

**APPROVED MINUTES
ALUM ROCK ELEMENTARY SCHOOL DISTRICT
2930 Gay Avenue
San Jose, CA 95127**

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Thursday, October 11, 2018, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #04-18/19**

1. OPEN SESSION

1.01 Call to Order / Roll Call

President Esau Ruiz Herrera welcomed everyone in the audience. President Esau Ruiz Herrera called the Board Meeting to order at 5:33 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Karen Martinez	Vice-President <i>(departed the meeting after Closed Session)</i>
Dolores Marquez-Frausto	Member
Andrés Quintero	Member
Khanh Tran	Member <i>(participated via TeleConference for Open and Closed Sessions)</i>

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Jess Serna	Interim Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
Jackie Guevara	Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support, Superintendent's Office

1. OPEN SESSION *(continued)*

1.01 Call to Order / Roll Call

President Esau Ruiz Herrera announced that Member Khanh Tran would be participating via teleconference and all votes would be taken by Roll Call.

1.02 Announcement and Public Comments Regarding Items to be Discussed In Closed Session

President Esau Ruiz Herrera announced the items that would be discussed in Closed Session.

Public Comments:

- 1) Ray Mueller – Community member gave thanks to Board President for clearly announcing the items to be discussed in Closed Session.
- 2) Ernesto Bejarano – Community member commented that he was happy to see an open position for Coordinator of School Mental Wellness-this was a good thing.

1.03 Adjournment to Closed Session

The Board recessed to Closed Session at 5:36 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session at approximately 6:30 p.m. or a little earlier.

3. RECONVENE TO OPEN SESSION

3.01 Call to Order/Roll Call/Pledge of Allegiance

President Esau Ruiz Herrera called the meeting to order at 6:26 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call. President Esau Ruiz Herrera reported that Vice-President Karen Martinez had been in attendance during Closed Session but had to leave the meeting at that time. President Esau Ruiz Herrera led the Pledge of Allegiance.

3.02 Report of Action Taken in Closed Session

Superintendent Hilaria Bauer reported that all the following reportable employment appointments were approved with a unanimous vote:

- (1) Principal: Edith Mancera de Gonzalez, Adelante II, effective October 12, 2018
- (2) Assistant Principal: Maria Guadalupe Gutierrez, Linda Vista and Russo/McEntee, effective October 29, 2018
- (3) Assistant Principal: Yeny Rosales, Fischer Middle, effective November 5, 2018
- (4) Coordinator, School Mental Wellness Support Services: Nicole Laperdon, effective November 5, 2018
- (5) Administrator, Fiscal Services: Teresa Langner, effective November 5, 2018

1. OPEN SESSION *(continued)*

3.03 Discussion and/or Modification(s) of the Agenda

There was consensus from the Board to leave the agenda as is.

4. PUBLIC HEARING

4.01 Public Hearing Regarding Sufficiency of Instructional Materials

President Esau Ruiz Herrera reported that at the September 13, 2018 informational meeting, the *Public Hearing Regarding Sufficiency of Instructional Materials* was not technically and properly closed; therefore, *he was formally closing the Public Hearing today at 6:30 p.m.*

President Esau Ruiz Herrera reported that he would be addressing both **Agenda Items 4.02 and 4.03** together.

4.02 Public Hearing KIPP Heartwood Academy Renewal Petition

4.03 Public Hearing KIPP Prize Preparatory Academy Renewal Petition

President Esau Ruiz Herrera opened both Public Hearings at 6:31 p.m.

Public Comments for Agenda Item 4.02

- 1) Susan Oba – First year KIPP Heartwood Principal, gave a PowerPoint presentation.
- 2) Merida Mesa – KIPP parent with two students, spoke on behalf of her children and their experience at KIPP Heartwood.
- 3) Omani Guy – KIPP Heartwood 7th grade teacher, spoke in support of his school.
- 4) Cristina Diaz – KIPP teacher, spoke in support of her school.
- 5) Kate Birbilis – Special Education teacher, spoke in support of her school.
- 6) Robert Garcia – KIPP Heartwood student, spoke about his experience at KIPP.
- 7) Ceci Delgadillo – KIPP Heartwood student, spoke in support of her school.
- 8) Rueben Juni – KIPP Heartwood parent, shared some of his positive experience at school.

Public Comments for Agenda Item 4.03

- 1) Autumn Zangrilli – KIPP Prize Principal, gave a PowerPoint presentation.
- 2) Female speaker (no name given) – KIPP Prize parent with two students, spoke in support of her school.

