



**Thursday, September 14, 2017  
AGENDA - REGULAR BOARD MEETING**

**Type: AGENDA - REGULAR BOARD MEETING**

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

**Code: Regular #06-17/18**

**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 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 ESAU RUIZ HERRERA.

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

1.03 ADJOURNMENT TO CLOSED SESSION: The Board will adjourn to Closed Session at approximately 5:30 p.m. Open Session will resume at the end of Closed Session in the Board Room at approximately 6:30 p.m.

**2. CLOSED SESSION**

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2.01 INFORMATION/DISCUSSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957). Title: Superintendent.

2.02 INFORMATION/DISCUSSION: CONFERENCE WITH LABOR NEGOTIATOR - Agency Designated Representative: Board President Esau Ruiz Herrera: Unrepresented Employee: Superintendent.

2.03 INFORMATION/DISCUSSION/ACTION: LIABILITY CLAIMS (Government Code Section 54956.95) Tort Claim Claimant: Guardian Pauline Cervantez, on Behalf of Student JP Tort Claim #17/18-001. Agency: Alum Rock Union Elementary School District.

2.04 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): One (1) potential cases.

2.05 INFORMATION/DISCUSSION/ACTION; CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One (1) potential case.

2.06 DISCUSSION/ACTION: PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT (Government Code Section 54957); Title: Director of State & Federal.

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 PRESIDENT ESAU RUIZ HERRERA.

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, or rescheduled.

### **4. SPECIAL RECOGNITION AND/OR PRESENTATION**

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4.01 SPECIAL RECOGNITION: Excellence Award. Two teachers who teach in the Therapeutic Special Day Classes at Ryan Elementary School have been awarded an Excellence Award by the South East Consortium SELPA. These teachers are Ms. Clarissa Johnston and Mr. Prabhjot Singh.

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

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5.01 "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.

### **6. PUBLIC HEARING**

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6.01 PUBLIC HEARING: Hold a Public Hearing regarding Sufficiency of Instructional Materials.

### **7. COMMENTS AND COMMUNICATION**

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7.01 Teamsters.

7.02 California School Employee's Association (CSEA).

7.03 Alum Rock Administrator's Association (ARAA).

7.04 Alum Rock Educator's Association (AREA).

7.05 Superintendent.

7.06 Board of Trustees/Communications/Comments

### **8. SUPERINTENDENT/BOARD BUSINESS**

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8.01 DISCUSSION/ACTION: Approve the Employment Agreement with Superintendent Dr. Hilaria Bauer for the term from September 14, 2017 thru June 30, 2020 to provide services as Superintendent.

8.02 DISCUSSION/ACTION: Renewal Contract for Continued Representation of Legal Services. The Board will discuss and may take action to approve the renewal of the Contract Agreement for Legal Services with Office of the County Counsel, County of Santa Clara for the term of July 1, 2017 through June 30, 2018.

8.03 DISCUSSION: The Board will review hours spent on legal counsel.

8.04 INFORMATION/DISCUSSION/ACTION: Process and Selection for a New District Legal Counsel.

8.05 INFORMATION/DISCUSSION: Discuss and approve \$250,000 set aside as restricted funds for use later as legal funds to initiate and defend lawsuits against federal immigration assessments and raids impacting sanctuary school district like Alum Rock.

8.06 DISCUSSION/ACTION: Board Training and Professional Development. The Board will discuss and may take action to schedule a Professional Development Session facilitated by CSBA, focused on "Board Self-Evaluation".

8.07 INFORMATION/DISCUSSION/ACTION: Call for Nominations for Directors-at-Large African American, American Indian, and County. The nominations for Directors-at-Large must be made by a CSBA Member Board and the nominee must be a Board Member from a CSBA Member District or County Office of Education. Nominations are currently being accepted until Friday, September 29, 2017.

8.08 INFORMATION/DISCUSSION: The Board is requesting to have an updated status on the FCMAT Report and the requested documents. In addition, the Board will provide clarification for the FCMAT response and recommendations.

8.09 INFORMATION/DISCUSSION: A Report from the MOT Department regarding the process and status of completed and pending work orders and maintenance projects for 2016-17 school year.

8.10 INFORMATION/DISCUSSION: Program and Construction Management Agreement for Measure I. Terminate Contract between Alum Rock Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group.

8.11 INFORMATION/DISCUSSION: Construction Management Agreement, Measure J. Terminate Contract between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Construction Management of the ARUSD Bond Program.

8.12 INFORMATION/DISCUSSION: Program Management Agreement, Measure J. Terminate Contract between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Program Management of the ARUSD Bond Program.

8.13 INFORMATION/DISCUSSION: An Executive Summary will be presented by Assistant Superintendent Kolvira Chheng: (1) Facility Assessment; (2) Air Conditioning Assessment Report; (3) Measure J Bond Expenditures.

