



**Thursday, December 14, 2017**

**AGENDA - ANNUAL ORGANIZATIONAL AND REGULAR BOARD MEETING**

**Type: AGENDA - ANNUAL ORGANIZATIONAL AND REGULAR BOARD MEETING**

**Time: 5:30 p.m.**

**Code: Regular #11 -17/18**

**Location: ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT, 2930 Gay Avenue, San Jose, CA 95127; Board Room.**

**In compliance with the Americans with Disabilities Act, if you need special assistance in order to participate in the public meeting of the Board of Trustees, please contact the Office of the District Superintendent at (408) 928-6822. Notification 72 hours prior to the meeting will enable the District to make reasonable accommodations.**

**1. OPEN SESSION - CALL TO ORDER AND ROLL CALL**

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1.01 CALL TO ORDER / ROLL CALL -- PRESIDENT ANDRES QUINTERO.

1.02 ACTION: ANNUAL ORGANIZATIONAL MEETING, NOMINATION AND ELECTION OF BOARD PRESIDENT.

1.03 ACTION: ANNUAL ORGANIZATIONAL MEETING, NOMINATION AND ELECTION OF BOARD VICE-PRESIDENT.

1.04 ACTION: ANNUAL ORGANIZATIONAL MEETING, NOMINATION AND ELECTION OF BOARD CLERK.

1.05 ACTION: APPOINTMENT OF THE SECRETARY TO THE BOARD.

1.06 ANNOUNCEMENT AND PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION (Government Code Section 54957.7).

1.07 ADJOURNMENT TO CLOSED SESSION: The Board will adjourn to Closed Session at approximately 5:45 p.m. Open Session will resume at the end of Closed Session in the Board Room at approximately 6:45 p.m.

**2. CLOSED SESSION**

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2.01 INFORMATION/DISCUSSION/ACTION: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION. Paragraph (1) of Subdivision (d) of Government Code Section 54956.9. One (1) case: In the Matter of Student J.R. v. Alum Rock Union Elementary School District, OAH Case No. 2017100139.

2.02 INFORMATION/DISCUSSION/ACTION: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION. Pursuant to paragraph (1) of Subdivision (d) of Government Code Section 54956.9. One (1) case: In the Matter of Student P.G. v. Alum Rock Union Elementary School District and San Jose Unified School District, OAH Case No. 2017100672.

2.03 INFORMATION/DISCUSSION/ACTION; CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION. Pursuant to paragraph (1) of Subdivision (d) of Government Code Section 54956.9): Professional Asbestos & Lead Services, Inc. v. Everlast Builders, Inc., and Alum Rock Union Elementary School District. Santa Clara County Superior Court Case No. 17CV305853.

2.04 INFORMATION/DISCUSSION/ACTION: CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION. Pursuant to paragraph (1) of Subdivision (d) of Government Code Section 54956.9: Bay Area Asphalt and Cement, et al. v. Alum Rock Union Elementary School District, et al. Santa Clara County Superior Court Case No. 17CV306628.

2.05 INFORMATION/DISCUSSION/ACTION; CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) (Government Code Section 54956.9): Four (4) potential cases.

2.06 DISCUSSION/ACTION: PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT (Government Code Section 54957): Title: Coordinator, State and Federal Program.

2.07 DISCUSSION/ACTION; PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957).

### **3. RECONVENE TO OPEN SESSION - DISTRICT OFFICE BOARD ROOM**

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3.01 CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE BY BOARD PRESIDENT.

3.02 REPORT OF ACTION TAKEN IN CLOSED SESSION.

3.03 DISCUSSION AND/OR MODIFICATION(S) OF THE AGENDA. The Board may change the order of business including, but not limited to, an announcement that an agenda item will be considered out of order, that consideration of an item has been withdrawn, postponed, rescheduled or removed from the Consent Calendar for separate discussion and possible action.

### **4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

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4.01 "REQUESTS TO ADDRESS THE BOARD" provides members of the public an opportunity to speak to the Board about any matter under the jurisdiction of the Board and not otherwise on the agenda. Those who wish to address specific agenda items will have an opportunity to do so when that agenda item is introduced and presented during this meeting. Individuals wishing to speak are requested to proceed to the podium. There is a three-minute time limit for each speaker. The Board will automatically refer to staff any formal written requests that are brought before them at this time. Written matters may be placed on a future meeting.

