



America's Finest Charter School

730 45th St, San Diego, CA 92102

Phone: 619-694-4809 Fax: 619-794-2762

GOVERNING BOARD MINUTES

BOARD MEETING

December 5, 2022 at 3:00 p.m.

730 45th Street, San Diego, CA 92102

Google Meets

Join with Google Meet

Meeting ID

meet.google.com/yit-zsat-fme

Phone Numbers

(US)

+1 929-399-7575

PIN: 994 516 918#

Roll Call

Gary Rubin-----	President	Present X Absent__
Helene Rubin-----	Secretary	Present X Absent__
-----	Member	Present __ Absent__
Stewart Halpern-----	Member	Present X Absent__
Yosaren Panza -----	Parent/Member	Present X Absent__
Also in Attendance:		
Tim Bagby -----	Charter Director	Present X Absent__

Regular Session

- I. Call to Order – Gary Rubin
- II. Approval of Agenda – December 5, 2022 - Gary Rubin
Motion HR Second SH Ayes 4 Nays 0
- III. Approval of Minutes – November 14, 2022 - Gary Rubin
Motion HR Second SH Ayes 4 Nays 0
- IV. Introduction and Approval of Mr. Chris Lemke as a 5th Board Member – Tim Bagby
Needed Resume/Credentials so vote is postponed until the January 30, 2023, Board Meeting.
Motion __ Second __ Ayes __ Nays __
- V. 2022 -23 Revised Budget – Andrew Wassel
Motion HR Second SH Ayes 4 Nays 0



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- VI. 2022-23 1st Interim Report – Andrew Wassel
Motion HR Second SH Ayes 4 Nays 0
- VII. Approval of the Title IX Policy – Tim Bagby
Motion HR Second SH Ayes 4 Nays 0
- VIII. Charter Update – Mr. Bagby, Mrs. Bagby, Ms. Alli, Mrs. McLeod

IX. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One (1) Case

RECONVENE TO OPEN SESSION

- I. Public Report of Action Taken in Closed Session, if any, and Vote or Abstention of Each Board Member Present

Motion SH Second YP Ayes 4 Nays 0

- II. PUBLIC COMMENT This is the appropriate point in the meeting for any members of the audience to speak on matters of special interest or concern not on the present agenda. Please see the instructions for presentations to the Board by Parents and Citizens on the next page.

This was a Public Comment aimed at the topic of the dismissal (layoff) of a few staff members who did not think this was done fairly. There were 5 speakers. Speakers were:

Roberta Juarez – Director of Transportation/Bus Driver: Laid off after 8 years of service – Due to financial reasons – then Job was offered to other employees and posted on Edjoin. Please see attachment.

Gloria De Leo – Confidential Administrative Assistant/Human Resources: Laid off after 11 + years of service – Disappointed to be laid off after being an employee of the school when it opened with reduced pay and no pension. Also, in a protected class. Please see attachment.

Jeffrey Cuillo – Bus Driver who resigned in solidarity of his Transportation Director: He does not agree with the layoffs the way that they were handled. Please see attachment.

Paul Cardoza – Teacher (Substitute Long Term and helping children with Math): Laid off after 4+ years of service – Spoke about unfair labor practices, discrimination (Hispanic and age) of protected class and much more. Please see attachment.

And a Parent, Virgen (Lanette) Morales – Spoke about being ashamed of what is happening at AFCS and not agreeing with the layoffs of employees who have been here for many years and the community knows them.

The next regularly scheduled Governing Board Meeting is to be held **January 30, 2023**.

X. **Meeting Adjourned – Gary Rubin**

Motion HR Second YP Ayes 4 Nays 0

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS
AND CITIZENS



America's Finest Charter School ("School") welcomes your participation at the School's Governing Board ("Board") meetings. The purpose of a public meeting of the Board is to conduct the affairs of the School in public. Your participation assures us of continuing community interest in our school. To assist you in the ease of speaking/participating in our meetings, the following guidelines are provided:

