

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

**MINUTES OF A SPECIAL MEETING AND WORKSHOP  
BOARD OF TRUSTEES  
of the Alum Rock Union School District  
Held on Thursday, May 21, 2020, 5:30 p.m.  
Board Members and Superintendent participated via Zoom Meeting  
Meeting #17-19/20**

**1. OPEN SESSION**

**1.01 Call to Order/Roll Call/Pledge of Allegiance**

President Ernesto Bejarano called the Special Board Meeting to order at 5:32 p.m. and welcomed everyone in the audience. President Ernesto Bejarano led the Pledge of Allegiance at this time.

Board Members Present:

Ernesto Bejarano	President
Corina Herrera-Loera	Vice-President
Andrés Quintero	Clerk
Dolores Marquez-Frausto	Member
Linda Chavez	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Carlos Moran	Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office

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

### **1.01 Call to order/Roll Call/Pledge of Allegiance**

President Ernesto Bejarano said there is a quorum. He said the meeting is being recorded.

President Ernesto Bejarano said the Board has been working on the mission and vision goals from the past. He said the Board needs to redefine those goals and take another look at them. As a Board, we will have discussion about the goals. He said he will be turning it over to Counsel Rogelio Ruiz.

Counsel Rogelio Ruiz said there are three separate items for action on the agenda. He said there are areas of overlap with the FCMAT report which was issued in 2017 and the current state audit report. He said that according to the FCMAT and the state auditor, there is a lack of adherence. He said the district's board Bylaws 9000 typically call out for the Board to set the direction to the district and to establish standards of responsibility. He said according to those agencies, there have been years of recommendations in both reports. He mentioned that the state audit report also says for the Board to establish a code of conduct. He said the purpose of today's meeting is to do the Governance Handbook which is the vehicle that is going to incorporate all of those concepts. He said the primary areas of focus are developing a vision, mission statement priorities, and goals for the district.

President Ernesto Bejarano asked that when developing the vision and mission statements, if they are for the entire district and not exclusive to the Board.

Counsel Rogelio Ruiz said that is correct.

President Ernesto Bejarano asked for the best way to handle grammatical errors. Do they need to be handled tonight or can they come back at some point?

Counsel Rogelio Ruiz replied that they could be brought back. He said he knew the district, at some point, was trying to work within a timeframe. He said there needs to be some type of follow up within the next few days to show that the district is showing progress. He commented that any grammar issues should be forwarded to the Superintendent and staff. He said the document needs to be brought to the Board to finalize.

President Ernesto Bejarano said, in a sense, the Board can see this as a living document. He said the Board needs to vote and approve for purposes of compliance. He commented that after checking the Board's thoughts, we need to make sure they meet the district's needs.

Member Linda Chavez said she was covering this now because Counsel Rogelio Ruiz covered the rules and responsibilities. She said Counsel Rogelio Ruiz quoted what the Board needs from the Superintendent. She noticed that in section C in the table of contents, that has been omitted in the new ones. Two lines were omitted from section C. She said she would like to see those back. She said she knows she ran into those during her presidency. She said she would like those to be added back to roles and responsibilities.

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

President Ernesto Bejarano said he wants to ensure that the meaning of the vision and mission statements is known before the Board delves into other areas of the Governance Handbook.

Member Dolores Marquez-Frausto said in the last Governance Handbook 2012 that the Board is viewing, she would like Counsel Rogelio Ruiz to explain if the signature page of explanation of agreement needs to be placed there. She said she agreed with Member Linda Chavez's comments.

Counsel Rogelio Ruiz said it might be needed there depending on what the Board says. He said the Board may think it is appropriate for all five members sign. He said the reason why he deleted it is because that was the agreement the Board reached when the handbook was established. He commented that he wants the Board to have the opportunity to establish its agreements.

Member Dolores Marquez-Frausto said she understands what the Board needs to agree on, but she is questioning if it was put there to make sure all parties agreed to it.

Counsel Rogelio Ruiz replied if Member Dolores Marquez-Frausto would look at the page, it is explaining the redline agreements to facilitating leadership. He said it itemizes 11 different things. He said there are more than 11 concepts that are being agreed to in this Governance Handbook. He said he felt if the Board is inclined for the members to sign it to memorialize the agreement, it should be the entire book, not just the 11 items.

