

**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, June 27, 2019, 5:32 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #20-18/19**

1. OPEN SESSION

1.01 Call to Order / Roll Call / Pledge of Allegiance

President Linda Chavez welcomed everyone in the audience. President Linda Chavez called the Board Meeting to order at 5:30 p.m. followed by Roll Call.

Board Members Present:

Linda Chavez	President
Ernesto Bejarano	Vice-President
Dolores Marquez-Frausto	Clerk
Andrés Quintero	Member (<i>arrived late at 5:34 p.m.</i>)
Corina Herrera-Loera	Member

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
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office (<i>in transition</i>)

President Linda Chavez welcomed everyone and led the Pledge of Allegiance at this time.

1. OPEN SESSION *(continued)*

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

President Linda Chavez announced the items that would be discussed in Closed Session.

1.03 Adjournment Closed Session.

President Linda Chavez announced that the Board would reconvene to Open Session at approximately 6:32 p.m. The Board adjourned to Closed Session at 5:32 p.m.

3. RECONVENE TO OPEN SESSION

3.01 Call to Order / Roll Call

The Board reconvened to Open Session at 7:19 p.m. President Linda Chavez welcomed everyone and took a second Roll Call in which all Board Members were present.

Member Andrés Quintero requested that the record reflects that he was here in the beginning of closed session.

3.02 Report of Action Taken in Closed Session

Superintendent Bauer reported that the Board took the following action:

- 2.01** *To approve Public Employee Appointment/Employment Government Code Section 54957): Title: (1) Assistant Principals; and (2) Principals, with a unanimous vote.*

Superintendent Bauer reported that there was no other action to report at this time.

3.03 Agenda Review and Adoption

Clerk Dolores Marquez-Frausto asked to move the following agenda items after *Agenda Item 6.02 Agenda Review and Adoption.*

- 10.05** *Approve Delegation of Authority to Approve Bids and Award Contracts for Facilities Improvements in the Event of any Unforeseen Urgent Need District Wide*
- 10.06** *Approve Delegation of Authority to Approve Bids and Award Contracts for BOND Projects Improvements in the Event of any Unforeseen Urgent Need District Wide.*
- 10.07** *Approve Resolution No. 48-18/19 Delegation of Authority in Regard to Awarding of Emergency Contracts.*

3.03 Agenda Review and Adoption *(continued)*

President Linda Chavez stated that members of the public asked to move the following agenda items after *Agenda Item 6.01 Agenda Review and Adoption*.

9.01 Review and Approve the Annual Update for the Local Control Accountability Plan

9.03 Review and Approve the LCAP Federal Addendum

There was board discussion on the order of business.

Clerk Dolores Marquez-Frausto asked if the Public Hearing was going to be open all night.

Superintendent Bauer responded that they usually remain open until the LCAP hearing. That was her recommendation.

4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

4.01 Requests to Address the Board

President Linda Chavez said that because the meeting is behind schedule, they will be allowing 2 minutes to speak. The Board will automatically refer any formal requests to staff and they will be presented in a future meeting.

Public Comments:

- 1) Mr. Robert Duran spoke about the Citizens Oversight Committee positions that are opened. He stated that if anyone is interested, to send their requests to Assistant Superintendent Chheng.
- 2) Ms. Maria Martinez invited parents to a training on July 14. She stated that there will be voting on July 11 regarding a bill for Charter Schools to be opened. She asked that parents send letters to the senators.

Clerk Dolores Marquez-Frausto stated that she was confused regarding the dates given and asked if the voting is on July 11 and if the training is going to be on July 14. If so, it is after the fact. She also wanted to know where the voting for July 11 would take place.

4.01 Requests to Address the Board

Superintendent Bauer responded that it was at the senate level.

Clerk Dolores Marquez-Frausto asked who is presenting the bill.

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

Superintendent Bauer asked if anyone in the public had more information regarding this bill. She said that all three bills, AB1505, AB1506 and AB1507, are still alive and there is not a lot of support for them. She asked for public input.

Clerk Dolores Marquez-Frausto asked where one can send an opinion or message.

Superintendent Bauer asked counsel if it is okay to respond and give information on how to send an opinion to the senate.

Counsel Rogelio Ruiz responded that it was okay to give information.

Superintendent Bauer stated that, in the senate and assembly, there is a website that has a portal where you can send your comments and they go to all the education committee members.

Clerk Dolores Marquez-Frausto asked if the comments go to the senate or the assembly and does everyone receive them.

Superintendent Bauer stated yes and that the voting for the senate is on July 11.

Clerk Dolores Marquez-Frausto asked Dr. Bauer to send her the information.

Superintendent Bauer said that she would send out the information to the Board.

- 3) Senior Executive Assistant Marie Sanchez thanked everyone and said that she is going to miss everyone.

The Board and Superintendent Bauer thanked Ms. Sanchez for all the work she did.

- 4) Female Speaker said she is Senior Executive Assistant Marie Sanchez's daughter and that she is happy because Marie was going to retire and spend more time with her family.

5. COMMENTS AND COMMUNICATION

5.01 Teamsters

There were no representatives from Teamsters at this time.

5.02 California School Employee's Association (CSEA)

There were no representatives from CSEA at this time

5. COMMENTS AND COMMUNICATION *(continued)*

5.03 Alum Rock Administrator's Association (ARAA)

Director of Child Nutrition Service Denisse Mendez thanked the Board President, the Board, Superintendent Bauer and Cabinet. She said that CNS will start a new program and announced the new ARAA officers.

