additional District data as well as the percentage of students completing A-G. Other measurements were reviewed, such as the State Seal of Bi-Literacy and the Golden State Seal of Merit. The number of students taking AP exams was noted. Dr. Waner reviewed the percentage of English Learners reclassified as well as the criteria to be reclassified. Next steps were reviewed, and Ms. Newton reviewed the support being implemented in Math and ELA.

**c. Child Nutrition Services - Breakfast and Lunch Meal Offerings Presentation**

Mrs. Linda Rosado presented a report on Child Nutrition Services – Breakfast and Lunch Meal Offerings. Mrs. Rosado discussed the Federal Meal Requirements, which have now reverted to the 2012 requirements, BVUSD meal offerings for 2019 and 2021 school years, and shared information on the Grab and Go program where Child Nutrition Services provided meals to families throughout the 2020 school year due to COVID-19. Current Challenges for Child Nutrition Services are food shortages, supply chain disruptions, COVID-19 food safety practices, staff shortages, vendor and distributor staff shortages, and delivery delays.

At this time, Dr. Foulkes made a motion to move to Item 12. Consent Calendar, then return to Item 11. Public Hearing.

**M21-22-047**

Second by Mr. Zamoyta.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

## **11. Public Hearing**

### **a. Notice of Proposed Maps for Trustee Area Elections**

President Herrick read the Public Hearing Notice Statement. She asked for public comments, and there were none. Angela Vanjuelos of Cooperative Strategies shared that this is the second of three public hearings regarding the trustee area map scenarios, with the final hearing scheduled in December. There was a review of considerations for trustee election areas. After discussion, the decision was made by the Governing Board to bring maps three and four from tonight's presentation forward to the next hearing in December.

## **12. Consent Calendar**

**M21-22-048**

President Herrick called for a motion to approve the Consent Calendar with the addendum as presented.

Motion by Mr. Zamoyta to approve the Consent Calendar with the addendum as follows:

### **a. Employ Cafeteria Worker**

Narges Awad

### **b. Employ Custodian**

Matthew Gorman

### **c. Employ Night Custodian**

Kaitlyn Rios

### **d. Employ Fiscal Services Supervisor**

Jesica Rawlings

### **e. Employ District Office Receptionist**

Renee Erickson

### **f. Employ Special Education Aide**

Elizabeth Arkin

### **g. Employ Special Education Clerk Typist – Technician**

Megan Fischer

### **h. Substitute Bus Driver**

Mario Hernandez

### **i. Employ a Temporary .5 FTE Intervention Specialist for North Shore Elementary for the 2021-2022 School Year**

Lyndsie Baumgarten

### **j. Employ 0.4 FTE Speech-Language Pathology Specialist for the 2021-2022 School Year**

Jokay Rowe

### **k. Substitute Teachers for the 2021-2022 School Year**

Debbie Wilson, Joseph Briggs, Jonathan Stiles, James Comlossy, Cecilia Robinson

### **l. Home/Hospital Teachers for the 2021-2022 School Year**

David Bumstead

### **m. Big Bear High School Coaches for 2021-2022**

Tyler Johnson, Hugo Medel, Cody Merrill, Vini Haro, Wade Reeser, Bryant Cliff

### **n. District Drivers**

Donna Wochner, Wendy Corey, Christina Cox, Nicole Cheek, Robert Hendricks

### **o. Revised 2021-2022 Big Bear Middle School Bell Schedule**

- p. Certification of Board Minutes**
- q. Purchase Order Report - FY 2021-2022 Purchase Orders Numbers 220365 through 220403**

Second by Dr. Foulkes.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**13. Items Removed from the Consent Calendar**

None.

**14. Employee Announcements**

Dr. Suzuki welcomed the employees approved under the Consent Calendar.

**15. Information Section & Reports**

**a. Superintendent Comments/Calendar**

None

**b. Governing Board Member Reports**

None

**16. Administrative Report #21-22-003**

**a. First Reading of the 2022/2023 Board Meeting Calendar M21-22-049**

President Herrick called for a motion to approve the first reading of the 2022/2023 Board Meeting Calendar.

Motion by Dr. Foulkes.

Second by Mr. Zamoyta.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**b. First Reading of the March 2021 Governing Board Policy Updates M21-22-050**

President Herrick called for a motion to approve the first reading of the March 2021 Governing Board Policy updates.

Motion by Mr. Roberts.

Second by Mr. Zamoyta.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None  
ABSENT: None

**17. Curriculum/Instruction Report**

**a. First Reading of BP/AR 5131.2 – Bullying**

**M21-22-051**

President Herrick called for a motion to approve the first reading of BP/AR 5131.2 Bullying.

Motion by Mr. Zamoyta.

Second by Mr. Roberts.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**18. Personnel Report – Certificated #21-22-002**

**a. Memorandum of Understanding (MOU) between  
Bear Valley Unified School District and Bear Valley  
Education Association**

**M21-22-052**

After discussing the substitute employee shortage, President Herrick called for a motion to approve the MOU as presented.

Motion by Mr. Zamoyta.

Second by Dr. Foulkes.

After some discussion, President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**b. 2021-2022 Negotiations Sun-shined Articles**

President Herrick noted that no action is required for this agenda item.

**c. Request for Unpaid Leave of Absence Employee  
Number 2021-2022-001**

**M21-22-053**

After discussing the request for unpaid leave, the current substitute shortage, and the financial impact to the district, President Herrick amended the motion to deny the request for unpaid leave.

Motion by Mr. Roberts to deny the request.

Second by Mr. Zamoyta.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None



**19. Personnel Report – Classified #21-22-001**

- a. Memorandum of Understanding (MOU) between Bear Valley Unified School District and California School Employee Association, Chapter #415 – Agreement to Temporarily Increase dTwo Campus Safety Assistant Positions Contract Workhours from 3.75 to 6.0 and 8.0 Hours per day at Big Bear Middle School and Big Bear High School** **M21-22-054**

President Herrick called for a motion to approve the MOU as presented.

Motion by Mr. Zamoyta.

Second by Mr. Roberts.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

- b. Memorandum of Understanding (MOU) between Bear Valley Unified School District and California School Employee Association, Chapter #415 – Agreement to Temporarily Increase the Contract Workhours for Three Library Clerk Positions** **M21-22-055**

President Herrick called for a motion to approve the MOU as presented.

Motion by Mr. Roberts.

Second by Dr. Foulkes.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**20. Suggestions for Future Meeting Agendas**

Facility Master Plan and mask policy at Board Meetings.

**21. Meeting Adjourn at 10:06 p.m. in honor of Dr. Suzuki's birthday**

- a. Next Board Meeting Scheduled on November 17, 2021, at 5:30 p.m.**

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Secretary

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President of the Governing Board