

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

**NOTES OF THE INFORMAL MEETING OF  
THE BOARD OF TRUSTEES  
of the Alum Rock Union School District  
Held on Thursday, September 13, 2018, 5:30 p.m. at the Alum Rock Union School  
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127  
Meeting #03-18/19**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

Vice-President Karen Martinez reported that the Regular Board Meeting scheduled for this evening, September 13, 2018, had to be canceled due to the lack of a Board Quorum and that no official District Board Business would be conducted. However, due to some presentations that had already been scheduled and could not be changed, an informal meeting would take place and only 'informational' items could be addressed.

Vice-President Karen Martinez welcomed everyone in the audience and called the Informal Meeting to order at 5:32 p.m.

Vice-President Karen Martinez reported that she wanted to be transparent and this all has transpired because of the current situation with the restraining order placed on Member Khanh Tran by Superintendent Hilaria Bauer. She reported that she too has filed a police report against Member Khanh Tran because she also has been verbally threatened.

Member Andrés Quintero stated that his comments and concern are due to not having a board quorum and thus not being able to have the regular board meeting and conduct business as required. He asked Vice-President Karen Martinez if she had been informed as to why their colleagues could not be present at this meeting. He wanted the public to know the reasons in order to be transparent.

Vice-President Karen Martinez commented that she wanted to have open dialogue. She reported that President Esau Ruiz Herrera was on vacation today; she was not sure on the reason for Clerk Dolores Marquez-Frausto; and Member Khanh Tran did not publically state from where he would take the conference call.

Superintendent Hilaria Bauer reported that Clerk Dolores Marquez-Frausto had called the Superintendent's Office to notify us that she had a family emergency out of town.

**1. OPEN SESSION** *(continued)*

**1.01 Call to Order / Roll Call**

Board Members Present:

Karen Martinez	Vice-President
Andrés Quintero	Member

Board Members Absent:

Esau Ruiz Herrera	President <i>(vacation)</i>
Dolores Marquez-Frausto	Clerk <i>(unforeseen family emergency)</i>
Khanh Tran	Member <i>(restraining order)</i>

Administrative and Support Staff Members Present:

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

**3. RECONVENE TO OPEN SESSION – DISTRICT OFFICE BOARD ROOM**

**3.01 Call to Order / Pledge of Allegiance**

Vice-President Karen Martinez led the Pledge of Allegiance.

**3.02 Report of Action Taken in Closed Session**

Vice-President Karen Martinez reported that Closed Session would not take place because they could not conduct any Board Business due to not having a Board Quorum.

**6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

**6.01 Requests to Address the Board**

- 1) Jocelyn Merz – Community Member (not as AREA President), gave thanks to Member Andrés Quintero and Vice-President Karen Martinez for putting the needs of the students first and thanked them for working around their work schedule.

## 6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

### 6.01 Requests to Address the Board

Jocelyn Merz (*continued*) – she talked about the importance of changing the board members in November. She stated that tonight is just another example of the desperation that our district is in. President Esau Ruiz Herrera is on vacation and Clerk Dolores Marquez-Frausto has another family emergency. She suggested that maybe it is time for Clerk Dolores Marquez-Frausto to step down and take care of her family. She stated that the judge gave Member Khanh Tran the opportunity to be present at the board meeting with a police escort; but instead the 3 chose not to attend and put their own agendas first. Jocelyn urged everyone to go out and vote in November. Lastly, she commented that she was curious about the stipend and benefits that the board members receive when there are repeated absences!

