

**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, December 15, 2022, 5:30 p.m. at the Alum Rock Union School
Board Members and Superintendent participated via Zoom Meeting
Meeting #10-22/23**

1. OPEN SESSION

1.01 Call to Order/Roll Call/Pledge of Allegiance

President Andrés Quintero welcomed everyone in the audience. President Andrés Quintero called the Board Meeting to order at 5:35 pm, followed by Roll Call.

Board Members Present:

Andrés Quintero	President
Minh Pham	Vice-President
Corina Herrera-Loera	Clerk
Linda Chavez	Member
Ernesto Bejarano	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Barbara Campbell,	Assistant Superintendent, Instructional Services
Kolvira Chheng	Assistant Superintendent, Business Services
Cesar Torrico,	Assistant Superintendent, Human Resources
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office

1. OPEN SESSION *(continued)*

1.01 Call to order/Roll Call/Pledge of Allegiance

President Andrés Quintero said there was a quorum.

1.02 ACTION: Annual Organizational Meeting, Nomination, and Election of Board President.

Clerk Corina Herrera-Loera nominated Vice-President Minh Pham.

Vice-President Minh Pham accepted the nomination.

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

Superintendent Bauer presented Member Andrés Quintero with a plaque for serving as Board President year 2022.

Member Andrés Quintero said it was an honor to serve as Board President.

1.03 Annual Organizational Meeting, Nomination and Election of Board Vice-President.

Member Andrés Quintero nominated Clerk Corina Herrera-Loera.

Clerk Corina Herrera-Loera accepted the nomination.

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

1.04 Annual Organizational Meeting, Nomination and Election of Board Clerk.

Member Ernesto Bejarano nominated Member Andrés Quintero.

Member Andrés Quintero accepted the nomination.

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

1. OPEN SESSION *(continued)*

1.05 Approve and Appoint the Superintendent as The Secretary of the Board.

MOTION #01-10 by Clerk Andrés Quintero to approve Action Item 1.05 as presented. MOTION #01-10 was seconded by Vice-President Corina Herrera-Loera.

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

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

Superintendent Bauer asked to pull items 9.03 & 9.04.

MOTION #02-10 by Clerk Andrés Quintero to adopt the agenda. MOTION #02-10 was seconded by Member Linda Chavez.

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

2. Special Presentation

2.01 Student Advisory Committee (SAC).

Director Sandra Garcia, Director of Social Emotional Imee Almazan, and Andrew Lieu, a former Alum Rock Union School District student, gave a presentation regarding the Student Advisory Committee.

Clerk Andrés Quintero said it was important to develop leadership roles for students to engage.

Vice-President Corina Herrera-Loera thanked Andrew Lieu and said he was a good leader.

Member Ernesto Bejarano thanked Andrew Lieu for his efforts. He said he looked forward to seeing him in the future.

Member Linda Chavez thanked Andrew Lieu for the work and effort he is putting into the Student Advisory Committee.

President Minh Pham thanked Sandra Garcia and Imee Almazan for their work with the Student Advisory Committee.

2. Special Presentation *(continued)*

Clerk Andrés Quintero asked that the Board adjourn the meeting in honor of Bud Jobe.

3. Public Members Who Wish To Address The Board

3.01 Requests to Address the Board

Public Comment:

- 1) Teolinda Mendoza said Lupita Gutierrez was doing a great job.
- 2) Wendy Alcazar said Lupita Gutierrez developed a rapport with the Adelante I community through hard work.
- 3) Laura Fuentes said this school year anticipated it was would a good year but everything turned upside down at Adelante I.
- 4) Patricia Gardenson said Lupita Gutierrez said she would be gone for two days and never returned. She said she was concerned because she had returned.
- 5) Marilou Beltran, a teacher at Adelante I, said the principal's absence still needs to be addressed.
- 6) Elvia Rodriguez Diaz said that Lupita Gutierrez managed to have two roles.
- 7) Dr. Joel Herrera said he had attended the Board meeting on behalf of Lupita Gutierrez. He said Lupita Gutierrez needs to be supported.
- 8) Delia said she is one of the parents at Adelante I. She said she would like Lupita Gutierrez to come back to the school.
- 9) Juliana Valderiema said she was a 3rd grade teacher at Adelante I. She said she is concerned because of what is happening in Alum Rock.
- 10) Gloria Cortes said she is a teacher at Adelante I. She asked that the Board interview parents to better understand what is going on with the administration.