5.04 Alum Rock Educator's Association (AREA)

Sandra Rivera thanked Senior Executive Assistant Marie Sanchez for her years of service. She encouraged the Board to have a contract resolution with AREA.

5.05 Superintendent

Superintendent Bauer thanked Senior Executive Assistant Marie Sanchez for all the work she did.

5.06 Board of Trustees/Communication/Comments

Vice-President Ernesto Bejarano asked if there could be a post in social media about participation on the Citizens Bond Oversight Committee so there could be a quorum.

President Linda Chavez asked if the district can schedule a Budget Committee Meeting to stay abreast of what is happening with the budget.

Member Corina Herrera-Loera stated that she is scheduled to be in Mexico during the July 11 Board Meeting. She apologized that she will not be present physically, but she will be present by teleconference.

Member Andrés Quintero said that he does not like surprises of cancelled meetings. He stated that the President does not have the authority to cancel meetings. He said it needs to be done as a body. He is looking forward to taking care of business for the people in July.

Clerk Dolores Marquez-Frausto thanked everyone and stated that when she was President, there were no meetings in July. She said this was done by consensus and it was announced a month before. She commented that she was happy that there was going to be a July meeting because there is a lot of work to be done. She looked forward to having a Budget Committee Meeting.

6. Public Hearing

**6.01 LCAP 2019-20 Local Control Accountability Plan (LCAP)
continued Public Hearing from the June 13, 2019 Regular Board Meeting.**

President Linda Chavez opened it up for any public comments.

- 1) Maria Martinez thanked Director Sandra Garcia for all the information regarding LCAP.
- 2) Lilzia Gonzalez thanked Director Sandra Garcia, Assistant Superintendent Sanchez and Superintendent Bauer for answering all her questions. She said that it was transparent.

President Linda Chavez closed the public hearing at 7:56 p.m.

9. INSTRUCTIONAL SERVICES

9.01 Review and Approve the Annual Update for the Local Control Accountability Plan (LCAP) 2017-2020

Ms. Sandra Garcia, Director of State & Federal, gave a Power Point presentation. Some of the highlights included the following:

Oct-Dec	Jan-Feb	March	April	May	June
-Parent Informational mtgs.	-Input sessions from DAC, DELAC, Community Forums, AREA/CSEA/Teamsters and Management	-Staff/parent mtgs. -Online staff/parent/student surveys -Board update	-Board update with Initial Findings	-Board update & draft presented to Board	-Public Hearing/stakeholder feedback -Special Board Mtg. for approval -Submit LCAP to SCCOE for approval

Stakeholder Input – Parents, community, staff and students. Input gathered with community forums, school input sessions, and the surveys.

Trends/Findings (all stakeholders)

- Goal 1 - Provide all students with a rigorous, challenging, and innovative instructional program that prepares them for college-readiness and for excellence in the 21st century.
- Goal 2 - English Learners will have the required skills to reach grade level standards/proficiency.
- Goal 3 - Provide all students and families with a safe, welcoming, and caring environment conducive to learning.
- Goal 4 - Engage stakeholders in a meaningful way that promotes a positive learning, working, and community environment that is geared toward student achievement.

9. INSTRUCTIONAL SERVICES *(continued)*

Next Step:

- Submit LCAP annual update to the SCCOE for approval

President Linda Chavez asked if anyone had questions.

Vice-President Ernesto Bejarano thanked Director Sandra Garcia for the presentation. He asked what was encompassed and if it included the LCAP, a Federal Addendum and CARS or was it altogether.

President Linda Chavez said that Superintendent Bauer was going to answer.

Superintendent Bauer asked the Board, very respectfully, to consider hearing 9.01, 9.03 and 9.05 altogether even though 9.01 was not moved up.

Vice-President Ernesto Bejarano thanked Director Sandra Garcia for answering questions that he had about the report. He asked if there could be modifications made to the LCAP.

Director Sandra Garcia responded and said as long as they do not modify the goals and actions.

Vice-President Ernesto Bejarano asked to review item 9.01 regarding the acronyms used which may be a challenge for parents to understand. He said under the section Parent, Family and Engagement, he would like to request a video library on the new website to help parents learn how to engage with the school system. On item 9.03, there is something grammatical that needs to be fixed.

Member Corina Herrera-Loera thanked Director Sandra Garcia for answering her questions. She said that on 3.11 page 128 section 2017-2018 action services, 1.03 is noted all the way across. She wanted to make sure that the correct number is reflected, which is 11.

Vice-President Ernesto Bejarano commented that he would like to get materials sooner to review. He said because it takes time to review the materials and there are so many that are received.

Superintendent Bauer thanked Vice-President Ernesto Bejarano for his request. She said that she will work on that. She commented that the LCAP was received beforehand and most materials are not new. They are added on from previous materials that were already given to the Board.

Vice-President Ernesto Bejarano stated that he is aware that there are some materials that are added on, but some materials are not. They are new items. He said that he wants a formalized process.

9. INSTRUCTIONAL SERVICES *(continued)*

Clerk Dolores Marquez-Frausto thanked Director Sandra Garcia for the report. She said that she agreed with her colleague that they do get materials late. She stated that it takes time away from her family. She would like to get materials in a timely matter.

President Linda Chavez asked if there is a motion to approve 9.01, 9.03 and 9.05.

9.01 Review and Approve the Annual Update for the Local Control Accountability Plan (LCAP) 2017-2020.

9.03 Review and Approve the LCAP Federal Addendum.

9.05 Consolidated Application and Reporting System (CARS) 2017/18-2018/19 Reporting and 2019-2020 Application for Funding.

