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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, October 14, 2021, 5:30 p.m. at the Alum Rock Union School
Board Members and Superintendent participated via Zoom Meeting
Meeting #08-21/22

1. OPEN SESSION

1.01 Call to Order/Roll Call/Pledge of Allegiance

President Corina Herrera-Loera welcomed everyone in the audience. President Corina Herrera-Loera called the Board Meeting to order at 5:30 p.m. followed by Roll Call.

Board Members Present:

Corina Herrera-Loera	President	
Andrés Quintero	Vice-President	*(arrived late at 5:33pm)*
Ernesto Bejarano	Clerk	
Linda Chavez	Member	*(arrived late at 5:32pm)*
Minh Pham	Member	

Administrative and Support Staff Members Present:

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

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1. OPEN SESSION *(continued)*

1.01 Call to order/Roll Call/Pledge of Allegiance

President Corina Herrera-Loera said there is a quorum.

President Corina Herrera-Loera opened the meeting by honoring the Indigenous People Day celebrated on Monday.

1.02 Discussion And/Or Modification(s) of the Agenda

Clerk Ernesto Bejarano asked that item 4.03 be moved before 5.02.

2. Public Members Who Wish To Address The Board

2.01 Requests to Address the Board

Public Comments:

1) Randi Barber said the teacher's contract should have been finalized by now.

2) Loretta Tanner said she lost someone very close to her due to COVID 19. She said the potential exposure is high.

3) Adriane Vane said last year was very rough. She said she had been a teacher for thirteen years. She commented how the cost of living is so high in Silicon Valley.

4) Shawn Swiess said during the bargaining meeting for teachers and it was very quiet from the district's standpoint. He said the cost of living is very high that many have left the area.

5) Delia Rodriguez asked that the teachers' contract needs to be settled.

6) Ms. Lowry said she had been a teacher at Sheppard for the past fifteen years. She said she loves kids and teaching.

7) Michael Poling said he believes that Superintendent Bauer has the best interest of teachers.

8) Teodolinda Mendoza asked to settle a fair contract for teachers.

9) Jessica Livoti asked to please settle the teacher's contract. She asked that the district invests in its teachers and staff.

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2. Public Members Who Wish To Address The Board *(continued)*

10) Hilda Ruiz said she is a parent of a former student who attended Alum Rock. She said it is essential for the district to settle a fair contract with teachers.

11) Brenda Zendejas said she stands in solidary with teachers. She said she wants teachers to have a safe environment.

12) Rand Montes said he is a teacher at Joseph George Middle School. He said teachers are treated differently, and things need to change.

13) Danielle DeAmbroso said she is a teacher at Lyndale and has been a teacher for twenty-one years. She said it is not alright that teachers are working without a safety MOU.

14) Sherry Durate said there was a problem with ants at her school, which needs to be addressed.

15) Dilza Gonzalez said she is a parent of two students that attend Alum Rock. She said it is disappointing what is going on with teachers in the district.

16) Tanika said she is a parent of a kindergartener. She said her son's teacher seems unhappy.

3. Comments and Communications

3.01 Alum Rock Administrator's Association (ARAA)

Principal Ivan Montes said he wanted to share the tremendous work administrators are doing. He shared a few highlights.

3.02 Teamsters

Yadira Reyes said she is representing Teamsters. She said Teamsters are doing a great job.

3.03 California School Employee's Association (CSEA)

CSEA President Sharon Fontaine said she wanted to express her gratitude to the Alum Rock managers. She thanked Member Minh Pham for his email. She said CSEA was able to ratify their contract 2020-2023 SY. She gave a shout-out to all the Alum Rock staff and teachers who have put their foot forward to keep the schools running.

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3. Comments and Communications *(continued)*

3.04 Alum Rock Educator's Association (AREA)

AREA President Jocelyn Merz said some AREA members had expressed their concerns tonight. She said she had received several calls during the week from teachers asking her what their options were. She said AREA is organized to take the necessary steps to receive an out of the cost of living increase.

3.05 Superintendent

Superintendent Bauer said she appreciates everyone's comments. She congratulated Yadira Reyes on her new position. She said this had been the most challenging year since she was an educator. She thanked all the members of the unions. She commented that the district is facing a shortage of substitutes, and this is a statewide issue.

3.06 Board of Trustees/Communications/ Comments

Vice-President Andrés Quintero thanked all the teachers, administrators, and school sites for all they do for students.