Member Linda Chavez said when they did this, it was done in 2007-2008. She said she would like for the Board to see the 2008 Governance Handbook to be more clear. She said it would be when Norma was the superintendent. A lot of the stuff was detailed and they brought CSBA to the district and did it there.

President Ernesto Bejarano asked Member Linda Chavez what she is suggesting.

Member Linda Chavez replied she is suggesting that they revisited the 2008 Governance Handbook and took a lot of the information to create the 2012 Governance Handbook. She said the Board is now revisiting the other stuff and is revising from 2012 up until 2020. She said the Board should also look at 2007-2008 that covered more stuff and was more clear. She said she read all three copies.

President Ernesto Bejarano asked if Member Linda Chavez is alright with moving forward tonight with what the Board has.

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

Member Linda Chavez said she has been trying to push this forward for a year-and-a-half. She said she has to get this done. She said she realizes that she is the one delaying it. She said there is so much information on the other one, it being concise, and now it is being concise even more. She said she is willing to move forward.

President Ernesto Bejarano said it seems that Member Linda Chavez is alright with moving forward.

Vice-President Corina Herrera-Loera said she wanted to thank Member Linda Chavez for reading the previous Governance Handbook. She wonders if there is something major that may have been missed. She said she would like to come and discuss the Governance Handbook further next time when things are much slower.

Member Linda Chavez said roles and responsibilities were omitted.

President Ernesto Bejarano said roles and responsibilities will be discussed.

President Ernesto Bejarano said he was hoping to have a brief discussion this evening. He said the biggest part of the discussion will be the vision and mission statements. He said the vision statement should be something big. He commented that one of the facilitators said the vision statement was to have a diploma in every hand. He said the mission statement is a little more specific on how the district plans to get to the vision statement.

Member Linda Chavez commented that this would be for all students, all grade levels, and above.

President Ernesto Bejarano asked Member Linda Chavez if she was speaking about the vision or a mission statement.

Member Linda Chavez replied it would be the vision statement. She said like the facilitator stated to have a diploma in everyone's hand. She said when they started to work on the vision statement, Mr. Arturo Flores said that he envisioned all students would be at grade level and above without pushing it.

President Ernesto Bejarano asked the Board members what they think is the vision statement. He asked if it is the way he described it or if they disagree.

Clerk Andrés Quintero said he agrees with President Ernesto Bejarano's description. He asked if there is going to be a framework within which the Board can work. He said he wants to know how the Board can move more productively and give input.

President Ernesto Bejarano asked if Clerk Andrés Quintero meant to have visual things.

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

Clerk Andrés Quintero replied yes and asked if he could let the Board know the plan. He said he wants to get mental visuals on how it will be planned out.

President Ernesto Bejarano said he intends to put the document up and go through sections discussing any edits or suggestions Board members may have.

Vice-President Corina Herrera-Loera said she agrees to first discuss the vision and mission statements like they have been agendaized. She said she agrees to go through the general areas.

Member Dolores Marquez-Frausto said she could not visualize how it would be done. She said she has a problem with the way the Governance Handbook is because there is a lot of things omitted like her colleague Member Linda Chavez had mentioned. She said she knows there is a timeline, but the Board needs to go back and look at what was omitted that is important.

President Ernesto Bejarano said to move forward in terms of the agenda. He said what he intends to do first is to have a Board discussion and then have public comment. He asked Counsel Rogelio Ruiz if there is anything specific that needs to be heard first.

Counsel Rogelio Ruiz said no since you are willing to be flexible in terms of public comment and listening to the Board's comments. He said the Board always needs to focus on the areas of agreement.

President Ernesto Bejarano asked if there is public comment for items 3.01, 3.02 and 3.03.

Director Mr. Avtar Gill said there is no public comment.

President Ernesto Bejarano said the first item to be addressed is the vision statement, then the mission statement, and then the specifics of the handbook.

Member Linda Chavez said when the district got dinged by the state, the mission and vision statements that the district had were from 2005. She said she spoke to Superintendent Bauer about it and she was embarrassed so she ripped it up. She asked what the district had for a vision and mission statement before 2005.

Superintendent Bauer said she did not think she would have ripped up anything.

