



**OAK PARK UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
AGENDA #1028**

**NOTICE OF SPECIAL BOARD MEETING - AGENDA #1028**

Written notice is hereby given in accordance with Education Code Section 35144 that a special Meeting of the Board of Education of Oak Park Unified School District will be held:

DATE: Friday, April 2, 2021

TIME: 12:00 p.m. Open Session

PLACE: Pursuant to Governor Newsom’s Executive Order N-29-20 in regard to the COVID-19 Pandemic, special procedures will be followed for this board meeting. The meeting will be conducted via teleconference/video conference. Members of the public will have the right to observe the meeting using this link: [www.opusd.org/livestream](http://www.opusd.org/livestream). Members of the public may offer public comment on items on the agenda as provided on page 2 of this agenda.

Call to Order \_\_\_\_\_

Roll Call

Flag Salute

Adoption of Agenda

Public Comments – Speakers on Agenda items

**OPEN SESSION**

**1. BUSINESS SESSION**

**ACTION**

**a. [Approve Amendment to Board Policy BP 2121 Superintendent’s Contract](#)**

*Board Policy revised to clarify that the Board can hold a special meeting under Government Code 54957.6 for the purpose of labor negotiations related to compensation.*

Adjournment

Welcome to a special meeting of the Oak Park Unified School District Board of Education.

INDIVIDUALS WHO REQUIRE SPECIAL ACCOMMODATION TO PARTICIPATE IN A BOARD MEETING, INCLUDING BUT NOT LIMITED TO AN AMERICAN SIGN LANGUAGE INTERPRETER, DOCUMENTATION IN ACCESSIBLE FORMATS, OR ACCOMMODATIONS DUE TO THE ELECTRONIC FORMAT OF THIS MEETING, SHOULD CONTACT THE SUPERINTENDENT'S OFFICE 24 HOURS PRIOR TO THE MEETING TO ENABLE THE DISTRICT TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCOMMODATION AND ACCESSIBILITY TO THIS MEETING. PHONE (818) 735-3206 or e-mail: [raggarwal@opusd.org](mailto:raggarwal@opusd.org)

PURSUANT TO EXECUTIVE ORDER N-29-20, THE BOARD MEETING ROOM IS CLOSED. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE BOARD MEETING AND PROVIDE PUBLIC COMMENT PLEASE READ THE FOLLOWING GUIDELINES:

Members of the public will have the right to observe the meeting using this link: [www.opusd.org/livestream](http://www.opusd.org/livestream)

Public Comments may be submitted via this link <http://www.opusd.org/PublicCommentForm>. Your comments are greatly appreciated. The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the body concerning any item listed on the agenda prior to the body's consideration of that item (Section 54954.3). Unlike regular meetings, in a special meeting the body does not have to allow public comment on any non-agenda matter. Thank you for your cooperation and compliance with these guidelines.

If you wish to make a comment regarding a matter on the agenda please submit your comment via the form accessed by the above link before 12:00 p.m. on April 2, 2021. Although not required, please submit all of the requested information. In keeping with the reasonable time regulations described below, every effort will be made for your name and comment to be read by the Board President, and your comment will be placed into the item's record at the Board meeting.

This public comment form will be open to members of the public 60 minutes (at 11:00 am) prior to the closed session meeting which begins at 12:00 pm. This form will take the place of the "yellow speaker cards" available at in-person meetings.

The President of the Board will inquire if there is anyone in the audience who desires to address the board with respect to any item appearing on the special meeting agenda. Individual speakers will be allowed three minutes to address the Board on each agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. Due to the electronic nature of this meeting and to maintain the integrity of providing an opportunity for public comment, every effort will be made to read your comment into the record. In order to ensure that non-English speakers receive the same opportunity to directly address the Board, Google Translate will be used to translate any emails to the Superintendent's Executive Assistant at [raggarwal@opusd.org](mailto:raggarwal@opusd.org) who will receive and submit the public comments in open session.

All Board Actions and Discussions are electronically recorded and maintained for thirty days. Interested parties may review the recording upon request. Upon request by a student's parent/guardian, or by the student if age 18 or older, the minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address, or the student's name or other directory information as defined in Education Code 49061. The request to exclude such information shall be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

Date: April 1, 2021

Anthony W. Knight, Ed.D.  
Superintendent and Secretary to the Board of Education

**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT**  
**DATE: APRIL 2, 2021**  
**SUBJECT: 1.a. APPROVE AMENDMENT TO BOARD POLICY 212 SUPERINTENDENT’S CONTRACT**

ACTION

**ISSUE:** Should the Board of Education approve the amendment to Board Policy 2121 – Superintendent’s Contract?

**BACKGROUND:** Board Policy 2121 revised to clarify that the Board can hold a special meeting under Government Code 54957.6 for the purpose of labor negotiations related to compensation. Board Policy 2121 is being submitted with recommended language from District’s Legal Counsel.