4. PUBLIC HEARING *(continued)*

Public Comments for Agenda Item 4.03

- 3) Robert Alvarez – KIPP Prize 8th grade teacher, spoke about his positive teaching experience.
- 4) Ashley Wahnschaff – KIPP Prize teacher, shared her positive experience.
- 5) Lakeisha Torres – KIPP Prize student, spoke in support of her school.
- 6) Hoa Pham – KIPP Prize parent, spoke in support of her school.
- 7) Katie Pettersen – KIPP Prize Special Education Psychologist, spoke in support of her school.
- 8) Mr. Soto – KIPP Prize parent, gave thanks to the Board for given him the opportunity to speak and listen to him.
- 9) Ray Mueller – Community member, spoke to the KIPP community sitting in the audience.

President Esau Ruiz Herrera closed both Public Hearings at 7:22 p.m.

5. SPECIAL RECOGNITION / PRESENTATION

5.01 Presentation: Extended Year Presentation

Barbara Campbell, Director, Academic Services, and Sandra Garcia, Director, State and Federal Programs, gave a brief PowerPoint presentation on Extended Year Summer Programs.

Some of the highlights included:

- 8 host schools participated
- 2 satellite schools (Evergreen and San Jose City College)
- 2,091 students participated
- Over 400 parents participated in workshops
- 77% of Springboard families received home visits

Program Offerings

Intervention	Enrichment
-Elevate math and Elevate Jr. -Alearn -Jose Valdes Math -Springboard -Think Together EL Camp -Bridge to Kinder -YMCA -PATHS / AWS -ESY -Sylvan Learning	-Reading and Theatre (Audacity) -Summer STEAM Exploration -Reading ELA -Alum Rock Summer Music Camp -Alum Rock Summer Jazz Camp -East Side Community Arts -AREF Art and Design Thinking Camp

5. SPECIAL RECOGNITION / PRESENTATION *(continued)*

5.01 Presentation: Extended Year Presentation

Noli Magsino, Coordinator, VAPA, PE, and Sports Programs, commented on the choir experience at Linda Vista.

Member Andrés Quintero reported that the Google representative was a former Alum Rock student.

6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

6.01 Requests to Address the Board

Public Comments:

- 1) Ismael Candelas – Quality Assurance Coach, Think Together, gave thanks to the district for their partnership and gave a few highlights on the program. He invited everyone to the upcoming “Lights On” event scheduled for October 25 at McCollam School.
- 2) Dilza Gonzales – Community member, requested to move the following agenda items up so that parents could speak on them. Items include:
 - **10.05 – Grand Jury Response**
 - **10.06 – Develop a Policy that Protects Items/Places of Historical, Artistic, or Cultural Significance to the Alum Rock Community**
 - **10.07 – The Mural de La Raza**
 - **10.10 – Resolution No. 10-18/19, Support of an Accurate 2020 Census Oppose the Citizenship Question**
 - **11.01 – LCAP Timeline**
- 3) Maria Martinez – Community member, briefly spoke on the KIPP presentation and how it was not listed on the agenda as a presentation but only as a Public Hearing. She commented that rules should apply to all and should be followed.
- 4) Ray Mueller – Community member, also commented on KIPP’s presentation. He asked the Board to be fair to all of the various groups, and not to give special privileges to some. He also requested a Public Records Request and former attendance report of the Board Meetings and which board members have missed or arrived late to these meetings throughout the year.
- 5) Flor DeLeon – Community member, also dittoed the request to move some of the agenda items up (see list under the speaker Dilza Gonzales).
- 6) Bertha Razo – Community member, thanked President Esau Ruiz Herrera for being a role model for the Latino/Latina Role Model Conference. He invited the Board to attend the coming Parent University scheduled for October 20 at Mathson Institute of Technology, and the event at Santa Clara University.

7. COMMENTS AND COMMUNICATION

7.01 Teamsters

Tom Phu, Teamsters representative, commented that they are here to support the District in any way they can and hopes that everyone can work together to accomplish this. He gave special thanks to Superintendent Hilaria Bauer for being such a positive inspiration.

7.02 California School Employee's Association (CSEA)

There were no CSEA representatives in attendance to speak at this time.

7.03 Alum Rock Educator's Association (AREA)

Lyssa Perry, ARAA President, stated that ARAA was excited about another school year. She reported that all the schools were done with their back-to-school nights and over 900 people had attended the back-to-the-district night. Lastly, she reported that the ARAA Kickball Team was going strong and that ARAA would be sponsoring a tree during the Christmas In-The-Park event in December.