MOTION #20-01 by Clerk Dolores Marquez-Frausto to approve Action Items 9.01, 9.03 and 9.05 as presented. MOTION #20-01 was seconded by Vice-President Ernesto Bejarano.

MOTION #20-01 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

Vice-President Ernesto Bejarano said that he had a question on item 9.05, page 1 of 2 on recruitment, training, retention and expenditures. He wanted to know why the numbers reflect zero and why there is no budget tied to this.

Assistant Superintendent Rene Sanchez stated that the items are in different categories and some funding comes out of the LCAP. He said that Title II was a separate budget.

Vice-President Ernesto Bejarano referred to page 6 of 7, item number 2A, he said that would like to review the policies and practices to ensure that homeless youth are not stigmatized as segregated.

Superintendent Bauer said that she will provide Vice-President Ernesto Bejarano the information that he requested.

Vice-President Ernesto Bejarano said that he had a question on page 6 of 7 on homeless children expenditures. He said that there is \$3,555,000. It is allocated and there is \$15,000. He wondered what is going to happen with the remaining money.

Director Sandra Garcia said that \$3,000,000. is the total number of the allocation and 15 thousand is for the homeless youth.

Assistant Superintendent Sanchez stated that Title I requires for a certain amount to be spent on specific areas for professional development, families and homeless youth. He said that this report is not broken down on how all the money is utilized. He said that they can definitely provide a more thorough report for the Board.

9. INSTRUCTIONAL SERVICES *(continued)*

Vice-President Ernesto Bejarano asked if that was the total that has been spent on homeless students. He understands that this is not our form and he is aware that this is what the state requires.

Assistant Superintendent Sanchez said that the state has asked the district to spend the money like it is in the form.

Clerk Dolores Marquez-Frausto wanted clarification on what the balance is of the \$3.5 million. She said that she understands that it is broken up and allocated. She also wanted to know if it goes to each school who has homeless children only.

Assistant Superintendent Sanchez said that Title I funds are specifically for low income students. He stated that all the schools receive money depending on the number of students that they have on the school site and it is not all for homeless students.

Clerk Dolores Marquez-Frausto asked if only \$15 thousand dollars is all that can be spent on homeless students.

Assistant Superintendent Sanchez stated that there is a minimum requirement that the district can spend. He said that they offer afterschool programs for low income students and that the report does not capture homeless students.

Clerk Dolores Marquez-Frausto asked if homeless students are segregated at the afterschool program or are they are put together.

Assistant Superintendent Sanchez said that the district offers homeless students different programs but it reaches out to them for the afterschool program.

Clerk Dolores Marquez-Frausto said that the way it is written, it looks like that is all the district is spending on homeless students. She is asking for a report that itemizes what services are provided to homeless students.

Assistant Superintendent Sanchez stated that this is the exact same report that the state provided the district. He said that he could provide a thorough report for the Board.

President Linda Chavez asked if there was any final comment on 6.02.

Superintendent Bauer said that she did not know that the agenda items were going to be moved around and that they go together as a pattern. She respectfully asked Board President Chavez to move item 6.02 and 10.01 so that they can be put together.

9. INSTRUCTIONAL SERVICES *(continued)*

Clerk Dolores Marquez-Frausto asked Board President Chavez to formally record that they are moving 10.01 to where the other items are. She said that way they can be in order.

President Linda Chavez said the items can be moved together.

Clerk Dolores Marquez-Frausto commented that the Board needs to take a vote on item number 10.01 because they had already voted on the other items.

President Linda Chavez asked if there are any Public Comments.

Public Comments:

- 1) Maria Martinez asked why the LCAP and the Budget are presented separately.

Clerk Dolores Marquez-Frausto said that Maria Martinez is asking why they are dealt with separately if they amounted to \$104 million dollars altogether. She said that is what she understands to be her question.

Assistant Superintendent Chheng answered that it is that way because it also captures the Charter Schools, so it is included in the LCAP. He said that the Charter Schools are not independent. They are part of the district's budget.

Superintendent Bauer asked Maria Martinez if that answered her question.

- 2) Maria Martinez said she wanted to know where she could find the Board page for the updated 2016-2017 Aptitud LCAP.

Vice-President Ernesto Bejarano requested that the Board refer her questions to the staff.

President Linda Chavez asked if there was any more Public Comment.

President Linda Chavez closed the hearing for the Budget at 8:37 p.m.

10. Business

President Linda Chavez asked for a Motion to approve 10.01.

10.01 Adoption of the District's Proposed 2019-2020 Budget.

MOTION #20-02 by Clerk Dolores Marquez-Frausto to approve Action Item 10.01 as presented. MOTION #20-02 was seconded by Member Corina Herrera-Loera.

10. Business *(continued)*

Vice-President Ernesto Bejarano asked Assistant Superintendent Chheng if there are any significant changes to the Budget.

Assistant Superintendent Chheng responded that there are no significant changes to the Budget.

MOTION #20-02 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

10.05 Approve Delegation of Authority to Approve Bids and Award Contracts for Facilities Improvements in the Event of any Unforeseen Urgent Need District Wide.

10.06 Approve Delegation of Authority to Approve Bids and Award Contracts for BOND Projects Improvements in the Event of any Unforeseen Urgent Need District Wide.

10.07 Approve Resolution No. 48-18/19 Delegation of Authority in Regard to Awarding of Emergency Contacts.

Clerk Dolores Marquez-Frausto commented that she will not supporting items 10.06 and 10.07. She felt that delegating the authority to one person is not right when there is already a process in place that the Board follows from the state. She said that there was someone working in Bonds who was let go due to lack of funds. She hopes that her colleagues table these items.