- ALTERNATIVES:**
1. Approve amendment to Board Policy 2121 – Superintendent’s Contract as First and Final Reading.
  2. Do not approve amendment to Board Policy 2121 – Superintendent’s Contract.

**RECOMMENDATION:** Approval of Alternative #1.

Respectfully submitted,

\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Hazelton	_____	_____	_____	_____
Helfstein	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Ross	_____	_____	_____	_____
Wang	_____	_____	_____	_____

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2121(a)

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## **Superintendent's Contract**

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent will work together as a governance team to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the value of stability in district administration, the best use of district resources, and the Board's duty to ensure accountability to the public for the performance of the district's schools.

*(cf. 0200 - Goals for the School District)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 2120 - Superintendent Recruitment and Selection)*

*(cf. 4312.1 - Contracts)*

*(cf. 9000 - Role of the Board)*

The contract shall be reviewed by the district's legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position, including a statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

*(cf. 3350 - Travel Expenses)*

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the use of a personal vehicle.

*(cf. 4040 - Employee Use of Technology)*

5. Vacation, illness and injury leave, and personal leaves

*(cf. 4161/4261/4361 - Leaves)*

*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*

*(cf. 4161.2/4261.2/4361.2 - Personal Leaves)*

*(cf. 4161.5/4261.5/4361.5 - Military Leave)*

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2121(b)

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6. Professional development
7. General duties and responsibilities of the position

*(cf. 2110 - Superintendent Responsibilities and Duties)*

8. Criteria, process, and procedure for annual evaluation of the Superintendent

*(cf. 2140 - Evaluation of the Superintendent)*

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 calendar days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date

12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's official capacity in the performance of employment-related duties

The Board may deliberate about terms of the contract in closed session at a regular meeting or special meeting. However, discussions regarding the salary, salary schedule, or other compensation may occur in the closed session of a regular meeting or special meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception"), for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. The Board shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of any person employed by the Board as the District Superintendent. ~~Such deliberations shall not be held during a special meeting.~~ (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

*Series 2000*

*Administration*

*BP 2121(c)*

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*(cf. 9320 - Meetings and Notices)*

*(cf. 9321 - Closed Session)*

Terms of the contract shall remain confidential until the ratification process commences.

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The Board shall take final action on the Superintendent's contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on the Superintendent's salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of the contract and other public records created or received in the process of developing the recommendation related to the Superintendent's salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

## Termination of Contract

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

In such an event, the maximum cash settlement that the Superintendent may receive upon termination of the contract shall not exceed the Superintendent's monthly salary multiplied by the number of months left on the contract or the Superintendent's monthly salary multiplied by 12, whichever is less. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of office or position, the Superintendent shall reimburse the district for payments received as paid leave salary

# OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 2000

Administration

BP 2121(d)

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pending investigation or as cash settlement upon termination, and for any funds expended by the district in defending the Superintendent against a crime involving the Superintendent's office or position. (Government Code 53243-53243.4, 53260)

## **Legal Reference:**

### EDUCATION CODE

35031 Term of employment

41325-41328 Conditions of emergency apportionment

### GOVERNMENT CODE

3511.1-3511.2 Local agency executives

6250-6270 California Public Records Act

53243-53243.4 Abuse of office

53260-53264 Employment contracts

54953 Oral summary of recommended salary and benefits of superintendent

54954 Time and place of regular meetings

54956 Special meetings

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

54957.6 Closed sessions regarding employee matters

### UNITED STATES CODE, TITLE 26

105 Self-insured medical reimbursement plan; definition of highly compensated individual

### UNITED STATES CODE, TITLE 42

300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals

### CODE OF FEDERAL REGULATIONS, TITLE 26

1.105-11 Self-insured medical reimbursement plan

### COURT DECISIONS

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

### ATTORNEY GENERAL OPINIONS

57 Ops. Cal. Atty. Gen. 209 (1974)

## **Management Resources:**

### CSBA PUBLICATIONS

Superintendent Contract Template

### ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

### WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Office of the Attorney General: <http://oag.ca.gov>

Adopted: 4-2-91

Amended: 9-17-02, 9-16-03, 4-19-05, 3-20-12, 2-16-16, 8-16-16, 8-15-17, 4-21-20, 4-2-21