4. Comments and Communications

4.01 Alum Rock Administrator's Association (ARAA)

Principal, Rebecca Williams, shared what was happening at the school sites.

4.02 Teamsters

There was no representative from Teamsters.

4.03 California School Employee's Association (CSEA)

President Sharon Fontaine congratulated President Minh Pham on his reelection. She thanked Sandra Garica and Imee Almazan for the presentation. She wished everyone a Merry Christmas and a Happy New Year.

4.04 Alum Rock Educator's Association (AREA)

President Jocelyn Merz said it had been a stressful month for Alum Rock. She said teachers are feeling burned o, creating an atmosphere of fear and anxiety. She mentioned that she had been the AREA President foseveralof years, and she has yet to receiveed so many messages from teachers. She wished everyone Happy Holidays.

4.05 Superintendent

Superintendent Bauer congratulated President Minh Pham for becoming Board President. She said change is not easy but it is necessary. She thanked the Board for their service to the district. She thanked the community who supported Measure S.

4.06 Board of Trustees/Communications/ Comments

Member Ernesto Bejarano congratulated President Minh Pham for his election as Board President. He said he is proud entire team's work done in Alum Rock. He spoke about academic success and how the district has brought resources to have students succeed.

Member Linda Chavez said Alum Rock has bright students they need to be challenged more.

4. Comments and Communications *(continued)*

President Andrés Quintero said we need to ensure the Alum Rock community that the district has good-quality teachers. He thanked the community for being able to serve another term.

Vice-President Corina Herrera-Loera thanked the community for returning her colleagues to the Board. She said there many good things were going on in the district using the teacher housing.

President Minh Pham said he wanted to honor Bud Jobe, a Principal at Lyndale Elementary, who passed away He thanked all the voters who supported him. He commented he purchased a Christmas tree for the district at Christmas in the Park.

5. Public Hearing

5.01 Public Hearing. The Alum Rock Educators' Association (AREA) Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District (ARUESD); Re: 2023-2024 Reopeners.

President Minh Pham opened the public hearing at 7:10pm.

President Minh Pham closed the public hearing at 7:10pm.

5.02 Public Hearing. District's Initial Bargaining Proposal to Open Negotiations with Alum Rock Educators' Association (AREA) ; Re: 2023-2024 Reopeners.

President Minh Pham opened the public hearing at 7:10pm.

President Minh Pham closed the public hearing at 7:11pm.

6. Superintendent/ Board Business

6.01 Approve Proposed Board Meeting Calendar for 2023. The Board will discuss and determine the proposed dates include: January 19; February 09; March 09; April 13; May 11; June 08; and June 22; July 20; August 10; September 14; October 12; November 09 and December 14.

MOTION #03-10 by Member Linda Chavez to approve Action Item 6.01 as presented.

MOTION #03-10 was seconded by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

6. Superintendent/ Board Business (continued)

6.02 Discussion/Consideration to Approve Resolution No. 23-22/23 Authorizing Remote Virtual/Teleconference Meetings Of The Board And District Committees Subject To the Brown Act For the Period December 19, 2022 – January 19, 2023.

MOTION #04-10 by Vice-President Corina Herrera-Loera to approve Action Item 6.02 as presented. MOTION #04-10 was seconded by Member Ernesto Bejarano.

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

6.03 AR 5145.71 (a) Title IX Sexual Harassment Complaint Procedures.

This item is for information only.

6.04 Approval to Appoint the Board Representative for the County Committee Election for 2023. The California Education Code requires that the Governing Board of each school district, as its annual initial meeting, select ones of its members to vote in the election for members of the County Committee on School District Organization.

Clerk Andrés Quintero nominated President Minh Pham

President Minh Pham accepted the nomination.

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

6.05 Action/Review Needed: November 8, 2022 General Election Certification of Election Results for School Districts (Alum Rock Union School District).

MOTION #05-10 by Clerk Andrés Quintero to approve Action Item 6.05 as presented. MOTION #05-10 was seconded by Vice-President Corina Herrera-Loera.