Member Linda Chavez said that is what Superintendent Bauer told her because the district got dinged when she was Board President. She said she is surprised that it was not put here because that was the vision and mission statement before. She said if there is going to be a comparison of school districts, our districts should be included also.

President Ernesto Bejarano said he is trying to understand the reason to go back.

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

Member Linda Chavez gave an example as to why to go back. The previous Board was going to allocate the money to do all the repairs. She said things were not getting done five years later. She said that sometimes you must move forward, but you must also address what was voted on before in order to make sure those things are accomplished.

Vice-President Corina Herrera-Loera said to Member Linda Chavez that when the Board dives deep into this, it would be good to bring this back when the Board has access to it.

Member Linda Chavez said the Board needs to keep in mind to follow through on what was promised before by the previous Board. She said the Board wants to make sure that people trust them to follow through on promises from the past.

Member Dolores Marquez-Frausto said she has been here the longest. She said somewhere, along the line, someone stopped posting the vision and mission statements. She said they were always located in the lobby of every school. She said they could not be found. She said they are somewhere unless they were thrown out. She commented that she was part of the committee and the committee came out with a better vision statement. She said the staff needs to see what can be found that was there.

President Ernesto Bejarano said he agreed with Vice-President Corina Herrera-Loera that the Board cannot start from scratch every four years and develop new ideas. He commented that stakeholders and Board members developed something from years ago that is being presented tonight. He said the environment has changed. He said the vision and mission statements reflect reality from twelve years ago but may not reflect reality for the next fifteen to twelve years. He said he certainly does not discount things from the past. He said there is a balance from the past work to carry over towards the future.

Member Dolores Marquez-Frausto said she is offended. She said she came here when she was eighteen years old. She said many people are like her and have been at Alum Rock for many generations, and to say times have changed--those values are still there and everybody knows that. She said if the Board is going to do a vision statement, it needs to be a meaningful core value.

### **3. SUPERINTENDENT / BOARD BUSINESS**

#### **3.02 Approve the District Vision Statement**

Member Linda Chavez said finding solutions together with parents, teachers, administrators, and lawmakers is for the good of students. She said she added lawmakers because of COVID-19. She said when Superintendent Bauer asked to come up with a mission and vision statement in 2019, that is what she came up with.

Member Linda Chavez reiterated finding solutions for coming together with parents, teachers, administrators, and lawmakers for the good and benefit of all STUDENTS!

**President Ernesto Bejarano said ARUSD will use adversity as a springboard the opportunity to develop the resourcefulness and creativity and resilience that allows students to compete at any level.**

Member Dolores Marquez-Frausto said the two vision statements sounded good to her.

Superintendent Bauer said she agreed with Member Dolores Marquez-Frausto regarding the vision statement needing to be something big. She said the vision statement needs to be concise and to the point.

Clerk Andrés Quintero said the district does not have the resources that other districts have. He said the community is at a disadvantage because of money.

President Ernesto Bejarano commented on the vision statement Member Linda Chavez said that when he sees lawmakers, he does not see a negative connotation. He said this could be looked at to consolidate the Board's thoughts.

Member Linda Chavez said she did not send her kids to James Lick High School. She said they went to Santa Teresa High School. She said everyone looked at them as the poor East Side kids. She commented that she did not understand what Clerk Andrés Quintero is saying. She commented that her kids did not negatively look at themselves. She said her kids can do anything and accomplish anything they want.

Vice-President Corina Herrera-Loera commented to focus on what the Board is doing. She said one of the things that she wants to point out is to focus on the words that are coming out.

### **3. SUPERINTENDENT / BOARD BUSINESS**

Member Dolores Marquez-Frausto said that in Stand and Deliver, they are like the kids at the district. She said that Jaime Escalante told the kids to try harder. She said to tell kids to do their best because she knows they can do it. She said she wants to make it a safe place for everybody.

President Ernesto Bejarano thanked Member Dolores Marquez-Frausto for saying what she said. He said this discussion is a safe place. He commented that constructive criticism is not to be taken personally. He said everyone is working on the same goals.