Vice-President Ernesto Bejarano stated that after meeting with Superintendent Bauer and Assistant Superintendent Chheng, he was provided clarification to his questions. He had asked Superintendent Bauer if something would happen again like it happened at Mathson, how would we do it differently. He was told that we would follow the process in place. He felt comfortable handing unlimited powers to someone to make decisions at the moment that it happens with Board approval.

Superintendent Bauer said that she wanted to make it clear that they are not asking the Board to sell Bonds. She said, last year, they were granted the authority with a different Board. She said that she was going to turn it over to Assistant Superintendent Chheng to explain the limits of authority.

Assistant Superintendent Chheng said that there is a process in place. He stated that if a pipe would break that he would get three proposals and then present them to the Board for approval.

Clerk Dolores Marquez-Frausto said that if it was a new administration asking that would be different. She said that someone that knew Bonds lost his job and it did not help the deficit at all.

10. Business (continued)

Vice-President Ernesto Bejarano said that this was not a mistake that was done over and over. This was a mistake that was done. He stated that his role is to work with staff and hold them accountable. He asked if he could review the process in place.

Assistant Superintendent Chheng said that he will give a copy of the process in place to Vice-President Ernesto Bejarano.

Vice President Ernesto Bejarano said that he wanted to make it clear that the way to hold staff accountable is to know the process. He asked what happens if the work is done and the Board does not approve it.

Counsel Rogelio Ruiz said that there are two different issues going on. He said item 10.05 gives authority to the Superintendent to enter into contracts and then they need to be presented to the Board for ratification. He stated that items 10.06 and 10.07 deal with emergency situations. He said that item 10.07 gives authority to the Superintendent to enter into contracts without going through the public bidding process.

Vice President Ernesto Bejarano asked what is the process is when it is declared an emergency after the fact.

Counsel Rogelio Ruiz said that it could be declared an emergency or it could be a special meeting process. He commented that at Mathson, there was an action taken with the contracts without public bidding which requires a 4/5 vote. He said that it is laid out in item 10.7 and there has to be a super majority.

Member Andrés Quintero said, in regards to Mathson, there were mistakes made and there was an issue with prior counsel. It was handed to the District Attorney to get to the bottom of what happened and nothing happened. They did not find anything. He stated that mistakes were made and he would like to move forward.

Clerk Dolores Marquez-Frausto commented that just because nothing has been heard from the District Attorney does not mean that the case is closed. She said that no one has been held accountable. She stated that the MOT director did not bid out the contract and he hired his previous employer. She said that Teamsters asked her to do something about it.

Vice President Ernesto Bejarano said that what happened at Mathson and what is in front of them are separate but related. He commented that if something happens in a school at 3:00am he wants to have the confidence that someone will see to it that the work gets done. He said that this procedure needs to be done.

Member Corina Herrera-Loera asked if they were dealing with items 10.5 through 10.07 together.

President Linda Chavez responded yes, they are all related.

10. Business *(continued)*

Member Corina Herrera-Loera said that she wanted to piggyback on what Vice President Ernesto Bejarano said. She trusts that the staff will do the right thing for an unforeseen situation or an emergency. She stated that, as a responsible Trustee, she would like to make a motion to approve items 10.05, 10.6 and 10.07.

Member Andrés Quintero seconded the motion.

Counsel Rogelio Ruiz said that he would like to request that items 10.05, 10.6 and 10.07. be handled separately.

President Linda Chavez spoke on these items.

President Linda Chavez opened it up for Public Comments.

Public Comments:

- 1) Frank Chavez said that item 10.06 is about a Bond Project that requires a Project Manager that can deal with Bond projects. He said that money from the Bond is not paid through the school district. He asked if the district has a delegate for emergencies according to Ed Code.

Superintendent Bauer said that if she does not have the authority, she cannot.

Frank Chavez said according to the Ed Code, you do.

Counsel Rogelio Ruiz said that only if the Board approves it.

Superintendent Bauer said she will not be able to do anything if there is a fire at a school.

- 2) Brenda Zenedejas asked what constitutes an emergency and if all schools and district office are included.

Member Andrés Quintero stated that this entire situation with Mathson keeps coming up and he wanted to clarify that for every cent that was spent, the district was made whole. He wanted to make sure that the public was not under the impression that the money disappeared. He said that the insurance company paid.

Clerk Dolores Marquez-Frausto stated that her colleague keeps stating that mistakes were made. She said that she was worried about awarding them the authority and having that happen again. She commented that \$2.4 million dollars is not accounted for and that the insurance company did not do anything other than pay. She stated that she was disappointed that Superintendent Bauer said that she could not do anything if Russo caught fire. She asked that the Board table item 10.07.

10. Business *(continued)*

President Linda Chavez had a question about what one of the speakers said regarding what constitutes an emergency. President Chavez did not say that Superintendent Bauer is going to take advantage, but if something else comes down the line, someone can misuse the funds. She stated that there is a process in place and if there is an emergency, she trusts the MOT staff to take care of the emergency. She does not feel that extra authority needs to be delegated.

Vice-President Ernesto Bejarano asked a question regarding the difference between emergency and urgent. He said that his understanding is that an emergency is an act of God and an example of urgent is if a pipe breaks.

Counsel Rogelio Ruiz stated that it is defined in the Public Contract based on section 11.02. He stated that an emergency is an unforeseen event. He said that items 10.05 and 10.06 delegate the authority to enter into certain contracts and it needs to be ratified by the Board. He said that items 10.05 and 10.06 do not alter the public bidding. They still need to follow the proper process.