7.04 Alum Rock Educator's Association (AREA)

Jocelyn Merz, AREA president, gave the following highlights on behalf of AREA:

- Shout out to Carlos Moran, Director of Human Resources, and Dr. Dianna Ballesteros, Director of Early Learning, for helping them get through a couple of difficult incidents.
- Special recognition to Kolvira Chheng for taking care of some payroll issues.
- Negotiation sessions are going amazingly well.
- Thanks to MOT for their quick response to 'quick fixes' that needed attention and for the basketball hoops now available at Aptitud.
- Special thanks to Superintendent Hilaria Bauer for setting aside some time and being aware and present at what is going on at the school sites and making sure things are going well.

7.05 Superintendent

Superintendent Hilaria Bauer gave a shout out to Chavez Elementary for having a great "beautification day event".

7.06 Board of Trustees

Member Khanh Tran (via teleconference) reported that President Esau Ruiz Herrera had offered to have Superintendent Hilaria Bauer not attend this board meeting so that he could attend; however, he declined his offer because he chose to make this easier on everyone.

7. COMMENTS AND COMMUNICATION *(continued)*

7.06 Board of Trustees

Member Khanh Tran also spoke on how the interest rates have gone up and how we need to pass bonds as the costs keep going up. Member Khanh Tran addressed President Esau Ruiz Herrera and commented to him that he should be careful of what he says because people can file a restraining order on him. He reported to the audience that the Superintendent was currently under investigation with SEC. He commented to the audience, "My voters can be assured that this Trustee is doing a good job and showing that this District is in good order and anyone who violates the law—their days are numbered!" Lastly, he spoke on his restraining order and how he will be putting out some documents in his defense.

Member Andrés Quintero stated that he was disappointed with the despairing remarks against the students of Alum Rock Community. He commented on the remark made regarding board actions and attendance issues. He stated that he schedules his life around board meetings so that he can be in attendance when he is supposed to be. He reported that he teaches in the evenings and he purposely does not schedule any classes on Thursday nights. He also commented that he had asked for an agenda item to be placed on this agenda to dismiss and terminate the contract with Leal and Trejo, District's Legal Counsel; however, his request was denied by President Esau Ruiz Herrera. He commented that he followed all the district board policies and Robert's Rules but President Esau Ruiz Herrera claimed that he did not follow proper protocol. The District needs a new law firm that can perform its duties and responsibilities and this law firm cannot do so.

Clerk Dolores Marquez-Frausto gave special thanks to everyone for being present at this meeting. She stated that she was very pleased with the report that was presented by KIPP Heartwood and KIPP Prize staff. She announced that she would soon be visiting this charter school to see for herself how the students were doing. She asked Superintendent Hilaria Bauer how the various charters were doing academically and financially over the past school year and also asked if the District has a person that evaluates the charters.

Superintendent Hilaria Bauer responded that Ms. Terri Ryland, from Ryland School Business Consulting, is the individual in charge of evaluating the charters and announced that she will be bringing this information back to the Board at a later board meeting.

President Esau Ruiz Herrera commented that good things continue to happen here at Alum Rock. He reported that he was thrilled to attend the Back-to-District Night and was very happy to see the enthusiasm in our community. He commented that we have to continue to try harder to focus on the students, instead of the political agendas!

8. BOND / FACILITIES

8.01 The Board will receive a Written Update on the Status of Bond Projects

Assistant Superintendent Kolvira Chheng stated that administration did not have anything to report at this time.

8.02 Citizen's Bond Oversight Committee (CBOC)

Ray Mueller, CBOC Chair, gave a brief Power Point presentation on the Facilities Tour. Some of the highlights include:

LUCHA Academy

Mr. Ray Mueller reported on the roofing and HVAC. Maintenance staff have been trained by the manufacturer on these systems to ensure they are operated correctly.

Mathson Institute of Technology

Mr. Ray Mueller reported on the roofing, restrooms and the fire damage. Some of the observations were that some of the roofing was replaced down to the wood and others were resurfaced. Many water fountains still need to be replaced. He reported that the fire damaged room was a very good example of what all the classrooms should look like with new fixtures and electronics.

Hubbard Media Arts Academy

Mr. Ray Mueller reported on the modulars and dining canopy. He stated that the modular classrooms were very nice with all the features of brick and mortar; however, there is concern about the dining shelter, and how effective it would be when winter weather hits.