- 2) Ernesto Bejarano – Community member and Sheppard parent, commented that he wanted to take a moment as a person that works among domestic violence and violence in general. He gave kudos to Superintendent Hilaria Bauer and Vice-President Karen Martinez for remaining strong throughout the verbal abuse—the community does not know what happens behind closed doors. He commented how he does not like how women are spoken to in meetings. He is hopeful that things will be different in November.
- 3) Brenda Zendejas – Parent and community member, commented she is sad and heartbroken that there was no board meeting tonight because there was very important things on the agenda to approve such as an Assistant Principal at her son's school. She gave kudos to Superintendent Hilaria Bauer and Vice-President Karen Martinez for standing and speaking up regarding the verbal abuse. She gave thanks to the two board members and all the folks that were present at the meeting tonight.
- 4) Dilza Gonzales – Community member, expressed her gratitude to Vice-President Karen Martinez and Member Andrés Quintero for their support. She commented that she knows how domestic violence affects women as her mother experienced it. She understands this and these people need help—they should not be representing our children! She commented to Superintendent Hilaria Bauer how she now admires her even more!
- 5) Olivia Ortiz – Community member, gave thanks to Superintendent Hilaria Bauer for having the courage to speak up. She has noticed how she treats people with respect. She reported that at the courthouse, Member Khanh Tran told her that he did not like them and they should be in jail! She commented that this made her sad but also very mad and this behavior is unacceptable.
- 6) Ray Mueller – Community member and parent, commented that what happened here tonight was so wrong. He applauded Superintendent Hilaria Bauer and Vice-President Karen Martinez for putting up with this behavior for the past two years and he is aware it has not been easy. He mentioned that during a Citizen's Oversight Committee meeting, after the FCMAT Audit, there was a specific board member who attended their meeting who's behavior was rude and intimidating. He urges the community to pay attention to what's going on around them and vote in November.

## 6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD *(continued)*

### 6.01 Requests to Address the Board

- 7) Victor Vasquez – Community member and parent, thanked everyone in the audience for attending the meeting and showing their support. This shows we are committed to the students. He gave special thanks to Vice-President Karen Martinez and Member Andrés Quintero for being present. He also mentioned a letter and the response given by President Esau Ruiz Herrera to the parents was very disappointing with his political moves. Mr. Vasquez commented that he thinks there is a double-standard going on and as a Board President, he has the power. Lastly, he stated that he hope Member Khanh Tran resigns and that Board President Herrera takes this seriously.
- 8) Maria Martinez – Parent of 2 students and community member, wanted to ditto what the parent, Olivia Ortiz, commented on. She reported that she was also present at the courthouse and if Member Khanh Tran was a true representative of this community and the children, he would be present tonight with a police officer escort. She commented that another thing that hurt her was the presence of Clerk Dolores Marquez-Frausto defending Member Khanh Tran and stating that she was ashamed that the parents would many times interrupt the meetings---“Shame on Clerk Dolores Marquez-Frausto!” She commented that she is asking the voters to please cast their votes in November and to focus on the positive work that is happening throughout the district.
- 9) Bertha Razo – Community member, gave thanks to Vice-President Karen Martinez and Member Andrés Quintero for attending the meeting and showing their support to the community. She commented that it was obvious that tonight there was a peaceful environment with the absence of the three members; however, the show must go on!
- 10) Tom Phu – Community member and district employee, stated that he came tonight to show support for Superintendent Hilaria Bauer. He commented that he calls this “drama” but it is something that we should not be doing at a school district. He felt that there was no excuse as to why the three board members were not present because district business needed to be conducted tonight. He addressed and commented to Superintendent Hilaria Bauer that she was an inspiration to the Alum Rock community and also to the two board members present. He commented to them that they need to remain strong! He also gave thanks to the audience for being present and showing their support. He asked Vice-President Karen Martinez and Member Andrés Quintero to explain what Board Policy 9250 Remuneration and Reimbursement meant?  
Member Andrés Quintero replied, “The Education Code supersedes the bylaws-if you do not show up for one meeting, you should not receive remuneration.”

## **6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD** *(continued)*

### **6.01 Requests to Address the Board**

- 11) Peter Pham – Community member and student tutor that has been tutoring Alum Rock students, stated that it was embarrassing that we keep bickering on television. He said this is a concern that the leadership of the District does reflect on the students. Students are only following the models of their leaders. All these political battles are dividing our community and it makes it very difficult to serve the students and he did not want to see our community being set up for failure. He gave thanks to the two board members in attendance.
- 12) Xochitl Bejarano – Sheppard student, gave thanks to everyone that was in attendance. She commented that she wanted the board members to act more mature than kindergarteners. She also commented that we need new board members to make schools better and to please vote in November!
- 13) Jocelyn Merz – AREA president, stated she was also at the courthouse and Superintendent Hilaria Bauer showed incredible bravery. When the judge gave an option to the parties to go into mediation, Superintendent Hilaria Bauer was willing to do so; however, Member Khanh Tran was not! She commented that when it comes down to working together and building the bridges, we need to continue to work together. She commented that for the past year-and-a-half, this community has been rock solid standing up for our principles and working together to make sure our monies are being spent in the right way—this district is now united and better!