### **5. COMMENTS AND COMMUNICATION**

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5.01 Teamsters.

5.02 California School Employee's Association (CSEA).

5.03 Alum Rock Administrator's Association (ARAA).

5.04 Alum Rock Educator's Association (AREA).

5.05 Superintendent.

5.06 Board of Trustees/Communications/Comments

### **6. SUPERINTENDENT/BOARD BUSINESS**

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6.01 DISCUSSION/ACTION: Approval of the Proposed Board Meeting Calendar for the Regular Board Meetings in 2018. Dates include the following: January 18; February 8; March 8; April 12; May 10; June 14; July 12; August 09; September 13; October 11; November 08; and December 13, 2018.

6.02 ACTION: Approve Call for Nominations for CSBA Delegate Assembly. Each year, member boards elect representatives from 21 geographic regions to CSBA's Delegate Assembly. Delegates ensure that the association promotes the interests of school districts and county offices of education throughout the State. Nomination and candidate biographical sketch forms for CSBA's Delegate Assembly are now being accepted until Sunday, January 7, 2018.

6.03 DISCUSSION/ACTION: Adopt the First Reading of the Amended Board Policy 4030, NonDiscrimination in Employment, Personnel.

6.04 DISCUSSION/ACTION: Adopt the First Reading of the Amended Administrative Regulation 4031, NonDiscrimination in Employment and Complaints Concerning Discrimination in Employment, Personnel.

6.05 DISCUSSION/ACTION: Adopt the Second Reading of the Amended Board Policy 2121, Superintendent's Contract, Administration.

6.06 DISCUSSION/ACTION: The Board will discuss and may renew the contract for Rehon and Roberts Law Firm for the purpose of the Securities and Exchange Commission (SEC) issue, District Attorney Investigation, and Collective Bargaining Negotiations.

6.07 INFORMATION/DISCUSSION/ACTION: Board Consideration Of, And Response To, December 4, 2017, Letter from Santa Clara County Office of Education. The Interim Santa Clara County Superintendent of Schools has requested the Board to provide the County Office of Education with its position (i.e., accept/reject/seek another legal opinion) regarding Attorney Rogelio Ruiz's November 8, 2017, Legal Memorandum to Superintendent Bauer and Assistant Superintendent Chheng regarding "Analysis of Conflict of Interest Issues Relating to Program Management and Construction Management Services".

6.08 DISCUSSION/ACTION: The Board will discuss, review, and/or select one or more legal services provider(s).

6.09 INFORMATION/DISCUSSION/ACTION: Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Faultline.

6.10 INFORMATION/DISCUSSION/ACTION: Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms.

6.11 DISCUSSION/ACTION: Board-Created Committees. The Board will discuss the merits of, and may take action to create various Board Committees, such as (1) Bonds, Facilities, and Finance Committee; (2) Curriculum and Technology Committee; (3) Parent Engagement Committee; and (4) Small Schools and Innovation Committee. If Board-Created Committees are created, committee appointments will also be made.

6.12 ACTION: Resolution No. 18-17/18. Resolution to Approve to Work Cooperatively with Fiscal Expert to be Appointed by Santa Clara County Office of Education (SCCOE).

6.13 INFORMATION/DISCUSSION: FCMAT Update - Request for Documents.

6.14 INFORMATION/DISCUSSION/ACTION: Board Retreat and Training, which may include a session on Board Self-Evaluations.

6.15 INFORMATION/DISCUSSION: Board-Created Standing Committees. The Board will report on the following committees: (1) Bonds, Facilities, and Finance; (2) Curriculum and Technology; (3) Parent Engagement; and (4) Small Schools and Innovation.

6.16 INFORMATION/DISCUSSION/ACTION: Staff to provide an update pertaining to Fischer Middle School and addressing school climate and environment issues.

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**7. BOND / FACILITIES**

7.01 INFORMATION/DISCUSSION: Presentation Mission Trail Advisors LLC: Bond Issuance Update.

7.02 PRESENTATION AND/OR UPDATE ON THE BOND/FACILITIES. Mr. Luis Rojas will present a written update on the status of the Bond Projects.