MACSA Building

Mr. Ray Mueller reported that when MACSA was unable to keep this facility, it defaulted to the district and now it is in need of repairs from neglect and vandalism. He commented that there is amazing potential at this site with incredible architectural elements. He briefly spoke about the wonderful murals that are being lost due to inaction on this facility.

Mr. Ray Mueller reported that his committee still has two openings available and invited people to become members of the CBOC.

9. CONTRACTS OVER \$100,000

9.01 Latino Film Institute Youth Cinema Project, \$216,640 per year for 2 years

Superintendent Hilaria Bauer asked the Board for its support. She reported that this project was for the increase of classrooms for Hubbard 4th and 7th grade classes.

Clerk Dolores Marquez-Frausto commented that she fully supports this program; she thinks the students enjoy the hands-on.

Member Khanh Tran commented that he definitely supports this program.

Member Andrés Quintero stated that he wants to give credit where credit is due and that would be for former Santa Clara County Superintendent Jon Gundry. He will be supporting this program.

MOTION #04-01 by President Esau Ruiz Herrera to accept and approve the Latino Film Institute Youth Cinema Project as submitted. MOTION #04-01 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-01 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

10. SUPERINTENDENT/BOARD BUSINESS

10.01 Out-of-State Travel, Harvard Law School, Negotiation and Leadership Program, Cambridge, MA, October 14-18, 2018

MOTION #04-02 by Member Andrés Quintero to accept and approve the Harvard Law School, Negotiation and Leadership Program Out-of-State Travel as submitted. MOTION #04-02 was seconded by President Esau Ruiz Herrera.

Member Andrés Quintero commented that this was a good investment to ensure that our team can work together and the cost would pay for itself in the future.

President Esau Ruiz Herrera commented that if we are to be successful, we need both parties to attend.

Clerk Dolores Marquez-Frausto commented that she was for all staff being trained; however, she was having a tough time with the high cost. Having a conditional budget and being under the microscope makes her nervous in approving this travel request especially since there was representation last year.

Member Khanh Tran commented that he concurs and supports Clerk Dolores Marquez-Frausto.

10. SUPERINTENDENT/BOARD BUSINESS (continued)

10.01 Out-of-State Travel, Harvard Law School, Negotiation and Leadership Program, Cambridge, MA, October 14-18, 2018, \$32,682.00

Public Comments:

- 1) Brenda Zendejas – Community member, commented that she was supportive of this travel even though it was a hefty amount; however, she wanted more clarity on how the money would be used.
- 2) Camille Fontanilla-Llanes – Community member, commented she had the opportunity to go to Harvard last summer and the investment of skills that she took away with was extremely beneficial—you get what you pay for!
- 3) Jocelyn Merz – AREA president, reported that she had the opportunity to attend last year and it was very informative not just for bargaining, but also for leadership. This year she had opted out to attend so that other AREA team members could attend. She also commented that this year, the invitation was open to the other bargaining units, CSEA and Teamsters.

MOTION #04-02 failed with a roll call vote of 2 in favor (Member Andrés Quintero and President Esau Ruiz Herrera); 2 in opposition (Member Khanh Tran and Clerk Dolores Marquez-Frausto); 1 absent (Vice-President Karen Martinez); and no abstention.

10.02 Out-of-State Travel, Harvard Law School, Negotiation and Leadership Program, Cambridge, MA, October 14-18, 2018, \$31,058.00

MOTION #04-03 by Member Andrés Quintero to accept and approve the Harvard Law School, Negotiation and Leadership Program Out-of-State Travel as submitted. MOTION #04-03 was seconded by President Esau Ruiz Herrera.

MOTION #04-03 failed with a roll call vote of 2 in favor (Member Andrés Quintero and President Esau Ruiz Herrera); 2 in opposition (Member Khanh Tran and Clerk Dolores Marquez-Frausto); 1 absent (Vice-President Karen Martinez); and no abstention.

10.03 CSBA Manual Maintenance Plus Service for the period from July 1 thru June 30, 2019, \$3,765

MOTION #04-04 by Member Andrés Quintero to accept and approve the CSBA Manual Maintenance Plus Service as submitted. MOTION #04-04 was seconded by President Esau Ruiz Herrera.

The Board had discussion on this agenda item. President Esau Ruiz Herrera gave a little history of their experience for the past 25 years.