Member Andrés Quintero again gave thanks to the folks for being in attendance. He stated that the last two years have consisted of very difficult meetings. Many times he has heard the folks comment, “just get along with each other”. He stated that he has tried to interact with other board members with different political agendas; however, he can’t stand by and let things just happen anymore. It has now been made public and we can’t allow threats to continue to be made. The Superintendent has already had two threats that involve gun violence—and we can’t take this lightly anymore. Closed Session is not intended to commit crimes and he proudly has given his testimony.

## **4. PUBLIC HEARING**

### **4.01 Public Hearing Regarding Sufficiency of Instructional Materials**

Vice-President Karen Martinez opened the Public Hearing at 6:14 p.m. She reported that the Public Hearing would remain open for the duration of this Informational Meeting.

## **7. COMMENT AND COMMUNICATION**

### **7.01 Teamsters**

Tom Phu, Teamsters representative, stated that he dittoed what he had said earlier and again gave thanks to everyone for being in attendance, especially Superintendent Hilaria Bauer and her support staff.

### **7.02 California School Employee's Association (CSEA)**

There were no representatives from the audience at this time.

### **7.03 Alum Rock Administrator's Association (ARAA)**

Le Tran, ARAA secretary, welcomed everyone back to school and invited the board members to attend their back-to-school nights. She gave thanks to the MOT department for their hard work making our schools look good during the summer and preparing them for the new school year. She announced that ARAA has a new kickball team and that during Christmas this year, ARAA would be participating in donating and sponsoring a tree at the Christmas-in-the-Park event.

### **7.04 Alum Rock Educator's Association (AREA)**

Jocelyn Merz, AREA president, stated she had nothing else to report since she had spoken earlier.

### **7.05 Superintendent**

Superintendent Hilaria Bauer stated that she accepts the challenge to be a 'better leader' and concurs that we still have room to grown and she wants to thank Mr. Peter Pham, the speaker that tutors our students. She commented that she would like to sit down with him and have dialogue about his ideas. She also invited everyone in the audience to the Back-to-District Night, to be held at San Antonio on Tuesday, September 18, 5:30 pm.

### **7.06 Board of Trustees**

There were no representatives from the audience at this time.

## **5. SPECIAL RECOGNITION / PRESENTATION**

### **5.01 Special Recognition**

Superintendent Hilaria Bauer introduced Ms. Jean Gallagher, Director of Special Education,- who introduced Nhat Tran, 5<sup>th</sup> grader from San Antonio Elementary.

## 5. SPECIAL RECOGNITION / PRESENTATION *(continued)*

### 5.01 Special Recognition: Recognition and Acknowledgment of a Student Overcoming Adversity

Ms. Jean Gallagher reported that Nhat has lived with great challenges but he still comes to school every day eager to learn. He performs at or above grade level in all areas.

Superintendent Hilaria Bauer gave special thanks to Nhat for being a brave student and she commented that she was very impressed with him. Nhat was awarded some gifts and pictures were taken with his family, teacher, City Year representatives, Board Members, and Superintendent Hilaria Bauer.

### 5.02 Special Presentation: Extended Year

Superintendent Hilaria Bauer introduced Ms. Sandra Garcia, Director, State & Federal Programs. Ms. Sandra Garcia introduced the staff that worked the Extended Year Summer Programs.

A Power Point presentation was given. Ms. Yeny Rosales reported the following:

#### Elevate Math

- 390 students were served
- 95% attendance
- 4 weeks of instruction
- Sites were Adelante, Fischer, and Linda Vista

#### Elevate Jr

- 70 students were served
- 4 weeks of instruction
- Sites were Dorsa and San Antonio

#### ALEARN

- 245 students were served
- 90% attendance
- 4 weeks of instruction
- Sites were Mathson and Sheppard

#### Jose Valdes Summer Math Institute

- 109 students were served at San Jose City College
- 120 students were served at Evergreen Valley College
- 7 weeks of instruction
- Intervention and enrichment

## 5. SPECIAL RECOGNITION / PRESENTATION *(continued)*

### 5.02 Special Presentation: Extended Year

#### ARUSD Extended Year Program

- 122 students served
- 82% attendance
- 4 weeks of instruction
- Site was Lyndale

Ms. Jill Cintas reported the following:

#### Springboard and the Data

- 406 students were served
- 92% attendance
- 5 weeks of reading instruction
- Sites were Adelante, Dorsa, Linda Vista, and LUCHA
- 97.8% family workshop attendance