Member Minh Pham said he was glad that Sharon Fontaine was back and hoped to meet her in person. He said he heard the frustration of everyone who spoke during public comment. He commented this was the week of the administrations, and he thanked them all for all the work they do. He said he has been visiting school sites and seen the jazz band.

Member Linda Chavez thanked all teachers and staff for inspiring students at Alum Rock.

Clerk Ernesto Bejarano thanked the negotiating team during this difficult time. He said when resources are limited, both sides need to agree. He commented all that is being done is in the best interest of students.

President Corina Herrera-Loera said it has been hard for everyone during these difficult times. She said she is a union member and understands how everyone is feeling. She commented she attended the Moon Festival. She commented she would soon be celebrating Dia de Los Muertos.

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4. Superintendent/ Board Business

4.01 Discussion/Consideration to Approve Resolution #12-21/22 Authorizing Remote Virtual/Teleconference Meetings of The Board And District Committees Subject to the Brown Act for the Period October 14- November 13, 2021.

Counsel Rogelio Ruiz said Governor Newsom signed Assembly Bill 361, allowing school districts to continue holding public meetings virtually electronically. He said the requirement of the state public health imposed social distancing in crowds in public places. He commented the Board needs to allow real-time public comment. He explained if the Board adopts the resolution, the Board would need to adopt it again in another thirty days.

Public Comments:

1) Rose Ramos said there was a gate problem at Adelante.

2) Adriane Vane said the public should be allowed to text their comments. She said some families do not have wifi and can attend the Board meeting virtually.

3) Michael Poling said he does not think two minutes for public comment is enough time.

MOTION #01-08 by Member Linda Chavez to approve Resolution #12-21/22 and for it to be on the Board agenda for the next month and every consecutive month and every consecutive month should we need to vote on it again. MOTION #01-08 was seconded by Clerk Ernesto Bejarano.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

4.02 Approve the District Governance Handbook

MOTION #02-08 by Member Linda Chavez to approve as is with the edits to follow. MOTION #02-08 was seconded by Clerk Ernesto Bejarano.

The Board had discussion.

Clerk Ernesto Bejarano said the original motion was to approve as is.

President Corina Herrera-Loera said it was to approve it as is without edits.

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4. Superintendent/ Board Business *(continued)*

Public Comment:

1) Adriane Vane asked what the Board was voting on.

2) Michael Poling said the Board is going around in circles, and it looks pretty disorganized.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

5. Business Services

5.01 Approve Contract for Legal Services with Dannis Woliver Kelly (DWK)

Superintendent Bauer explained the process that happened to bring this item to the Board for approval.

MOTION #03-08 by Vice-President Andrés Quintero to approve Action Item 5.01 as presented. MOTION #03-08 was seconded by Clerk Ernesto Bejarano.

Public Comment:

1) Adriane Vane asked that the Board visit Joseph George.

2) Michael Poling said the district is hiring a law firm and does not have a contract with teachers.

3) Rachel Lopez said she is a teacher at Renaissance Fischer and asked how the contract with the law firm would do for the teachers.

4) Hilda Ruiz said she agreed with the teachers that spoke. She said it is essential to be transparent.

5) Brenda Zendejas said there needs to be a transparent and open process when selecting the firm.

6) Adriane Vane said the district does not want to give teachers a raise.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera. Noes: Member Linda Chavez.
Vote: 4/1; Motion Carries

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4. Superintendent/ Board Business

4.03 District Energy Savings Solar Power Agreement Follow-up.

Superintendent Bauer said Clerk Ernesto Bejarano had requested to have this item. She said the administration is seeking direction from the Board.

Clerk Ernesto Bejarano said solar panels would save the district hundreds of dollars yearly. He does understand there is a lot of areas of need in the district.

Vice-President Andrés Quintero said he would like to move forward and direct staff to put an RFQ to see what the options are to have solar panels. He said this process would be open to the public in order to be transparent.

Public Comment:

1) Adriane Vane said she agrees that it is a good idea to have solar panels. She asked that Vice-President Andrés Quintero and Member Minh Pham visit her class during their visit to Joseph George tomorrow.

2) Rachel Lopez said she works in San Antonio. She thanked Member Minh Pham for being understanding towards teachers.

3) Brenda Zendejas said she agrees that having solar panels would be a saving. She said the cost to update the electrical to install solar panels would be expensive.

4) Michael Poling said she understands that many things need to be addressed at the school sites. He said at Joseph George Middle School, the tiles of the bathroom need to be replaced.