Clerk Andrés Quintero said to the point regarding Stand and Deliver, Jaime Escalante said you have to push them. He said the whole idea is to push them to push to go forward. He said one of the things that he thinks is important for the Board to look at is that other districts are dealing with the same type of social-economic situation. He said he would like to take the opportunity to share the mission statement from Union City, New Jersey.

President Ernesto Bejarano said that adversity has strength. He said that whenever he is asked by someone about his success in Alum Rock, East San Jose, he thinks of adversity that he has faced personally. He commented that with adversity, people develop tools. He said when he uses the word adversity, he thinks of staff, teachers, and many of the district's students.

Member Linda Chavez commented that a lot of Spanish-speaking students graduated because someone believed in them and they believed in themselves. She said if students want to do well, they can. She said it is up to everyone to instill this in them.

**MOTION #01-17 by Member Linda Chavez to move the meeting until another three hours. MOTION #01-17 was seconded by President Ernesto Bejarano.**

Member Dolores Marquez-Frausto said she would like to suggest having a discussion and Superintendent Bauer can put something together. She said the discussion can continue and she can chime in.

Clerk Andrés Quintero said he agrees. He said Superintendent Bauer can take a global perspective with the things being discussed. He commented that the Board should incorporate all their experience in Alum Rock. He said he believes Superintendent Bauer can hear all the input and give the Board a global picture to consider.

President Ernesto Bejarano asked Clerk Andrés Quintero what he meant by a global picture. He asked if what he is saying is that the Board has a discussion and then Superintendent Bauer crafts the actual statement.



### **3. SUPERINTENDENT / BOARD BUSINESS (continued)**

Clerk Andrés Quintero said Superintendent Bauer receives input from her communication with city leaders, county residents, and various committees. He said Superintendent Bauer would be able to incorporate all of that experience and give the Board a draft.

President Ernesto Bejarano added with the knowledge that the Board needs to take action tonight.

Clerk Andrés Quintero said he assumes that Superintendent Bauer came prepared with notes already.

Superintendent Bauer said she was drafting something. She asked the Board if they would like to consider it right now. She asked Senior Executive Assistant Maribel Carrillo to type it on the whiteboard for the Board members to see. It reads: We believe all Alum Rock Students can be ready for the future, a diverse and competitive world.

President Ernesto Bejarano said along the lines of the vision statement he would like to add something as to what are you going to do. All Alum Rock Students will be ready for a diverse and competitive world.

The Board had discussion.

President Ernesto Bejarano stated what the Board believes should be added. All Alum Rock Students will be ready for the future, in a diverse and competitive world.

**MOTION #02-17 by Member Dolores Marquez-Frausto to adopt this vision statement on the screen. MOTION #02-17 was seconded by Member Linda Chavez.**

President Ernesto Bejarano said there was a motion on the floor to adopt this vision statement. He asked if there was any further discussion by the Board.

#### **Public Comment:**

- 1) Jocelyn Merz said there is no need to have a comma after the word future. She said the Board is doing an awesome job.

***Vision statement: All Alum Rock Students will be ready for the future in a diverse and competitive world.***

Counsel Rogelio Ruiz said just for the record this is item 3.02.

***MOTION #02-17 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

### **3. SUPERINTENDENT / BOARD BUSINESS *(continued)***

#### **3.03 Approve the District Mission Statement.**

President Ernesto Bejarano said the mission statement will be more. He said a mission statement, through committed staff and dedicated partners and stakeholders, we will maintain an environment that develops well-rounded students who are able to focus on their academic, emotional, and physical wellbeing.

Clerk Andrés Quintero stated the mission statement from Union City School District in New Jersey. He said it went along with what President Ernesto Bejarano mentioned.

The district seeks to make our schools dynamic and democratic learning environments from which our students emerge as fully fluent users of new and emerging technologies. Embedded in our approach to education is the concept of children, families, teachers, and community working together to facilitate and maximize the Union City School District's commitment to excellence.

The Board had discussion.

Member Dolores Marquez-Frausto stated the Alum Rock School District will provide all students with a skill to become successful, lifelong learners for the twenty-first century.

President Ernesto Bejarano said there will be a five-minute break and the Board will come back at 7:55 pm.

The Board had discussion.

Superintendent Bauer said our mission is to provide all Alum Rock students a safe and high quality learning environment by coming together with all stakeholders for the benefit of our community.