7.03 INFORMATION/ACTION: Approve HVAC Upgrades Project at Dorsa Elementary School Notice of Completion.

7.04 INFORMATION/ACTION: Approve (9) New Portable Installations and New Parking Area for Hubbard Elementary School Notice of Completion.

7.05 INFORMATION/ACTION: Approve HVAC Upgrades Project at L.U.C.H.A. Elementary School Notice of Completion.

7.06 INFORMATION/ACTION: Approve Restroom and Access Upgrade Project at Mathson Middle School Notice of Completion.

7.07 ACTION: Approve Contract with Sugimura Finney Architects, Inc., Bonds for Ryan and Russo/McEntee Schools, \$252,000.00 per school site.

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**8. CONTRACTS OVER \$100,000**

8.01 ACTION: Approve Contract With Spectrum Center, Special Education, \$146,229.60

8.02 ACTION: Approve Contract with Curriculum Associates, LLC., Academic Services, \$346,196.25

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**9. INSTRUCTIONAL SERVICES**

9.01 INFORMATION/PRESENTATION: 2017 California Assessment of Student Performance and Progress (CAASPP)

9.02 ACTION: Approve Single Plan for Student Achievement.

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**10. HUMAN RESOURCES**

10.01 INFORMATION Regarding Resignations.

10.02 ACTION: Approval of Memorandum of Understanding between Alum Rock Educators Association and Alum Rock Union Elementary School District regarding Psychologist and Speech Pathologist Salary Schedule retroactive to July 1, 2017.

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**11. BUSINESS SERVICES**

11.01 INFORMATION/ACTION: To receive and approve the First Interim Financial Report.

11.02 DISCUSSION/INFORMATION/ACTION: 2016/2017 Annual Audit Extension.

11.03 INFORMATION/ACTION: Approval of Annual Developer Fees 2016-17.

11.04 INFORMATION/ACTION: Preparation of a Facilities Condition Assessment Report.

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**12. CONSENT CALENDAR**

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- 12.01 ACTION: Approve Board Meeting Minutes for the following dates: (1) August 30, 2017, Special Board Meeting; and (2) November 16, 2017, Special Board Meeting.
- 12.02 ACTION: Acceptance of Grant/Award Notification.
- 12.03 ACTION: Approve Contracts for Professional Services - Individuals.
- 12.04 ACTION: Approve Contracts for Professional Services - Firms.
- 12.05 ACTION: Approve Memorandum(s) of Understanding(s).
- 12.06 ACTION: Acceptance of Donations.
- 12.07 ACTION: Approval of Fundraising Activities.
- 12.08 ACTION: Acceptance of Vendor & Payroll Warrants.
- 12.09 ACTION: Enrollment/Attendance Report for Month 3 (October 23 thru November 17, 2017).
- 12.10 ACTION: Approve the Santa Clara County Treasury Investment Portfolio Status.
- 12.11 ACTION: Amendment of Land Use Agreement with Santa Clara County Office of Education (SCCOE) at Lyndale Elementary School.
- 12.12 ACTION: Approve Inventory Disposal Resolution No. 17-17/18.
- 12.13 ACTION: Approve/Ratify Notices of Employment and Changes of Status/December 14, 2017/Human Resources Department.
- 12.14 ACTION: Approve Out of State Travel, Catalyst Teacher Professional Development, Boston, MA, January 11 - 12, 2018 for Ketki Tarde, Sarika Kukreja and Loretta Tanner. No cost.
- 12.15 ACTION: Approve Out of State Travel, Deloitte Courageous Principal Program, Westlake, TX, January 19-21, 2018 for Anna Nguyen. No cost.
- 12.16 ACTION: Approve Out of State Travel, FETC Conference, Orlando, FL, January 23-26, 2018 for Tracy Leathers and Cristina Bustamante. No cost.
- 12.17 ACTION: Approve Out of State Travel, FETC Conference, Orlando, FL, January 23-26, 2018 for Jackie Montejano and Jennifer Doherty. No cost.
- 12.18 ACTION: Approve School-sponsored Field Trip List.

### **13. FUTURE BOARD AGENDA REQUESTS**

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

### **14. ADJOURNMENT**

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- 14.01 President adjourns the meeting.