5) Rose Ramos said she was concerned about the gate at Adelante. She said her child is scared that bad people will go to his school.

6) Sandra Rivera said she is a teacher at Chavez. She said while the district is investing in solar panels when two school sites have closed.

President Corina Herrera-Loera said she is looking forward to hearing more information about solar panels.

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5. Business Services

5.02 Update on the Board Program

Public Comment:

1) Michael Poling asked the Board if they considered revising their Bylaws. He said his school site could use water to plant some plants.

2) Rachel Lopez said the district needs to attract parents who have left Charter Schools to return to Alum Rock.

Assistant Superintendent Chheng said there was a Special Board Meeting on July 22, 2021. He stated that the Board interviewed all the firms. He commented the Board selected Cumming to be the program manager.

The Board provided direction to Superintendent Bauer on how to proceed.

Superintendent Bauer asked for clarification on the direction given. She said what she heard was to have the administration move forward with a Financial Advisor and the Bond Council. She said the administration would return with a recommendation to start the process.

President Corina Herrera-Loera responded yes.

6. Instructional Services

6.01 Approve Quarterly Report on Williams Uniform Complaints

MOTION #04-08 by Clerk Ernesto Bejarano to approve Action Item 6.01 as presented. MOTION #04-08 was seconded by Vice-President Andrés Quintero.

Public Comment:

1) Michael Poling said he would like to see the Board as partners. He said he would like to see to plant some flowers at Joseph George Middle School.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

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6. Instructional Services *(continued)*

6.02 Learning Communities for Schools Success Program (LCSSP).

Coordinator of School Mental Wellness Annya Artigas and Director of Social Emotional Learning Imee Almazan gave a PowerPoint presentation on Learning Communities for Schools Success Program.

Public Comment:

1) Rachel Lopez said this is what the district needs. She said during her morning meetings, her class speaks about their feelings.

2) Jessica Navarro said she appericates both Annya Artigas and Imee Almazan.

3) Michael Poling said Social Emotional Learning is very beneficial for schools.

4) Sandra Rivera said during these times, Social Emotional Learning is very helpful.

5) Brenda Zendejas said the presentation gave excellent information.

MOTION #05-08 by Member Minh Pham to extend the Board Meeting until 11:59 pm. MOTION #05-08 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

7. Human Resources

7.01 Approve/Ratify Tentative Agreement Between the Alum Rock Union Elementary School District and the California School Employees Association (CSEA), Chapter # 305, for period of July 1, 2020- June 30, 2023.

MOTION #06-08 by Vice-President Andrés Quintero to approve Action Item 7.01 as presented. MOTION #06-08 was seconded by Member Minh Pham.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

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7. Human Resources *(continued)*

7.02 Approve Classified Substitute Pay Rates Effective 11-15-2021.

MOTION #07-08 by Vice-President Andrés Quintero to approve Action Item 7.02 as presented. MOTION #07-08 was seconded by Member Minh Pham.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

7.03 Resignations

8. CONSENT/CONTRACTS OVER $100,000

There was a consensus from the Board to combine and take action on ***Agenda Items 8.01, 8.02, and 8.03.***

- ***Agenda Item 8.01*** *Approve the AON Contract with an annual fee of $206,000 for broker services and $50,000 for safety consultant services. Submitted by: Business Services, $256,000 dollars.*
- ***Agenda Item 8.02*** *Approve the Psyched Services Contract for the 2021-2022 SY. Psyched Services will conduct psychoeducational evaluations for students requiring initial or triennial evaluations at several sites within ARUSD . Submitted by: Special Education, $350,0000 dollars.*
- ***Agenda Item 8.03*** *Approve the Sourcewell Piggyback Contract Bid #060618-EFM for the purchase of nine (9) maintenance vehicles through Enterprise Fleet Management. Submitted by: Maintenance, Operations & Transportation, $435,629 dollars.*

MOTION #08-08 by Vice-President Andrés Quintero to approve Agenda Items 8.01, 8.02, and 8.03 as presented. MOTION #08-08 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

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9. Contract Extensions over $100,000

9.01 Approve the Contract Extension for the 2020-2021 with AchieveKids; a new student moved into Alum Rock district boundary with NPS placement needs. Submitted by: Special Education, increase in the amount of $103,131 dollars.