The Board had discussion.

Superintendent Bauer said our mission is to provide all Alum Rock students with a high-quality, 21<sup>st</sup> century learning environment where they can emerge as fluent user and creators of new and emerging technologies by working together with all stakeholders for the benefit of all our students.

The Board had discussion.

President Ernesto Bejarano read the vision statement Together with stakeholders, we will provide Alum Rock Students with high-quality, 21st century learning that builds upon our culturally-diverse community to prepare our students to compete for the careers.

## **2. SUPERINTENDENT / BOARD BUSINESS (continued)**

President Ernesto Bejarano read the updated vision statement Together with stakeholders, we will provide Alum Rock Students with high-quality, 21st century learning that builds upon our culturally-diverse community to prepare our students to compete for the careers of the future.

**MOTION #03-17 by Member Linda Chavez to approve mission statement. MOTION #03-17 was seconded by Member Dolores Marquez-Frausto.**

**MOTION #04-17 by Member Linda Chavez to amend the motion to say we provide. MOTION #04-17 was seconded by Member Dolores Marquez-Frausto.**

### **Public Comment:**

- 1) Jocelyn Merz said the Board is on fire tonight. She said she loved what Member Dolores Marquez-Frausto said earlier about the lifelong learners. She said her suggestion is to prepare our students to be lifelong learners and to compete in the future.

President Ernesto Bejarano said he liked the suggestion of the lifelong learners. He said the concept of lifelong learner is important. He said to amend the motion further and to add that.

**MOTION #05-17 by Member Linda Chavez to amend the amended motion to add lifelong learners. MOTION #05-17 was seconded by Member Dolores Marquez-Frausto.**

***Mission Statement: Together with stakeholders, we provide Alum Rock students with high-quality, 21st century learning that builds upon our culturally-diverse community to prepare our students to be lifelong learners and compete for the careers of the future.***

***MOTION #05-17 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

### **3.01 Approve the District Governance Handbook**

President Ernesto Bejarano asked if the Board had any questions or comments regarding the District's Governance Handbook. He said the Board will work off the redline version of the District's Governance Handbook.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

President Ernesto Bejarano said that in section C, Rules and Responsibilities, our commitments change to operating principles. He said he read them and they do not resonate as principles.

Vice-President Corina Herrera-Loera asked if President Ernesto Bejarano would be alright with it saying “guiding principles” instead of “operating principles”.

President Ernesto Bejarano said he had a couple of grammatical changes that he could make after. He said the bullet that he wanted to add is guiding principles. He said, “We acknowledge our community is confronted with many challenges and we choose to see those challenges as both resourcefulness and resilience to be better prepared to take on our futures.” He said it is important to acknowledge the reality of the district.

Member Linda Chavez said she would go for it since it is important to the Board. She said she is willing to put that too.

President Ernesto Bejarano stated the last guidance principle, “We foster a culture of accountability where we strive to view mistakes for growth.” He said the Board holds themselves and the district staff accountable. He said to change from “our purpose” to “our commitments”.

President Ernesto Bejarano asked if, based on the recommendation from the state to approve the vision and mission statements of the handbooks, these have been covered.

Counsel Rogelio Ruiz said yes.

President Ernesto Bejarano asked the Board if they agree to come back to the section of priorities and goals.

Member Dolores Marquez-Frausto said that priority and goals are important to her.

President Ernesto Bejarano said there will be a study session to deal with goals only.

Member Dolores Marquez-Frausto said she does have a problem with the core beliefs. She asked if the Board can touch on that section.

President Ernesto Bejarano asked Senior Executive Assistant Maribel Carrillo to capture goals and core beliefs for the next study session.

President Ernesto Bejarano said, under Roles and Responsibilities, to add a bullet point that says “monitor effectiveness” and the Board as a single body consistent with the annual Board Evaluation”. He said to change this to “monitor effectiveness of the Board through a self-evaluation”.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

Member Linda Chavez said she thinks it should be called Board Self-Evaluation.

President Ernesto Bejarano said he does not need to have the exact title there. He said this is describing how accountability will be described.

Member Linda Chavez said she thinks this because the state and CSBA all refer to it as a Board Self-Evaluation.

Member Dolores Marquez-Frausto said to add "Treat all Board members equally".