1. Agendas are available to all audience members at the door to the meeting
2. Members of the public wishing to address the Board during Public Comment are requested, prior to the meeting, to submit to the Secretary of the Board their names and the subject on which they wish to speak. "Public Comment" is set aside for members of the audience to raise issues that are not specifically on the agenda. However, due to public meeting laws, the Board can only listen to your issue, not respond to take action. These presentations are limited to three (3) minutes and total time allotted to non-agenda items will not exceed fifteen (15) minutes. The Board may give direction to staff to respond to your concern or you may be offered the option of returning with a citizen-requested item.
3. Members of the public wishing to address the Board regarding items on the agenda are requested, prior to the meeting, to submit to the secretary of the Board their names and the subject on which they wish to speak. Regarding such items, you may specify that agenda item and you will be given an opportunity to speak for up to three (3) minutes when the Board discusses that item.
4. When addressing the Board, speakers are requested to state their name from the podium and adhere to the time limits set forth.
5. A member of the public requiring a translator will be provided twice the allotted time for public comment per individual speaker in accordance with Section 54954.3 of the Government Code.
6. Any public records relating to an agenda item for open session of the Board which are distributed to all, or a majority of all, of the Board members shall be available for public inspection at 730 45th Street, San Diego, CA 92102.

In compliance with the Americans with Disabilities Act (ADAA) and upon request, America's Finest Charter School may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Individuals who require appropriate alternative modifications to participate in Board meetings are invited to contact the Charter Director at 619-694-4809.

GOOD MORNING AFCS BOARD 12/05/2022

MY NAME IS **ROBERTA JUAREZ**

I AM THE FOUNDER OF TRANSPORTATION. BUT I AM A DRIVER 1ST MS PERRY NEEDED A BUS DRIVER. SHE HAD ORDERED A BUS AND IT WAS 3 MONTHS BEHIND SCHEDULE

I CAME IN AND COVERED HER TRANSPORTATION WITH THE YMCA BUS. I SAVED THE SCHOOL ABOUT \$25,000. THE SMALL BUS 50 CAME IN AND IT WAS TOO SMALL. SO I WENT TO FONTANA TO ORDER A BIG BUS AND TEST DROVE THE BUS THAT WE HAVE NOW, BUS 65

I GOT THE BUSES CHP -SCHOOL BUS CERTIFIED. I HAVE DONE ALL THE PAPERWORK FOR TRANSPORTATION WITHOUT ANY INCIDENTS FOR 7 YEARS AND I MAKE MONEY FOR THE TRANSPORTATION DEPARTMENT ABOUT \$10,000 BECAUSE I LEASE THE BUSES OUT

MS PERRY TRUSTED ME TO OVERSEE HER TRANSPORTATION. I HAVE HAD NO INCIDENTS OR ACCIDENTS. SAFETY IS MY NUMBER ONE PRIORITY AND I AM LOYAL TO AFCS. MY HUSBAND PASSED AWAY AT 1:05 PM I WAS HERE TO TAKE THE KIDS HOME AT 3:30 I KNEW I HAD NO COVERAGE AND THE KIDS NEEDED TO GET HOME

I HAD TAKEN 11-15-22 TO 11-18-22 DUE TO MY DAUGHTER HAVING A C-SECTION, I NEEDED TO WATCH HER OTHER 2 KIDS FOR 3 DAYS. THAT IS WHEN I GOT A EMAIL STATING THAT I WAS LAID OFF DUE TO LACK OF FUNDS

I CAME BACK TO WORK ON 11/28/22 TO FIND OUT THAT MR BAGBY HAD OFFERED MY JOB TO THE PART TIME DRIVER AT \$30 A HOUR AND BENEFITS THROUGH A TEXT. I DO HAVE A COPY OF THE TEXT, I DON'T EVEN MAKE THAT MUCH MONEY A HOUR SO HOW IS THAT SAVING MONEY?

MR. BAGBY ALSO OFFERED AN AID THAT WORKS AT THE HIGH SCHOOL \$30.00 AN HOUR, TO TAKE OVER PAPERWORK AS SHE STILL IS AN AID FOR SPECIAL ED AND OFFERED HER THE TRANSPORTATION DIRECTOR POSITION FOR THE NEXT 23/24 SCHOOL YEAR. THAT JOB WAS ELIMINATED 11/21/22 SO I THOUGHT MR BAGBY DOES NOT LIKE ME AND ELIMINATED MY JOB BUT HAS POSTED A DRIVER POSITION ON EDJOIN, HE IS LOOKING FOR A DRIVER AND I AM RIGHT HERE.