10. SUPERINTENDENT/BOARD BUSINESS *(continued)*

**10.03 CSBA Manual Maintenance Plus Service for the period from
July 1 thru June 30, 2019, \$3,765**

***MOTION #04-04 carried with a roll call vote of 3 in favor; 1 opposition
(Clerk Dolores Marquez-Frausto); 1 absent (Vice-President Karen Martinez);
and no abstention.***

**10.04 CSBA GAMUT Online Service for the period from July 1 thru
June 30, 2019, \$3,405**

MOTION #04-05 by Member Andrés Quintero to accept and approve CSBA GAMUT Online Service as submitted. MOTION #04-05 was seconded by President Esau Ruiz Herrera.

The Board had discussion on this agenda item.

***MOTION #04-05 carried with a roll call vote of 3 in favor; 1 opposition
(Clerk Dolores Marquez-Frausto); 1 absent (Vice-President Karen Martinez);
and no abstention.***

10.05 Grand Jury Response

The Board had dialogue on this agenda item.

Member Andrés Quintero proposed that we simply write the report ourselves and acknowledge that we received their report and that should meet the requirements. He stated that the draft response that was drafted by General Counsel was full of errors.

President Esau Ruiz Herrera stated that unfortunately, that would not meet the legal requirements. The response is due by October 15, 2018 and, as a Board, we need to respond and meet that deadline. He emphasized that the Board was required to respond and General Counsel had already drafted a response.

Clerk Dolores Marquez-Frausto reported that she would be supporting the draft from General Counsel.

Member Khanh Tran stated that he was also was in support of the draft from General Counsel.

MOTION #04-06 by Member Khanh Tran to accept and approve the draft response that General Counsel had previously drafted. MOTION #04-06 was seconded by Clerk Dolores Marquez-Frausto.

10. SUPERINTENDENT/BOARD BUSINESS (continued)

10.05 Grand Jury Response

Public Comment:

- 1) Janet Odelle – Community member, commented that the previous draft had errors in it, and asked why hadn't General Counsel drafted another corrected document? She asked if the Board could approve a "declared flawed draft".

MOTION #04-06 carried with a roll call vote of 3 in favor; 1 opposition (Member Andrés Quintero); 1 absent (Vice-President Karen Martinez); and no abstention.

10.06 Develop a Policy that Protects Items/Places of Historical, Artistic, or Cultural Significance to the Alum Rock Community

Member Andrés Quintero gave a little history about the mosaic in front of San Antonio School. He stated that to him, that mural was part of his childhood and his neighborhood. He commented that he would like to have staff come up with best practices and a policy to put in place provisions on preserving significant items such as this mural.

Member Khanh Tran stated that he was in agreement with Member Andrés Quintero; however, in addition to protecting and preserving items, we should put some type of "dollar amount or value" on this to make it even better!

Member Andrés Quintero was in agreement with Member Khanh Tran.

MOTION #04-07 by Member Andrés Quintero to accept and approve Agenda Item 10.06 as submitted. MOTION #04-07 was seconded by President Esau Ruiz Herrera.

Public Comment:

- 1) Ernesto Bejarano – Community member, stated he would support the motion by Member Andrés Quintero.

MOTION #04-07 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

10.07 The Mural de La Raza

MOTION #04-08 by Member Andrés Quintero to have the Board direct administration to research the feasibility of recreating the Mural de La Raza at an appropriate Alum Rock site. MOTION #04-08 was seconded by Clerk Dolores Marquez-Frausto.

10. SUPERINTENDENT/BOARD BUSINESS *(continued)*

10.07 The Mural de La Raza

The Board had discussion on this agenda item.

Public Comments:

- 1) Ray Mueller – Community member, stated that the muralist does not want to recreate the mural somewhere else.
- 2) Victor Vasquez – Community member, asked if we could recreate the mural that is representative of what it going on together.

MOTION #04-08 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

10.08 Santa Clara County Committee on School District Organization— 2018 Election

President Esau Ruiz Herrera gave a brief synopsis on the committee and reported there are two seats available and encouraged school board members to apply. There was no action taken on this agenda item.

10.09 Resolution No. 09-18/19, LGBTQ+

MOTION #04-09 by Clerk Dolores Marquez-Frausto to accept and approve Resolution No. 09-18/19, LGBTQ+ as submitted. MOTION #04-09 was seconded by President Esau Ruiz Herrera.

Member Andrés Quintero commented that he finds this resolution significant; however, he was concerned that the full Board was not present, but he was willing to move forward.