President Ernesto Bejarano said what he needs from the Superintendent is accountability. He said whether it is Superintendent Bauer or someone else. He said when things happen at the district, he needs to know.

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if that would be the first bullet point on this page or just by itself.

Counsel Rogelio Ruiz said he thinks it would be with the signature page.

President Ernesto Bejarano said he was hoping to expand on "no surprises" because he said it is vague to him and not useful.

Clerk Andrés Quintero agreed with President Ernesto Bejarano because it sounds unprofessional.

President Ernesto Bejarano asked Counsel Rogelio Ruiz how the Governance Handbook would be brought back for grammatical corrections.

Counsel Rogelio Ruiz replied that the Board needs to agree on the priorities and goals. He said it still needs to come back anyways. He said to approve it with the specific comments made tonight with the understanding that it will come back. He said to, at least, have something to send to the state auditor so that they can see that the Board is making significant progress.

President Ernesto Bejarano said to please note that next time "no surprises" will be looked at. He stated to add "provide the Board with requested information in a timely matter for the past twenty years".

Member Linda Chavez said she would like to add something in writing, "Board members need to respond more quickly".

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if this is what she asked for regarding an explanation of the agreement signature page.

Counsel Rogelio Ruiz replied that this book was originally signed by the Board.

President Ernesto Bejarano said regarding the statement Member Linda Chavez's asked that she wanted something like the Board will respond to requests from the superintendent in a timely matter.

Member Dolores Marquez-Frausto said to add an agreement of the signature page because it was deleted. She asked Counsel Rogelio Ruiz to please see the rationale for this.

Counsel Rogelio Ruiz replied that if Member Dolores Marquez-Frausto would look at the Governance Handbook, the clean draft, there is a signature page at the end of the document. He said it is unclear to him whether the signature page was memorializing their agreement to the entire book or just the agreements being stated.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if he is speaking about the agreements that are listed in the section.

Counsel Rogelio Ruiz replied that in the old draft there are only eleven agreements that are being agreed upon. That is the reason why he moved the signature page at the end of the document. He said he did not limit the scope of agreements.

President Ernesto Bejarano said it sounds like the reason you moved it to the end was to clarify those signatures. He asked Counsel Rogelio Ruiz if it is being signed off on the entire document, not a particular section.

Counsel Rogelio Ruiz replied that if President Ernesto Bejarano looked at the old version, the agreements facilitate in leadership. He said this portion was signed by all the Board members. He said his view was not necessarily a relationship between the Board and superintendent.

President Ernesto Bejarano asked Member Dolores Marquez-Frausto if what Counsel Rogelio Ruiz described made anything different for her.

Member Dolores Marquez-Frausto replied her thing was to bring it back--that it would be in the agreement. She said that is the practice and there is no way around it. She commented there are elections and there are new people. She said this is one of the tasks that the Board needs to go through.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

President Ernesto Bejarano asked Member Dolores Marquez-Frausto if she is referring to the signatures themselves or the table and its boxes or both.

Member Dolores Marquez-Frausto said the signature page in the back is not the same one that was taken out. She said the Board is looking and signing the code of conduct.

President Ernesto Bejarano asked Member Dolores Marquez-Frausto if a separate signature page on its own would provide more clarity.

Member Dolores Marquez-Frausto said she can care less if it signed or not. She said the Governance Handbook would be put on the shelf. She said if the signature page is added, every line would need to be redone.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if the current Board signs it as a body, does that make this handbook invalid in any way if the new Board comes in. He asked if they need to re-sign the agreement.

Counsel Rogelio Ruiz replied it does not make it invalid to the point Clerk Andrés Quintero made. He said these governance documents, just like the Board Bylaws, are every two years. He said if there is a new Board member in the future, this would come up in that person's term anyway. He said in a particular matter, he can insert signature lines. He commented this would allow some time when a new person comes in. It could be revised by the Board.

Member Dolores Marquez-Frausto said her issue is whether it is necessary or not. She said the process is not that the Board will revise it all the time. She said the Board should be doing the Superintendent's evaluation. She said COVID-19 threw everyone off. She commented that this needs to come back.