Vice-President Ernesto Bejarano asked, at the point of ratification, what occurs if the Board does not ratify the work that has been done.

Counsel Rogelio Ruiz said that formal contracts can be terminated if they are not ratified. He stated that if there is an actual emergency, there would need to be a Special Board Meeting within 72 hours.

Vice-President Ernesto Bejarano said that the Board would have to delegate if it had a problem with the person it selected.

President Linda Chavez asked Counsel Rogelio Ruiz if someone with the delegation of authority can get creative with the language and take advantage later on down the road.

Counsel Rogelio Ruiz responded that it is a very specific issue of emergency under the Public Contract Code to declare an emergency.

Member Andrés Quintero said that the past Board granted the delegation of authority and that same Board wanted to fire Superintendent Bauer every month. If the roof collapses like it did at Dorsa, he reminded the Board that these are old buildings.

Clerk Dolores Marquez-Frausto said that she is not going to speak on this anymore. She said that they got rid of the Bond Director and now her colleague is talking about a roof collapsing. That is why they have MOT. She stated that delegation of authority does not need to be given to someone that made a big mistake and it is still being investigated by the District Attorney.

10. Business (continued)

Vice-President Ernesto Bejarano stated that he was supporting these items based on best logic and based on emotion.

Member Corina Herrera-Loera said that this is 2019-2020 and she does not foresee having a different Superintendent here.

President Linda Chavez stated this Board is responsible not like the past Board. She had gone to a funeral and she was present for the Board Meeting. Her concern is that someone down the line may come and take advantage of the authority.

MOTION #20-03 by Member Corina Herrera-Loera to approve Action Item 10.05 as presented. MOTION #20-03 was seconded by Vice-President Ernesto Bejarano.

MOTION #20-03 carried with a vote of 3 in favor; 2 oppositions (President Linda Chavez and Member Dolores Marquez-Frausto); no absent; and no abstention.

MOTION #20-04 by Member Andrés Quintero to approve Action Item 10.06 as presented. MOTION #20-04 was seconded by Member Corina Herrera-Loera.

MOTION #20-04 carried with a vote of 3 in favor; 2 oppositions (President Linda Chavez and Member Dolores Marquez-Frausto); no absent; and no abstention.

MOTION #20-05 by Vice-President Ernesto Bejarano to approve Action Item 10.07 as presented. MOTION #20-05 was seconded by Member Andrés Quintero.

The Board had discussion on item 10.07 and requested feedback from Counsel Rogelio Ruiz.

MOTION #20-05 failed with a vote of 2 in favor (Member Corina Herrera-Loera and Member Andrés Quintero); 2 in opposition (President Linda Chavez and Clerk Dolores Marquez-Frausto); no absent; and one abstention (Vice President Ernesto Bejarano).

7. New Contracts Over \$100,000

President Linda Chavez asked if they put items 7.01, 7.02 and 7.03 together. The Board decided to hear them separately.

The Board had discussion on items 7.01, 7.02 and 7.03.

7.01 Approve Contract with Think Together to provide TK/Kinder Academy programs at Meyer, Ryan, Lyndale, Adelante, Linda Vista, & McCollam, to reinforce skill building in English Language Arts & Math, State & Federal, \$508,558.00.

7. New Contracts Over \$100,000 *(continued)*

Clerk Dolores Marquez-Frausto asked if these funds were coming out of the LCAP and nowhere else.

Director Sandra Garcia said that these funds are from the LCAP.

MOTION #20-06 by Member Corina Herrera-Loera to approve Action Item 7.01 as presented. MOTION #20-06 was seconded by Member Andrés Quintero.

MOTION #20-06 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

7.02 Approve Contract with YMCA of Silicon Valley, to provide TK/Kinder Academy programs at Aptitud, Cassell, Chavez, Cureton, Dorsa, Lucha, Arbuckle/Adelante II, & San Antonio, to reinforce skill-building in English Language Arts & Math, State & Federal, \$590,462.00.

MOTION #20-07 by Vice President Ernesto Bejarano to approve Action Item 7.02 as presented. MOTION #20-06 was seconded by Member Corina Herrera-Loera.

President Chavez opened it up for discussion.

Vice-President Ernesto Bejarano had a question for Counsel Rogelio Ruiz regarding the distinction between contractors and partners. In reference to page 4, section 8, he asked if there is a reason that they need to distinguish between a partner and contracted agency.

Counsel Rogelio Ruiz said that a partner has fiduciary obligations but they are very few and very specific and the other reason for a liability standpoint. He stated if the other person does something wrong, the district is exposing themselves.

Vice-President Ernesto Bejarano said that a contractor as a partner is still questionable.

Counsel Rogelio Ruiz said that it is very common to refer to contractors as partners.

Vice-President Ernesto Bejarano in reference to page 7 of the evaluation report, asked if the contractor be providing data to the Board.

Superintendent Bauer responded that the Board will be provided reports throughout the year.

Vice-President Ernesto Bejarano asked if the Board usually sees the evaluation reports.

Superintendent Bauer responded that the Board does not usually see them because they are lengthy, but the Board does get a report.

7. New Contracts Over \$100,000 (continued)

Clerk Dolores Marquez-Frausto asked from what budget will this be funded.

Director Sandra Garcia responded that the funds come out of the LCAP.

Vice- President Ernesto Bejarano asked if the contractor will be providing a report.

Director Sandra Garcia responded the report will be included in the ASES information.

MOTION #20-07 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

7.03 Approve Think Together to provide TK/Kinder Academy programs at Painter, Russo/McEntee, & Hubbard to reinforce skill-building in English Language Arts & Math, State & Federal, \$200,000.