OFFERING MY JOB TO MY CO-WORKERS. DOESN'T MAKE ANY SENSE TO LET ME GO AND REPLACE ME WHEN I HAVE BEEN LOYAL AND VALUABLE TO AFCS

MY CO-WORKERS ARE SCARED TO TALK TO ME NOW BECAUSE THEY THINK THAT THEY WILL GET LAID OFF BEFORE CHRISTMAS

I HAVE BEEN PUT IN A FINANCIAL CRISIS DURING THIS CHRISTMAS SEASON AND WILL NOT BE ABLE TO PAY MY MORTGAGE ON JAN 1 2023 IF I GET MY LAST CHECK 12/16/22

I WOULD LIKE TO GET SEVERANCE PAY FOR THE DURATION OF THE SCHOOL YEAR CONTRACT THAT I SIGNED

I CAN NOT GO TO THE PRINCIPAL BECAUSE SHE IS THE DIRECTOR'S WIFE

I HAVE NOWHERE TO TURN , ONLY TO THE BOARD, I NEED YOUR HELP

IF THEY WERE NOT MARRIED, HE MIGHT HAVE LAID OFF THE PRINCIPAL TO HELP THE BUDGET WE DO NOT NEED 2 ADMINISTRATORS. MS PERRY FOUNDED THE SCHOOL AND TRUSTED GLORIA AND HILARY TO COME ALONGSIDE AND SHARE RESPONSIBILITY

I WOULD LIKE MR AND MRS BAGBY TO RESIGN FROM THEIR POSITIONS FOR THE SAKE OF THE AMERICA'S FINEST CHARTER SCHOOL AND EVERYTHING THAT MS PERRY AND HER STAFF BUILD SO WE DON'T LOSE AFCS. IT'S IN OUR COMMUNITY AND I DO BELIEVE THAT HILARY AND GLORIA ARE VERY CAPABLE OF OVERSEEING THE SCHOOL ONCE AGAIN UNTIL WE CAN FIND A NEW DIRECTOR

Good Afternoon, President Rubin, Honorable AFCS Board Members and Director Bagby. For the record, my name is Gloria DeLeo and I've been an employee of AFCS for over 11 years. I first came to the school in its first year of operation during a dire financial crisis and worked long hours at a reduced salary with NO pension for the founder, Jan Perry. We weathered those times and grew the school, and I feel I had an instrumental role in keeping AFCS moving forward to the path it is on today. I was proud to be loyal to the founder and the school. Sadly, today, the school is in a dire financial position and layoffs have been announced. I am very disappointed to be one of the employees who are being laid off. It seems an unfair way to treat an 11+ year employee who made sacrifices of salary and pension to help the school when it first started out. It also seems unfair that all the layoffs are of employees who are in protected classes: Hispanic, over 40 or both.

I understand that meeting a budget is important, but it seems to me that cutting those of us (all within protected classes) and some with salaries at the bottom of the PayScale and whose jobs directly support students is not an effective way to meet the budget. I am here to request that the board rethink these layoffs and to see if there are other more effective ways to save money or at the very least, to make the layoffs more equitable.

Unfortunately, my financial situation requires that I continue working full time for at least another year. I am requesting that I be recognized for the sacrifices that made in the early days and for the loyalty that I have shown to AFCS and that I be reinstated as a full-time employee at AFCS.

It has been my pleasure to serve AFCS and its families and I hope and pray that I can continue to be of service.

Thank you for listening.

Dear Staff and Board, my name is **Jeff Cuillo** and along with all my co-workers we are part of the great community of Southeast San Diego. It is with sadness that I bid you all good-bye.

I have loved doing your bus driving for the past 2 school seasons under the Supervision of Roberta Juarez. She has done her utmost to keep the busses in good working condition and to keep us all safe and on the move.

I am leaving this job in support of Roberta, as I feel that she and others such as Gloria have been unjustifiably laid-off right before the Holidays after their years of love and service to our community and staff.

I have no regrets in making this statement.

As to my knowledge money/finances has been the reason given by Administration at our school to lay off these employees. We have also received the news that AFCS has received a \$144,000.00 grant over the next several years for after school activities. Plus, a **million-dollar grant.**

The decision to lay off Roberta and others who have served us well at the school needs to be addressed and reconsidered to keep the transportation dept. running smoothly and to honor Gloria who is the very make-up of our school/community.