Member Linda Chavez said she agrees with Member Dolores Marquez-Frausto especially because she has been asking for the handbook since the beginning. She said she feels that new Trustees will be grasping for more since there is so much to learn. She feels this is a part of good governance. She commented that if the public attends the meetings, it will learn as well.

President Ernesto Bejarano said he is not sure what the proposal is at this time.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

Member Linda Chavez asked if Counsel Rogelio Ruiz understands what she is asking for. She said she is not asking for a proposal. She is asking for it to come back because there may be a need for all the language to be back.

Counsel Rogelio Ruiz replied that he understands. He said the language could be included in the end and he did include the signature page for all the Board members on the last page. He commented that, as Board members, they are committing to use these governance practices in their role as Trustees. He said the other issue is, once this book is adopted, the Board Bylaws will be amended to provide regular reviews of the policies handbook.

Member Dolores Marquez-Frausto requested to add that portion of it. She said it does not need to be when newly-elected people come in.

Vice-President Corina Herrera-Loera asked Senior Executive Assistant Maribel Carrillo to make a note for the next Board Study Session to add consequences to endure for not following through, so the Board follows the guidelines. She said she will speak about it then.

Member Dolores Marquez-Frausto asked if this be supported by the Board Bylaws.

President Ernesto Bejarano commented that this will be discussed at the next Board Study Session. He said moving on to section C, third bullet point, add "advice from the Superintendent on all Board business".

Counsel Rogelio Ruiz said the reason why he highlighted this is that this is a provision in the Board member orientation workshop. The Board needs to cover all these issues. He said, as far as he knows, the Board has never done this. He said that the Board used to have a retreat in January and the retreat was not focused on member orientation. He said it was about the future of the district.

Member Linda Chavez said she thinks it should be added. She asked if it could be added from the new Board packet to the Governance Handbook. She said, this way, everyone receives a Governance Handbook.

President Ernesto Bejarano commented that new Board members will receive a new Board packet and Governance Handbook that will include all that information.

Counsel Rogelio Ruiz said in the Board Bylaws, it is already included that all new Board members will receive a copy of the Board Bylaws and will be given a Brown Act Training. He said when he works with the new Board members, he usually goes over the Brown Act training. He said he agrees with adding the Governance Handbook.



### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

President Ernesto Bejarano said to add a statement by the Board to have an orientation.

Member Linda Chavez said that three other Trustees had mentioned that in the past there was a retreat and it was very helpful. She said maybe Counsel Rogelio Ruiz could facilitate a retreat.

President Ernesto Bejarano said the Board needs to decide whether it is going to keep the highlighted part. He said he agrees that it is important.

Member Linda Chavez asked if there could be a timeline on implementing this.

President Ernesto Bejarano replied it will be following the election of the new Board members in January.

Counsel Rogelio Ruiz said to understand this, the Board will need to look at the redlined Governance Handbook. He said the 2012 Governance Handbook says, in this section, the Board would designate one of its own to receive and respond to emails on behalf of the Board. He said he has highlighted this because the Board has not done this in the recent past. He commented he deleted the language and added this section. He said he felt that the language in the old book consists of the Bylaws that the Superintendent and Board President are the only authorized representatives for the district.

President Ernesto Bejarano said his thought is that it is not bad to have a designated person to speak on behalf of the district. He said he would be wary about making sure that the Board is not taking away from an individual or Board member to have their own opinion.

Clerk Andrés Quintero said that was his initial concern. He said this is the language of a Board that wants to micromanage. He said, back to Counsel Rogelio Ruiz's point, to be consistent with the policies because there are spokespersons, the Superintendent and Board President.

President Ernesto Bejarano said what he heard is that Clerk Andrés Quintero agrees to remove this section.

Clerk Andrés Quintero replied that President Ernesto Bejarano is right to strike the first section. He said it was in the era where there were conflicts with the Superintendent. It is no longer necessary.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

Vice-President Corina Herrera-Loera said she read the from top to bottom and they are kind of different. She said it needs to be figured out tonight to take it out or not. She said, as a school Board, that they are responsive to the staff.

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz for clarification. In past practice, the district has hired a Public Relations firm to act on behalf of the district. She asked if this is taken away, who would be the spokesperson for the district.