Clerk Dolores Marquez-Frausto asked if the \$200,000.00 covers everything.

Assistant Superintendent Sanchez responded that for these group of students are covered through the San Jose Learners grant.

Clerk Dolores Marquez-Frausto asked if there is no cost to the district.

Assistant Superintendent Sanchez responded that it does not cost the district anything.

MOTION #20-08 by Member Corina Herrera-Loera to approve Action Item 7.03 as presented. MOTION #20-08 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #20-08 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8. Superintendent/Board Business

8.01 Board Bylaw 9006, Second Reading—Board of Trustees' Code of Conduct.

MOTION #20-09 by Vice-President Ernesto Bejarano to approve Action Item 8.01 as presented. MOTION #20-09 was seconded by Member Dolores Marquez-Frausto.

Public Comments:

- 1) Loretta Tanner said that she has seen rules have been broken. She asked if these rules are going to be enforced.

MOTION #20-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8. Superintendent/Board Business *(continued)*

8.02 Board Bylaw 9250, First Reading – Remuneration, Reimbursement and Other Benefits.

MOTION #20-09 by Vice-President Ernesto Bejarano to accept as the First Reading Action Item 8.02 as presented. MOTION #20-09 was seconded by Member Corina Herrera-Loera.

MOTION #20-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8.03 Exhibit 9250, First Reading—Remuneration, Reimbursement and Other Benefits.

Superintendent Bauer said that this is the first reading of Exhibit 9250 and that items 8.02 and 8.03 go together.

MOTION #20-10 by Member Andrés Quintero to adopt the First Reading Action Item 8.03 as presented. MOTION #20-10 was seconded by Member Corina Herrera-Loera.

The Board had discussion.

MOTION #20-10 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8.04 State Audit Report Follow-Up Regarding Board Member Attendance and Stipends.

MOTION #20-11 by Vice-President Ernesto Bejarano to approve Action Item 8.04 as presented. MOTION #20-11 was seconded by Member Andrés Quintero.

Public Comments:

- 1) Female speaker said that a Board member who has been paid should pay back the money that they received. She said that she is happy about this item because this will make the Board members take their responsibility more seriously.

Vice-President Ernesto Bejarano said that all these items being discussed have been in effect according to the Education Code.

Counsel Rogelio Ruiz affirmed this.

Vice-President Ernesto Bejarano asked if there was any action that could be taken for not following the process.

8. Superintendent/Board Business *(continued)*

Counsel Rogelio Ruiz responded that the state audit does not make a recommendation about that and the Education Code is silent about that. He said the stipends are paid by district to the Board members. He stated that it is a legal situation whether it is paid back to the district or to the tax payer.

Member Andrés Quintero asked that under this item it is for future.

Counsel Rogelio Ruiz responded that we are dealing with the state audit as part of the first reading and he is not making any other recommendation.

Member Andrés Quintero said that he was concerned that if he was a part of the Board while this was happening, he would need to excuse himself of the matter. He stated that he wished that the Board would have drafted a resolution on its own. He said that whatever is decided, this will allow the Board to move forward. He commented that whenever he is not able to be present, he always informs Superintendent Bauer.

Clerk Dolores Marquez-Frausto commented that she had 11 deaths in her family from both sides and she had been ill as well. She said that this came about because someone had gone to a concert. She asked Counsel Rogelio Ruiz if she needed to get an attorney.

Counsel Rogelio Ruiz responded that this item is prospective on how to implement this moving forward. He said that in the state audit, Board members were absent from several meetings and some more than others. He stated that if the Board decided this is to seek recovery, that creates a conflict of interest. His recommendation is that if this is a recovery situation, that it be organized in a future meeting and affected Board members should excuse themselves. He said that, for now, the Board needed to vote to respond to the state audit.

Clerk Dolores Marquez-Frausto asked if she needed to get an attorney for the future meeting.

Counsel Rogelio Ruiz responded that he could not give Clerk Dolores Marquez-Frausto any legal advice.

Clerk Dolores Marquez-Frausto said that she does not have anything to worry about and that everything she said was true. She did not go to a concert. She said that out of the 11 years she had been as a Board member, this was never brought up.

Counsel Rogelio Ruiz commented that the state auditor did not mention any criminal activity. All that was said is that this is the law and here is a policy.

Vice-President Ernesto Bejarano asked if he attended two out of three meetings, would that make him eligible to receive the stipend.

8. Superintendent/Board Business *(continued)*

Counsel Rogelio Ruiz responded that in order for you to receive the stipend you need to attend 50% of that particular meeting.

MOTION #20-11 carried with a vote of 5 in favor; no opposition; no absent; and no abstention

8.05 State Audit Report Follow-Up and District Response Regarding Governance Training, Brown Act Training, and Development of Governance Handbook. Proposed dates in August include: August 10, 17, 24, and 31; Proposed dates in September include: September 7, 14, 21 and 28.

Member Corina Herrera-Loera said that she has some things planned for those dates. Asked if the dates can be confirmed at the July board meeting.

Superintendent Bauer said that the Board had time to select dates and that Arturo Flores of ACSA is present at the Board meeting. He is helping us facilitate the training.

The Board had dialogue on the selection of dates.

Vice-President Ernesto Bejarano asked about the Governance Training and if a Governance Handbook is a required for the purpose of the state audit.

Counsel Rogelio Ruiz responded that it is not a requirement from the state audit to develop a process and procedure and that the Board can develop a Governance Handbook.

Vice-President Ernesto Bejarano asked if the Governance Handbook needed to be physical or could it be online.