It has been said, and I quote the words of a great man of God and community that;

"Courage is not simply one of the virtues, but the form of virtue at the testing point."

When money/budget problems blow a great wind against our house to shake its foundation that is when it's time to hold on to each other and trust God for the answers.

I ask that all the layoffs be reconsidered and overturned by those who have the power and authorization to do so.

I ask to see Gloria's face and smile behind her desk after the holidays.

I ask that we would remain to serve this community together at the TESTING POINT.... So that the foundation that our great founder Jan Perry established through faith in God, hard work and sacrifice may remain for us to continue with excellence.

Bullet Points for 11/5 AFCS School Board Meeting

My Name is Paul Cardoza

Good afternoon AFCS Board, Director Bagby, and Concerned Members of the Public:

I am here today to question the financial veracity of AFCS and the unprofessional, inexperienced, and cowardice of leadership in handling this situation.

On November 18th, I and others were notified via email that our jobs **working directly with students** were immediately terminated due to the school's need to cut expenses.

- First, what considerations were given to the students who rely on the cut employees? The needs of these kids were not considered when leadership chose to cut low-paid people to try to make a dent in a \$900k budget shortfall.
- Second, I am shocked, disgusted, disappointed, and dismayed about how teachers and staff were let go via email and not in person. We earned respect to be told face to face and not by a faceless and soulless email.
- Third, the people affected by the layoffs were all minorities, most Hispanic, some of whom were in an age-protected class, and one has been at AFCS since Day 1. In contrast, one young white teacher was allowed to be placed in a different position within AFCS rather than be laid off. These smacks of racial discrimination. I'll discuss the unfair hiring practices later.
- Fourth, there is a real income gap at AFCS, which only contributes to creating two separate classes of personnel—the working poor and the elites. The Elites are headed up by the Bagbys (Tim, the Executive Director, and Kim, his wife, the elementary school principal). Also, why is Gary Rubin, a board member, being paid by AFCS over \$35/hour for a job that an instructional aide at minimum wage could do? How about one of those aides who were laid off taking over Gary's privy job that only benefits Gary at the expense of AFCS aide and students? Further insult of the elites reigning supreme over the working poor at AFCS is a consultant agreement that the school has with Jon Dean, an OUT-OF-STATE consultant who receives over \$3k a month (plus an initial \$30k) to "Supervise" (again from out-of-state) Kim Bagby the principal so that AFCS is not in violation of a nepotism contract that was just developed to address the fact that AFCS has a principal reporting to her spouse. What a waste of taxpayer money!

True leaders put personal and professional sacrifices of themselves before the people they lead. The Bagby's are the face of poor and incompetent leadership.

- On the Financial and Business side, Together, the Bagby's both earn over 300k, not including benefits, plus Kim received an \$11k sign-on bonus—that is money that could have been used to keep a minimum wage aide in the classroom for the rest of the year!
- They also engage in unfair and unprofessional hiring practices - 4 out of the six teachers hired for the new year were all white; one Hispanic male got hired and

quit within a month because the admin set him up for failure, and he ultimately resigned. A young white female person quickly filled that position.

- Why are three full-time administrators (Executive Director plus two principals) plus a part-time, out-of-town consultant to run a K -12 school of fewer than 500 students? This is a waste of taxpayer money, and when the school is \$900k over budget, these are the jobs that should be condensed down to two administrators at most.

There are many other areas where costs can be reduced without harming the students and the personnel that most directly work with the students. It is time for significant changes at AFCS so that students and the poor working staff are no longer trampled on while the elites live high off the taxpayer hog.

The current school board, including the president, should resign immediately because either they are too incompetent or are profiting off AFCS at the taxpayers' expense. The resignations should start with Gary Rubin, the president, **and a paid employee of AFCS**. That would immediately fix the conflict of interest and reduce payroll expenses by replacing Gary (a high-priced aide) with a minimum-wage aide. Furthermore, it would resolve his unprofessionalism when he calls the students in both the lower and upper grades "America's Finest Criminals" and "Criminals in training."

To the authorizer, the press, and concerned taxpayers, I am happy to meet with you to give you further information about the mismanagement of AFCS. It is to the benefit of students and taxpayers to fix these issues at AFCS. I can be reached at

Thank you.
Paul Cardoza