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

6. Superintendent/ Board Business (continued)

6.06 Consider/Discussion/Approval of Resolution No. 25-22/23: Reaffirming the Critical Role of School Personnel As Mandated Reporters In the Safety And Well Being of Alum Rock Students.

Member Ernesto Bejarano said he brought forth this item and his position is the safety of the students. He read the resolution.

MOTION #06-10 by Member Linda Chavez to approve Action Item 6.06 as presented. MOTION #06-10 was seconded by Clerk Andrés Quintero.

Clerk Andrés Quintero asked Member Linda Chavez if she would accept the amendment he is going to make. Add- **administration to direct one copy of the paper to each employee of Alum Rock School District.**

Member Linda Chavez said she accepts and to also include a **copy for each Board member.**

Clerk Andrés Quintero said to add in addition **to administration to ask all site administrations read resolutions in their respective staff meetings and MOT when they meet with their units.**

Member Linda Chavez said to include in the **bullet points put a hard copy in personal hand as well as District Trustees.**

Clerk Andrés Quintero said to add **all departments with their respective staff.**

AMENDED MOTION #07-10 by Member Linda Chavez to approve Action Item 6.06 one paper copy to each employee and Board members read the resolution in their respective staff meetings and MOT at their unit meetings. MOTION #07-10 was seconded by Clerk Andrés Quintero.

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

6.07 Discussion Local Contracting Initiative.

Clerk Andrés Quintero said he would like to ask the Board to give him the authority to move forward and work with the administration to start a strategy to work with local contractors.

Member Ernesto Bejarano said he is supportive of this item.

6. Superintendent/ Board Business (continued)

Member Linda Chavez said he concern is the fiscal responsibility and if we are going to get the best price.

President Minh Pham said he was in complete support of Clerk Andrés Quintero's item.

Clerk Andrés Quintero said his understanding is that the Board is directing him to bring back this item for consideration.

7. Business Services

7.01 Approve 2022-23 First Interim Report

Assistant Superintendent Chheng gave a presentation regarding the 2022-23 First Interim Report.

MOTION #08-10 by Clerk Andrés Quintero to approve Action Item 7.01 as presented. MOTION #08-10 was seconded by Member Ernesto Bejarano.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

8. Instructional Services

8.01 California Department of Education Expenditure Quarter 1 Report, from Aptitud Community Academy at Goss Early Literacy Support Grant (ELSB), and Literacy Action Plan in year-two of implementation.

This item is for information only.

8.02 Approve California Department of Education (CDE) Amendment 01 Local Agreement for Child Development Service, at Dual Immersion Preschools, Adelante I and Adelante II.

MOTION #09-10 by Clerk Andrés Quintero to approve Action Item 8.01 as presented. MOTION #09-10 was seconded by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham and Vice-President Corina Herrera-Loera. Absentions: Member Ernesto Bejarano and Member Linda Chavez.

Vote: 3/2; Motion Carries

8. Instructional Services (continued)

8.03 Local Control Accountability (LCAP) Timeline.

This item is for information only.

9. Bonds

9.01 Sourcewell Piggyback Bid Contract #01521-LTS-3 for the Purchase of a Play Structure through Miracle Playsystems, Inc., for LUCHA Elementary.

MOTION #10-10 by Member Linda Chavez to approve Action Item 9.01 as presented. MOTION #10-10 was seconded by Member Ernesto Bejarano.

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

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

9.02 Sourcewell Piggyback Bid Contract #010521-LTS-3 for Purchase of a Play Structure through Miracle Playsystems, Inc., for Cassell Elementary.

MOTION #11-10 by Clerk Andrés Quintero to approve Action Item 9.02 as presented. MOTION #11-10 was seconded by Vice-President Corina Herrera-Loera.

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

9.05 Approve Additional Services with Studio W Architects for Architectural Services for HVAC Projects at Russo McEntee Elementary, McCollam Elementary and Adelante II.

MOTION #12-10 by Member Linda Chavez to approve Action Item 9.03 as presented. MOTION #12-10 was seconded by Vice-President Corina Herrera-Loera.