Counsel Rogelio Ruiz replied that in the Board Bylaws the superintendent and the board president are delegated to be the spokesperson on behalf of the district. He said it would not impact the Board's ability to hire a Public Relations person. He said there is so much old language on how the district would manage those in the past. He said, in his point of view, it is not necessary.

Member Dolores Marquez-Frausto stated that her concern is if the district has a Superintendent that goes rogue and takes this away from notifying the Board President to get involved. She said everyone has heard horror stories of when a Superintendent goes rogue.

Counsel Rogelio Ruiz said the old language is problematic and he does agree it could be substantially narrow. He commented that he agrees with both President Ernesto Bejarano and Clerk Andrés Quintero that this entire section should be deleted.

Member Dolores Marquez-Frausto commented she is not in agreement with this section. She said she will agree to sit down and discuss this. She said not to throw it out. She said everything is placed on the Superintendent and the Board needs to answer to that because she is not elected.

President Ernesto Bejarano asked Counsel Ruiz with that given scenario, do the Board Bylaws cover the Board to be able to have the Board President act as a speaker for the district.

Counsel Rogelio Ruiz replied that it is covered by the Board Bylaw. He said he would like to give a real-life scenario that occurred almost ten years ago during the Vergara litigation along with defendants Alum Rock and LAUSD. He said the Superintendent of LAUSD took the position of supporting the plaintiffs of the litigation against his district and his Board. He commented that it damaged and undermined the district.

President Ernesto Bejarano asked if the Superintendent goes rogue using that scenario in the Board Bylaws, would the Board be able to speak on behalf of the district to take away the rogue Superintendent. He asked Counsel Rogelio Ruiz if that is accurate.

Counsel Rogelio Ruiz replied that is correct.

### **3. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

Clerk Andrés Quintero said if something would happen the Board has the majority in place can go ahead and take action. He said this language is not necessary. This is confusing and, at the end of the day, it is enforceable. He said this language is out of frustration.

Member Linda Chavez read what was put on the 2007-2008 Handbook. She asked if a similar language could be added.

Member Dolores Marquez-Frausto said she feels that the Board should listen to what Counsel Rogelio Ruiz said and refine it even better. She commented the Board should go through it again. She said the Board not only needs to protect the Board, but the Superintendent as well. She said that it should not be taken out.

President Ernesto Bejarano said he agrees with the scenario and this is not what the Board wants. He said, by taking this out, the Board does not put the Superintendent or anyone else at risk. He asked Member Dolores Marquez-Frausto if she would be open to striking it tonight, taking it out right now as a part of the approval.

Member Dolores Marquez-Frausto said the Board needs to be concise and if this is taken out tonight, the Board still has the Bylaws to go by.

Vice-President Corina Herrera-Loera said she heard that the Board is not approving this today. She said she just wants to clarify.

President Ernesto Bejarano said it is his understanding that this cannot be approved tonight until the Board includes all those things that the Board is coming back to.

Counsel Rogelio Ruiz said the Board can conditionally approve it subject to coming back.

President Ernesto Bejarano asked Member Dolores Marquez-Frausto if she would be open to conditionally approving it with the strikeout as a condition to approving it tonight. He said it could be revisited to amend all those other sections.

Member Dolores Marquez-Frausto replied yes. She commented there is a lot of language that needs to go.

President Ernesto Bejarano said the Board is going to remove it conditionally and approve it tonight.

Clerk Andrés Quintero said he supports to removing this.

President Ernesto Bejarano asked Clerk Andrés Quintero if he is calling for a vote on this section.

### 3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

Clerk Andrés Quintero replied yes. He said he is proposing to get rid of this. He said he hopes to have support.

President Ernesto Bejarano said he thinks the Board should take it out and he is open to further discussion.

**MOTION #06-17 by President Ernesto Bejarano to strike this section we were talking about conditionally approve Governance Handbook with this section and the others talked about earlier tonight to be brought back for further discussion final approval of Governance Handbook. MOTION #06-17 was seconded by Member Dolores Marquez-Frausto.**

***MOTION #06-17 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

### 4. ADJOURNMENT

#### 4.01 President Adjourns the Meeting

President Ernesto Bejarano adjourned the meeting at 10:30 p.m.

Respectfully submitted,



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Andrés Quintero  
Clerk

/mc