Member Khanh Tran stated that he was also in support of this resolution.

Public Comments:

- 1) Ray Mueller – Community member, asked the Board to move forward and make this a first-time resolution.
- 2) Ernesto Bejarano – Community member, commented that he supports this resolution.
- 3) Victor Vasquez – Somos representative, stated he wants the Board to support this resolution because this will help move our District in a transformative way.

MOTION #04-09 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

10. SUPERINTENDENT/BOARD BUSINESS *(continued)*

10.10 Resolution No. 10-18/19, In Support of an Accurate 2020 Census Oppose the Citizenship Question

MOTION #04-10 by Member Andrés Quintero to accept and approve Resolution No. 10-18/19, In Support of an Accurate 2020 Census Oppose the Citizenship Question as submitted. MOTION #04-10 was seconded by Clerk Dolores Marquez-Frausto.

Member Khanh Tran commented that he certainly supports this resolution.

Member Andrés Quintero commented it makes sense to support this issue.

Public Comments:

- 1) Ray Mueller – Community member, commented this question on the census is not required; nobody has to participate. You are only required to provide name and address and nothing else.
- 2) Victor Vasquez – Community member, commented if they decide to oppose the citizenship question, it would only further the fear out there. He feels we are doing the right thing by opposing.

MOTION #04-10 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

11. INSTRUCTIONAL SERVICES

11.01 Local Control Accountability Plan (LCAP) Timeline

Assistant Superintendent Rene Sanchez reported this LCAP Timeline was only an informational item for the parent engagement activities.

11.02 Aptitud Community Academy at Goss-Charter Renewal

Superintendent Hilaria Bauer reported that we missed the previous deadline because of the cancelled board meeting and she was asking for the Board to approve the renewal so that Aptitud can remain as is.

MOTION #04-11 by Clerk Dolores Marquez-Frausto to accept and approve the Aptitud Community Academy at Goss Charter Renewal as submitted. MOTION #04-11 was seconded by Member Andrés Quintero.

MOTION #04-11 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

11. INSTRUCTIONAL SERVICES *(continued)*

11.03 Special Education Comprehensive Review Requirements Completed

Assistant Superintendent Rene Sanchez stated this item was only for information and that no further review or assessment was needed.

12. BUSINESS

12.01 Fiscal Expert and FCMAT Update

Dr. Donald Zimring, Fiscal Expert, commented that the district team has made many advancements. He briefly spoke about the Conditional Approval Letter from the Santa Clara County Office of Education regarding the 2018-19 Adopted Budget. The District's governance structure continues to be a destabilizing factor towards a resolution of outstanding items from the FCMAT report. Dr. Donald Zimring reported that a key issue we have on the fiscal side was the failure to meet the targeted staffing reductions this year. The targets were higher and by not meeting them this year will create a larger problem for next year. He commented he is confident that staff understands this.

12.02 Unaudited Actual Financial Reports for 2017-18 School Year

Assistant Superintendent Kolvira Chheng gave a Power Point presentation on the Unaudited Actual Financial Report for 2017-18 School Year. Some of the highlights included the following:

- 2017-18 Unaudited Actuals Combined General Fund Expenditures, \$142,785,142
 - Unrestricted=\$101,727,915
 - Restricted=\$41,057,227
- 2017-18 Unaudited Actuals Combined General Fund Revenue Sources, \$134,719,648
 - Unrestricted=\$114,467,062
 - Restricted=\$20,252,586
- 2017-18 Unaudited Actuals Combined General Fund Summary
- 2017-18 Unaudited Actuals Restricted General Fund
- 2017-18 Unaudited Actuals Unrestricted General Fund Historical Trend

A copy of this report was made available to the public.

Member Khanh Tran stated that, at this point, with the many ties in the SEC, he would not be supporting this budget at this time.

Clerk Dolores Marquez-Frausto stated she would be watching the conditional budget closely.

12. BUSINESS (continued)

12.02 Unaudited Actual Financial Reports for 2017-18 School Year

MOTION #04-12 by Member Andrés Quintero to accept and approve the Unaudited Actual Financial Report for 2017-18 as submitted. MOTION #04-12 was seconded by President Esau Ruiz Herrera.

MOTION #04-12 carried with a roll call vote of 3 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and 1 abstention (Member Khanh Tran).