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

9. Bonds (continued)

9.06 Approve Contract with Project Support Services (PSS) for Phase III of DSA Closeout and Certification.

MOTION #13-10 by Member Linda Chavez to approve Action Item 9.06 as presented. MOTION #13-10 was seconded by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

10. Human Resources

10.01 Approve Revised Job Description – Early Learning Program Coordinator.

MOTION #14-10 by Clerk Andrés Quintero to approve Action Item 10.01 as presented. MOTION #14-10 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Vice-President Corina Herrera-Loera and Member Linda Chavez. Abstain: Member Ernesto Bejarano.

Vote: 5/0; Motion Carries

10.02 Approve Revised Job Description –Paraeducator-Special Education I

MOTION #15-10 by Clerk Andrés Quintero to approve Action Item 10.02 as presented. MOTION #15-10 was seconded by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

10.03 Receive the Alum Rock Educators’ Association (AREA) Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District; Re: 2023-2024 Reopeners

MOTION #16-10 by Clerk Andrés Quintero to approve Action Item 10.03 as presented. MOTION #16-10 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

10. Human Resources *(continued)*

10.04 Resignations

Information Only

10.05 Adopt the District's Initial Proposal to Open Negotiations with Alum Rock Educators' Association (AREA); 2023-2024 Reopeners.

MOTION #17-10 by Clerk Andrés Quintero to approve Action Item 10.05 as presented. MOTION #17-10 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

10.06 Approval of Revision to Salary Schedule for Classified Management.

MOTION #18-10 by Clerk Andrés Quintero to approve Action Item 10.06 as presented. MOTION #18-10 was seconded by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

11. CONSENT CALENDAR

There was a consensus from the Board to combine and take action on Agenda Items 11.01, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, and 11.09.

- *Agenda Item 11.01 Approve Board Meeting Minutes for the following dates: November 10, 2022, Regular Board Meeting, and November 30, 2022, Special Board Meeting.*
- *Agenda Item 11.02 Approve Acceptance of Donations.*
- *Agenda Item 11.03 Approve Fundraising Activities.*
- *Agenda Item 11.04 Approve Acceptance of Vendor & Payroll Warrants.*
- *Agenda Item 11.05 Approve the Santa Clara County Treasury Investment Portfolio Status.*
- *Agenda Item 11.06 Approve Contracts for Professional Services – Firms/Organizations.*
- *Agenda Item 11.07 Approve Memorandum(s) of Understanding.*
- *Agenda Item 11.08 Approve/Ratify Notices of Employment and Changes of Status/December 15, 2022.*
- *Agenda Item 11.09 Current Enrollment.*

11. CONSENT CALENDAR

MOTION #19-10 by Clerk Andrés Quintero to approve Agenda Items 11.01,11.02, 11.03, 11.04, 11.05, 11.06, 11.07,11.08, and 11.09 as presented. MOTION #19-10 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

Motion made by Clerk Andrés Quintero to extend the Board meeting to 11:00 pm. Second by Vice-President Corina Herrera-Loera.

Roll call vote: Ayes: Clerk Andrés Quintero, President Minh Pham, Member Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Linda Chavez.

Vote: 5/0; Motion Carries

12. Closed Session

12.01 Recess to Closed Session

President Minh Pham announced the items that would be discussed in Closed Session. There were no public comments from the audience at this time.

13. RECONVENE TO OPEN SESSION

13.01 Report of Action Taken in Closed Session.

President Minh Pham said there was a quorum.

Assistant Superintendent Torrico reported the following actions.

13.01 Motion made by Member Ernesto Bejarano and Second by Vice-President Corina Herrera-Loera, the Board uniamously approved the appointment of Delmar Johnson as our new Manager of Operations and Security.

Assistant Superintendent Torrico said there were no more further items to report.

13. Future Board Agenda Requests

13.01 Future Board Agenda Requests

President Minh Pham asked that Board members email any future Board Agenda requests to Superintendent Bauer.

14. ADJOURNMENT

President Minh Pham said he would like to adjourn in memory of Mr. Bud Jobe.

14.01 President Adjourns the Meeting

President Minh Pham adjourned the meeting at 10:56 pm.

Respectfully submitted,

DocuSigned by:

CC65EE0967264DE...

Andrés Quintero, Board Clerk
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