8.14 DISCUSSION/ACTION: Request of Citizens Oversight Committee (COC) for Technical Assistance.

8.15 DISCUSSION: The Board will reconsider the meeting schedule for the Bonds, Facilities, and Finance Committee.

8.16 ACTION: Approve the Fourth Amendment to Joint Use Agreement Between Alum Rock Union Elementary School District and Alpha Public Schools, Inc., Operating Blanca Alvarado Middle School.

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

## **9. BOND / FACILITIES**

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

9.02 INFORMATION/DISCUSSION/ACTION: Report and Update regarding Resolutions No. 53-16/17 and 54-16/17 pertaining to Debt and Bond Issuance.

9.03 ACTION: Approve Re-Roofing Project at L.U.C.H.A. Elementary School Notice of Completion.

9.04 ACTION: Approve Re-Roofing Project at Mathson Middle School Notice of Completion.

9.05 ACTION: Approve Re-Roofing Project at Russo Elementary Notice of Completion.

9.06 ACTION: Approve Contract with Sugimura Finney Architects, Inc., Bonds for Arbuckle School, \$152,000.00.

9.07 ACTION: Approve Contract with Sugimura Finney Architects, Inc. Bonds for Cureton School, \$152,000.00.

9.08 ACTION: Approve Contract with Sugimura Finney Architects, Inc. Bonds for McCollam E. S. \$152,000.00.

## **10. CONTRACTS OVER \$100,000**

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10.01 ACTION: Approve ASES Contract Adjustment with City Year, Inc., State & Federal, \$155,069.00.

## **11. INSTRUCTIONAL SERVICES**

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11.01 PRESENTATION: Extended Year Presentation.

11.02 INFORMATION: 2017 California Assessment of Student Performance and Progress (CAASPP).

11.03 INFORMATION: Local Control Accountability Plan (LCAP) Timeline.

## **12. HUMAN RESOURCES**

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12.01 INFORMATION Regarding Resignations.

## **13. BUSINESS**

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13.01 INFORMATION/ACTION: Unaudited Actual Financial Reports for 2016 – 2017 Report to the Board on Unaudited Actuals as Required by Law.

13.02 INFORMATION: Small Business Outreach and Information Session Report.

## **14. CONSENT CALENDAR**

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- 14.01 ACTION: Approve Board Meeting Minutes for the following dates: (1) July 18, 2017, Special Board Meeting; and (2) July 27, 2017, Special Board Meeting.
- 14.02 ACTION: Acceptance of Grant/Award Notification.
- 14.03 ACTION: Approve Memorandum(s) of Understanding(s).
- 14.04 ACTION: Approve Contracts for Professional Services - Firms.
- 14.05 ACTION: Approval of Fundraising Activities.
- 14.06 ACTION: Acceptance of Donations.
- 14.07 ACTION: Acceptance of the Vendor & Payroll Warrants-JULY
- 14.08 ACTION: Acceptance of the Vendor & Payroll Warrants-AUGUST.
- 14.09 ACTION: Approve the Santa Clara County Treasury Investment Portfolio Status.
- 14.10 ACTION: Approve UpKeep Maintenance Management Work Order System.
- 14.11 ACTION: Approve Resolution No. 07-17/18; Creating a College Culture.
- 14.12 ACTION: Approve Resolution No. 08-17/18; Hispanic Heritage Month, September 15-October 15, 2017.
- 14.13 ACTION: Approve Resolution No. 09-17/18; Character Education Month; October, 2017.
- 14.14 ACTION: Approve Resolution No. 10-17/18; Week of the School Administrator; October 8-14, 2017.
- 14.15 ACTION: Approve Resolution No. 11-17/18, Regarding Sufficiency or Insufficiency of Instructional Materials.
- 14.16 ACTION: Approve Resolution No. 12-17/18 October - Disability Awareness Month.
- 14.17 ACTION: Approve Resolution 13-17/18 NJPA Piggyback Contract #031715 Furniture with Related Accessories and Services.
- 14.18 ACTION: Approve Out of State Travel, Harvard Law School: Negotiation & Leadership Program, Cambridge, MA, October 16-18, 2017 for Hilaria Bauer, Jess Serna, Kolvira Chheng, Carlos Moran, Jocelyn Merz, Seyem Estep, Danielle Letts, Kris Clarke and Esau Ruiz Herrera. Estimated cost is \$45,540.
- 14.19 ACTION: Acceptance of Reclassification Criteria. English Language Learners are reclassified fluent English Proficient based on a set of State and District criteria. This is an overview of the criteria for the 2017-18 school year.
- 14.20 ACTION: Acceptance of Seal of Biliteracy Achievement Awards - Criteria.
- 14.21 ACTION: Approve/Ratify Notices of Employment and Changes of Status/September 14, 2017/Human Resources Department.
- 14.22 ACTION: Approve School-sponsored Field Trip List.

**15. FUTURE BOARD AGENDA REQUESTS**

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

**16. ADJOURNMENT**

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