#### Think Together English Learner Support Summer Camp

- 152 students served
- 89% attendance
- 4 weeks of instruction
- Site was Dorsa

Gloria Hayes-Perkins reported on the following:

#### Bridge to Kindergarten

- 139 students served
- 71% increase in participation over last summer
- 4 weeks of instruction
- 65 parents participated in workshops
- Sites were Adelante, Dorsa, Linda Vista, and LUCHA

#### YMCA Summer Program

- 63 students served
- 93% attendance
- 9 weeks of instruction
- Site was LUCHA



## 5. SPECIAL RECOGNITION / PRESENTATION *(continued)*

### 5.02 Special Presentation: Extended Year

Barbara Campbell reported on the following:

#### VAPA

- JAZZ, Mariachi, and AREF Art & Design Thinking Camps
- East Side Community Arts
- 245 students were served
- 4 weeks of instruction
- Sites were Adelante, Linda Vista, Mathson, and San Antonio

Additional Support Programs

New Enrichment Programs

Special Google Visit

#### Summary

- 8 host schools
- 2 satellite schools (Evergreen and San Jose City Colleges)
- 2091 total students that participated
- Over 400 parents that participated in the workshops
- 77% of SpringBoard families received home visits

Sandra Garcia gave special thanks to the following departments for their assistance with the Extended Year Programs:

- MOT, CNS, Student Services, ITSS, Print Shop, State & Federal, Academic Services, Foothill Counseling, and Human Resources. In addition, she also acknowledged parent and teacher leaders and the volunteers.

Member Andrés Quintero also gave thanks to all the people that helped with the program. He especially wanted to give thanks to Mr. Juan Quinones, ex-student now working for Google, who is a product of Alum Rock and for his efforts and contribution of putting the Google event together!

Vice-President Karen Martinez thanked all the staff for taking time from their summer to make the Extended Year Programs happen!

## **8. BOND / FACILITIES**

### **8.02 Written Update on the Citizen's Bond Oversight Committee (CBOC)**

Mr. Ray Mueller, Chair, CBOC, stated that his CBOC has been trying to get a tour of the facilities for such a long time, and now they reached a major milestone. During the past Saturday, the CBOC was able to tour 4 sites, 3 of which were sites that already had some work done. They were also able to tour the MACSA building to better understand the cost. Mr. Ray Mueller reported that his committee is still short 2 seats. He encouraged folks to apply for these 2 positions. Lastly, he stated that the MACSA building needs to be restored if we are to preserve the murals that are currently on the building.

### **8.03 Restatement of Notice of Delay of Sale of Bond**

Dr. William Gillaspie, Fiscal Advisor, reported that at the last board meeting, there was a 3-2 vote to pass the sale of bonds. The County Superintendent, Superintendent Hilaria Bauer, the fiscal experts, and the Alum Rock Community all advised the board with data and facts regarding the problem in selling the bonds. The board members did not address those issues and they voted to sell the bonds. A letter was written on August 24 stating that the Santa Clara County Office of Education was asking the sale of bonds to be delayed and the County Superintendent has approved that bonds will not be sold. The stay and rescind remains in effect of the \$35M in bonds. Dr. William Gillaspie commented that he hopes, in the future, the board will make the best decisions on behalf of the district.

## **11. INSTRUCTIONAL SERVICES**

### **11.01 Local Control Accountability Plan (LCAP) Timeline**

Assistant Superintendent Rene Sanchez reported that this timeline was only for information and that a copy was provided in the board book and was also available online.

## **12. BUSINESS**

### **12.01 Fiscal Expert Update**

Dr. Donald Zimring, Fiscal Expert, commented that because there was no board quorum, statutory requirements could not be met. He commented that with the joint legislative audit committee, it is this type of a challenge that the district and staff face—board governance! Staff can't process what needs to be processed and he wants to commend staff. He reported that the district will soon be receiving a letter regarding FCMAT.

**13. HUMAN RESOURCS**

**13.01 Resignations**

Vice-President Karen Martinez stated this item was only for information.

**16. ADJOURNMENT**

**16.01 President Adjourns the Meeting**

Vice-President Karen Martinez adjourned the informal meeting at 6:59 p.m.

Respectfully submitted,



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Karen Martinez, Vice-President  
*(in lieu of Board Clerk Dolores Marquez-Frausto who was absent on September 13, 2018).*

HB/mcs