12.03 Conditional Approval Letter from the Santa Clara County Office of Education (SCCOE)

Assistant Superintendent Kolvira Chheng reported that on September 17, 2018, the District was notified by the SCCOE that the District's 2018-19 adopted budget and Local Control Accountability Plan (LCAP) were "Conditionally Approved". Education Code 42127(c)(2) provides that the County Superintendent of Schools shall either conditionally approve or disapprove a budget that does not provide adequate assurance that the school district will meet its current and future obligations. The Education Code also provides that, in connection with the review of the District's budget, the County Superintendent is also to consider additional factors such as reports containing evidence that the school district is showing fiscal distress or displays a number of common predictors that a school district needs intervention. Accordingly, the County Superintendent has notified the District that, based on the SCCOE's review, the District's adopted budget does not meet the requirements of Education Code 42127 and is therefore "conditionally" approved.

Assistant Superintendent Kolvira Chheng read the SCCOE letter to the audience. He reported that the SCCOE noted the following areas of concern.

1. The District's governance structure continues to be a destabilizing factor and impediment towards the District's resolution of outstanding items from FCMAT as subsequently reported in the Civil Grand Jury Report issued June 21, 2018. The District is currently the subject of an ongoing audit from the California State Auditor, and under separate investigations from the Securities and Exchange Commission and the County District Attorney's Office.
2. The fiscal solvency of the District is dependent upon rigorous adherence to staffing reductions in 2018-19 (\$4.9M), 2019-20 (\$3.8M) and 2020-21 (\$3.M). Based on staffing trend, the District is NOT likely to meet its goal of \$4.9M reductions in 2018-19.
3. Although it is anticipated that the District will end 2017-18 in an improved financial position, the ongoing reliability of budget data continues to be of concern, specifically in the area of projecting payroll and operating costs.

12. BUSINESS (continued)

12.03 Conditional Approval Letter from the Santa Clara County Office of Education (SCCOE)

4. Suspense accounts have not been fully cleared and continue to impact the reliability of budget data. Cash as of June 30, 2018 has been reconciled and appears to have been greatly improved over the situation that existed at the close of 2016-17. However, better processes and steps for transparency and timelines need to be put in place and adhered to going forward.
5. The declining enrollment projections included in the adopted budget and multiyear financial projections appear reasonable. This declining enrollment trend, combined with anticipated deficit spending, heightens the challenge already inherent in this budget.

Assistant Superintendent Kolvira Chheng reported that in addition to the concerns noted above, SCCOE's letter included an Appendix A which listed concerns in the following areas:

- 2016-17 Audit Finding Corrections
- Standardized Account Code Structure (SACS) Report Deficiencies
- Cash Flow Worksheet (Form CASH)
- Criteria and Standards (Form C&S)
- Balances in Excess of Minimum Reserve Requirements
- Non-Voter Approved Debt

Assistant Superintendent Kolvira Chheng reported the SCCOE did note the District's responses to each of the areas of concern.

MOTION #04-13 by Member Andrés Quintero to accept and approve the Conditional Approval Letter from the Santa Clara County Office of Education (SCCOE) as submitted. MOTION #04-13 was seconded by President Esau Ruiz Herrera.

MOTION #04-13 carried with a roll call vote of 3 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and 1 abstention (Member Khanh Tran).

13. HUMAN RESOURCES

13.01 Acceptance of Resignations

There was consensus from the Board to accept the resignations as submitted.

14. CONSENT CALENDAR

Member Khanh Tran asked to pull the following agenda items for separate discussion.

Agenda Items:

- ***14.03 – Contracts for Professional Services-Individuals***
- ***14.04 – Contracts for Professional Services-Firms***
- ***14.20 – Out-of-State Travel, VILs Coach Camp, Atlanta, GA***
- ***14.21 – Out-of-State Travel, Adapting Units of Study for Special Ed/IEP Institute, New York, NY***
- ***14.22 – Out-of-State Travel, NAEYC Annual Conference, Washington, DC***

Member Andrés Quintero asked to pull ***Agenda Item 14.15 Resolution No. 05-18/19 Hispanic Heritage Month***, for separate discussion.

Clerk Dolores Marquez-Frausto asked to pull ***Agenda Item 14.19, Out-of-State Travel, NEU National Conference, Las Vegas, NV*** for separate discussion.

Assistant Superintendent Kolvira Chheng asked to remove ***Agenda Item 14.18 Resolution No. 08-18/19 GANN Limit Calculations*** because it was not ready for discussion and approval at this meeting.