MOTION #09-08 by Vice-President Andrés Quintero to approve Action Item 9.01 as presented. MOTION #09-08 was seconded by Clerk Ernesto Bejarano.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

9.02 Approve the Contract Extension for the 2020-2021 SY Maxim Healthcare Staffing for Behavior Tech Services. Submitted by: Special Education, increase in the amount of $357,000 dollars.

MOTION #10-08 by Clerk Ernesto Bejarano to approve Action Item 9.02 as presented. MOTION #10-08 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

9.03 Approve the Contract Extension for the 2021-2022 SY with Think Together for additional school day support to address learning loss for identified –K-1st grade students districtwide beginning at nine (9) elementary schools. Submitted by: State & Federal Programs, increase in the amount of $292,500 dollars.

MOTION #11-08 by Vice-President Andrés Quintero to approve Action Item 9.03 as presented. MOTION #11-08 was seconded by Member Linda Chavez.

Public Comment:

1) Yadira Reyes said on behalf of teamsters they wanted to thank all the substitutes.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

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9. Contract Extensions over $100,000 *(continued)*

9.04 Approve the Contract Extension for the 2020-2021 with Sunbelt Staffing to add a school psychologist who will assess students at various sites within ARUSD. Submitted by: Special Education, increase in the amount of $38,285

MOTION #12-08 by Member Linda Chavez to approve Action Item 9.04 as presented. MOTION #12-08 was seconded by Vice-President Andrés Quintero.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carried

10. CONSENT CALENDAR

There was a consensus from the Board to combine and take action on ***Agenda Items 10.01,10.02, 10.03, 10.04, 10.05, 10.06, 10.07, and 10.08.***

- ***Agenda Item 10.01*** *Approve Board Meeting Minutes for the following dates: August 31, 2021, Special Board Meeting, September 9, 2021, Regular Board Meeting and September 21, 2021, Special Board Meeting.*
- ***Agenda Item 10.02*** *Approve Acceptance of Donations.*
- ***Agenda Item 10.03*** *Approve Fundraising Activities.*
- ***Agenda Item 10.04*** *Approve Acceptance of Vendor & Payroll Warrants*
- ***Agenda Item 10.05*** *Approve Contracts for Professional Services-Firms/Organizations*
- ***Agenda Item 10.06*** *Approve Resolution No. 11-20/21 Inventory Disposal.*
- ***Agenda Item 10.07*** *Approve/Ratify Notices of Employment and Changes of Status/October 14, 2021.*
- ***Agenda Item 10.08*** *Approve Memorandum(s) of Understanding (s).*
- ***Agenda Item 10.09*** *Approve the School-Sponsored Field Trip.*

MOTION #13-08 by Member Minh Pham to approve Agenda Items 10.01,10.02,10.03, 10.04, 10.05, 10.06, 10.07, and 10.08. as presented. MOTION #13-08 was seconded by Vice-President Andrés Quintero.

AMENDED MOTION #14-08 by Member Minh Pham to approve Agenda Items 10.01,10.02,10.03, 10.04, 10.05, 10.06, 10.07,10.08 and 10.09. as presented. MOTION #14-08 was seconded by Vice-President Andrés Quintero.

Roll call vote: Ayes: Vice-President Andrés Quintero, Member Linda Chavez, Member Minh Pham, Clerk Ernesto Bejarano and President Corina Herrera-Loera.
Vote: 5/0; Motion Carries

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11. Closed Session

11.01 Recess to Closed Session

President Corina Herrera-Loera announced the items that would be discussed in Closed Session. There were no public comments from the audience at this time.

12. RECONVENE TO OPEN SESSION

12.01 Report of Action Taken in Closed Session.

The Board reconvened to Open Session at 11:54 p.m. President Corina Herrera-Loera welcomed everyone and said there was a quorum.

Counsel Rogelio Ruiz reported the following actions that took place in closed session.

Item 11.03 Motion by Vice-President Andrés Quintero and Second by Member Linda Chavez the Board authorized the initiation of litigation against responsible parties construction in connection with HVAC projects 2017 at Dorsa and LUCHA Elementary schools and the construction defects in connection with the projects. It was a unanimous vote.

He said there was no further action to report.

13. Future Board Agenda Requests

13.01 Future Board Agenda Requests

There was none

14. ADJOURNMENT

14.01 President Adjourns the Meeting

President Corina Herrera-Loera adjourned the meeting at 11:56 p.m.

Respectfully submitted,

DocuSigned by:
Ernesto Bejarano
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Ernesto Bejarano, Board Clerk
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