Counsel Rogelio Ruiz responded that it could be online. He said that item 8.05 called for an action from the Board.

MOTION #20-12 by Vice-President Ernesto Bejarano to Approve Action Item 8.05 as presented. MOTION #20-12 was seconded by Member Corina Herrera-Loera.

MOTION #20-12 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8.06 Approve Draft Form Response Letter to the State Auditor.

MOTION #20-12 by Vice President Ernesto Bejarano to Approve Action Item 8.05 as presented. MOTION #20-12 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #20-12 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

8. Superintendent/Board Business *(continued)*

8.07 CSBA Membership Dues, Period from July 1, 2019 through June 30, 2020, \$13,724.00. Dues not processed before September 15, 2019 will incur a 10% late fee and all services will be discontinued after September 16, 2019.

MOTION #20-13 by Vice President Ernesto Bejarano to Approve Action Item 8.05 as presented. MOTION #20-13 was seconded by Member Andrés Quintero.

MOTION #20-13 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

8.08 CSBA Educational Legal Alliance (ELA) Membership Dues, Period from July 1, 2019 through June 30, 2020, \$3,431.00. Dues not processed before September 15, 2019 will incur a 10% late fee and all services will be discontinued after September 16, 2019.

MOTION #20-14 by Clerk Dolores Marquez-Frausto to Not Approve Action Item 8.08 as presented. MOTION #20-14 was seconded by Vice-President Ernesto Bejarano.

Clerk Dolores Marquez-Frausto said that Latinos do not have a voice and primarily whites make the rules for the district.

Vice President Ernesto Bejarano said that Alum Rock School District has a large Latino population and that the district does represent other ethnicity groups. He said that he will be supporting item 8.08.

Member Andrés Quintero said that CSBA left them hanging when Alum Rock was sued for a child that did not even attend Alum Rock. Since then he had changed his mind about CSBA because the district has benefited from them.

Vice-President Ernesto Bejarano asked if CSBA Educational Legal Alliance advocates for the district.

Member Andrés Quintero responded that they take on bigger and broader issues. He commented that the Board supported them last year.

Clerk Dolores Marquez-Frausto stated that CSBA Educational Legal Alliance charges a 10% late fee.

MOTION #20-14 failed with a vote of 1 in favor (Dolores Marquez-Frausto); 4 in opposition (President Linda Chavez, Vice President Ernesto Bejarano, Member Corina Herrera-Loera and Member Andrés Quintero); no absent; and no abstention.

MOTION #20-15 by Member Andrés Quintero to Approve Action Item 8.08 as presented. MOTION #20-15 was seconded by Member Corina Herrera-Loera.

8. Superintendent/Board Business *(continued)*

MOTION #20-15 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

8.09 CSBA Manual Maintenance Services, Period from July 1, 2019 through June 30, 2020, \$3,485.00. Services must be renewed by September 15, 2019 to keep uninterrupted access to service.

Motion made by Member Corina Herrera-Loera to extend the meeting until 11:00pm. Second by Vice President Ernesto Bejarano.

MOTION #20-16 by Member Corina Herrera-Loera to Approve Action Item 8.09 as presented. MOTION #20-16 was seconded by Vice President Ernesto Bejarano.

MOTION #20-16 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

8.10 CSBA GAMUT Online, Period from July 1, 2019 through June 30, 2020, \$3,485.00. Services must be renewed by September 15, 2019 to keep uninterrupted access to service.

MOTION #20-17 by Vice President Ernesto Bejarano to Approve Action Item 8.10 as presented. MOTION #20-17 was seconded by Member Andrés Quintero.

MOTION #20-17 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

10. Business

10.02 Approve Grant Agreement. The United States Soccer Federation Foundation, Inc. (“Foundation”) has offered a grant to ARUSD for installation of a mini-pitch soccer field at Hubbard Media Arts Academy and Ben Painter Elementary School.

MOTION #20-18 by Member Corina Herrera-Loera to Approve Action Item 10.02 as presented. MOTION #20-18 was seconded by Member Andrés Quintero.

Vice-President Ernesto Bejarano asked who would be responsible for the maintenance.

Assistant Superintendent Chheng responded that the foundation would be responsible for the maintenance.

Clerk Dolores Marquez-Frausto asked who would be liable.

10. Business *(continued)*

Assistant Superintendent Chheng responded that the district would be liable.

Superintendent Bauer reminded the Board that Ocala has one already and that the students would be benefiting from it.

Member Andrés Quintero commented that it would be a small space and that the City of San Jose has one for the community. It is very successful. He said that maintenance is very minimal.

MOTION #20-18 carried with a vote of 3 in favor; no opposition; two absent (President Linda Chavez and Member Dolores Marquez-Frausto); and no abstention.

10.3 Approve Kidango's Proposal to Replace Playground Structures at Linda Vista Elementary School and Ryan STEAM Academy.

Vice-President Ernesto Bejarano said that it is very important to have wheelchair access for children. He said to consider the needs of the children.

Superintendent Bauer said that she had spoken to Kidango and they have created a design and it is ready to go. She said that she is respectfully asking the Board to approve item 10.03.

Clerk Dolores Marquez-Frausto asked if the district is liable.

Counsel Rogelio Ruiz said the district is liable.

Public Comments:

- 1) Female speaker asked if Linda Vista has access to the playground

Assistant Superintendent Chheng responded that Linda Vista does have access.

Vice-President Ernesto Bejarano asked that the Board not engage in too much Public Comment and to refer them to staff.

- 2) Female speaker said that she is a kindergarten teacher and is concerned about the tanbark because of broken glass.

Vice President Ernesto Bejarano asked if they have any details of service.