MOTION #04-14 by Clerk Dolores Marquez-Frausto to accept and approve the Consent Calendar as amended. MOTION #04-14 was seconded by Member Andrés Quintero.

MOTION #04-14 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

Member Khanh Tran reported that he had been informed by General Counsel that contract services needed to be displayed fully and should not be listed under the Consent Calendar. He stated that he pulled them because they were in violation of the Brown Act.

The Board had discussion on the following agenda items:

14.03 Contracts for Professional Services-Individuals

14.04 Contracts for Professional Services-Firms

MOTION #04-15 by Member Andrés Quintero to accept and approve both Agenda Items 14.03 Contracts for Professional Services-Individuals and 14.04 Contracts for Professional Services-Firms as submitted. MOTION #04-15 was seconded by President Esau Ruiz Herrera.

There was more discussion from the Board but there was no vote taken on MOTION #04-15.

14. CONSENT CALENDAR *(continued)*

14.03 Contracts for Professional Services-Individuals

14.04 Contracts for Professional Services-Firms

MOTION #04-16 by Member Khanh Tran to move to postpone these agenda items until he had time to consult with General Counsel MOTION #04-16 was seconded by Clerk Dolores Marquez-Frausto.

Public Comments:

- 1) Flor DeLeon – Community member, commented that some board members were not well informed of the contents of the board agenda and we need members that understand.
- 2) Robert Duran – Representative from Reading Partners, speaks about his contract and explains how he has been waiting since the last cancelled board meeting to get his 100 volunteers deployed into the 4 schools to help with early intervention for literacy.

Superintendent Hilaria Bauer speaks about the necessity of approving these contracts to help run our schools. Contracts have been on hold since the September cancelled board meeting!

MOTION #04-16 failed with a roll call vote of 3 in favor to postpone; no opposition; 1 absent (Vice-President Karen Martinez); and 1 abstention (Member Khanh Tran).

MOTION #04-17 by Member Andrés Quintero to accept and approve both Agenda Items 14.03 Contracts for Professional Services-Individuals and 14.04 Contracts for Professional Services-Firms as submitted. MOTION #04-17 was seconded by President Esau Ruiz Herrera.

MOTION #04-17 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

14.15 Resolution No. 05-18/19, Hispanic Heritage Month

The Board had discussion on this agenda item.

MOTION #04-18 by Member Andrés Quintero to accept and approve Resolution No. 05-18/19, Hispanic Heritage Month as submitted. MOTION #04-18 was seconded by President Esau Ruiz Herrera.

MOTION #04-18 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

14. CONSENT CALENDAR *(continued)*

14.19 Out-of-State Travel, NEU National Conference, Las Vegas, NV

Clerk Dolores Marquez-Frausto stated she pulled this agenda item to inquire what the conference was about. Principal Tracy Leathers explained what the trip was about.

MOTION #04-19 by Clerk Dolores Marque-Frausto to accept and approve the Out-of-State Travel, NEU National Conference, Las Vegas, NV as submitted. MOTION #04-19 was seconded by Member Andrés Quintero.

MOTION #04-19 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

14.20 Out-of-State Travel, VILs Coach Camp, Atlanta, GA

14.21 Out-of-State Travel, Adapting Units of study for Special Ed/IEP Institute, New York, NY

14.22 Out-of-State Travel, NAEYC Annual Conference, Washington, DC

Superintendent Hilaria Bauer explained each program above and the necessity for attending each conference for professional development. She asked the Board for their support.

The Board was in consensus to accept *Agenda Items 14.20, 14.21, and 14.22* with one motion.

MOTION #04-20 by Clerk Dolores Marquez-Frausto to accept and approve Agenda Items 14.20, 14.21, and 14.22 as submitted. MOTION #04-20 was seconded by Member Khanh Tran.

MOTION #04-20 carried with a roll call vote of 4 in favor; no opposition; 1 absent (Vice-President Karen Martinez); and no abstention.

15. FUTURE BOARD AGENDA REQUESTS

15.01 Requests from Board of Trustees and/or from the Public

Public Request:

- 1) Ray Mueller – Community member, would like to request School Board Governance Training for new members after the election.

16. ADJOURNMENT

16.01 President Adjourns the Meeting

President Esau Ruiz Herrera adjourned the meeting at 10:25 p.m.

Respectfully submitted,



A handwritten signature in cursive script, reading "Dolores Marquez-Frausto", is written over a horizontal line. The signature is fluid and extends across the line.

Dolores Marquez-Frausto
Board Clerk

HB/mcs