Assistant Superintendent Chheng replied that he does not know any details.

10. Business *(continued)*

10.04 Approve Amendment of Ground Lease Agreement between Alum Rock Union Elementary School District and Across the Bridge Foundation, dba Downtown College Prep-Termination of Building C Option.

MOTION #20-19 by Clerk Dolores Marquez-Frausto to Approve Action Item 10.04 as presented. MOTION #20-19 was seconded by Member Andrés Quintero and Vice President Ernesto Bejarano.

Member Corina Herrera-Loera said that she received a packet on this item and she wanted to know if there were any changes.

Assistant Superintendent Chheng responded that it was on a different agreement.

MOTION #20-19 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

11. Human Resources

11.01 Information Regarding Resignations.

Clerk Dolores Marquez-Frausto thanked Alyssa Neusel, Lyssa Perry, Liana Pellegrino and Michael Kretsch.

Vice-President Ernesto Bejarano wanted to also thank everyone for their service in Alum Rock. He said a parent wanted to thank Mr. Kretsch.

11.02 Approve Resolution No. 49-18/19 Reducing/Laying Off Classified Employee Services.

Superintendent Bauer wanted to remind the Board that this is a position that was paid with county monies and that they no longer will be supporting that position to that level. She said that employees have been notified.

Clerk Dolores Marquez-Frausto asked about the nature of these services.

Superintendent Bauer responded that it was a coordinator position in Student Services.

Vice-President Ernesto Bejarano said he works in this area and he said that they work with families that have the same zip codes that are in the district's area.

11. Human Resources (continued)

MOTION #20-20 by Vice President Ernesto Bejarano to Approve Action Item 11.02 as presented. MOTION #20-20 was seconded by Member Corina Herrera-Loera.

MOTION #20-20 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

12. Consent Calendar

There was consensus from the Board to combine and take action on Agenda Items 12.02, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08, 12.09, and 12.11 to discuss.

Member Corina Herrera-Loera asked to pull Agenda Item 12.10 Approve City Year San Jose/Silicon Valley Contract Reduction to be discussed separately.

Vice President Ernesto Bejarano asked to pull Agenda Item 12.01 Approve Contracts for Professional Services to be discussed separately.

12.02 Approve Adoption of Piggyback Able Contracts for Equipment, Materials, Supplies and Supplies, and Services (that are not construction services).

12.03 Approve School Plan for Student Achievement (SPSA) 2019-2020.

12.04 Approve/Ratify Notices of Employment and Changes of Status/June 27, 2019/Human Resources Department.

12.05 Approve ARUESD 2019-2020 Instructional Calendar.

12.06 Approve Start and End Times for School Year 2019-2020.

12.07 Approve Out of State Travel, CSEA Annual Conference, Las Vegas, NV, July 28-August 4, 2019 for Melody Todd, LeAnne Depew & Magdalena Grimaldo. No cost.

12.08 Approve out of State Travel, National Spanish Spelling Bee, Denver, CO, July 11-14, 2019 for Ma. Elena Villegas & Patricia Sarkes. Estimated cost \$3733.15.

12.09 Approve Revised Out of State Travel, New Tech Annual Conference, Orlando, FL, July 15-19, 2019 for JoAnn Sanchez, Jesse Springer, Linda Templeton, Jackie Montejano, Jasmine Woods, Amber Johnstone & Kevin Fuller. Estimated Cost \$11,350.00.

12.11 Approve the School-Sponsored Field Trip.

Member Andrés Quintero moved to approve everything and asked to discussion Real Options separately.

12. Consent Calendar *(continued)*

MOTION #20-21 by Member Andrés Quintero to approve Agenda Items 12.02, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08, 12.09, and 12.11 as presented. MOTION #20-21 was seconded by Member Corina Herrera-Loera.

MOTION #20-21 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

MOTION #20-22 by Member Corina Herrera-Loera to approve Agenda Items 12.01 as presented. MOTION #20-22 was seconded by Vice President Ernesto Bejarano.

Vice-President Ernesto Bejarano commented that Real Options focuses on life skills and he appreciates their services.

Clerk Dolores Marquez commented that there are 8 sessions and they are 1 ½ hours. She asked if they are in the morning or in the afternoon.

Superintendent Dr. Bauer responded that she would get the schedule for the Board.

President Linda Chavez commented that Real Options also performs abortions.

The representative from Real Options spoke about their programs they offer.

Superintendent Bauer commented that they are trying to offer students information for free services.

MOTION #20-22 carried with a vote of 3 in favor; one opposition (Member Andrés Quintero); no absent; and one abstention (Dolores Marquez-Frausto).

MOTION #20-23 by Member Corina Herrera-Loera to approve Agenda Items 12.10 as presented. MOTION #20-23 was seconded by Member Andrés Quintero.

Member Corina Herrera thanked Superintendent Bauer for going above and beyond and she was able to receive a 10% discount.

Vice President Ernesto Bejarano wants to make a point of order to encompass the votes as there are being taken.

MOTION #20-23 carried with a vote of 4 in favor; no opposition; no absent; and one abstention (Dolores Marquez-Frausto).

13. FUTURE BOARD AGENDA REQUESTS

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

14. ADJOURNMENT

14.01 President Adjourns the Meeting

15. Next Meeting (s)

15.02 July 11, 2019, Regular Board Meeting

15.03 August 8, 2019, Regular Board Meeting

President Linda Chavez adjourned the meeting at 10:58 p.m.

Respectfully submitted,

Linda Chavez (*in lieu of Clerk Dolores Marquez-Frausto who was absent*)
Board President
mc