

**SAN YSIDRO SCHOOL DISTRICT**  
4350 Otay Mesa Road San Ysidro, CA 92173  
Phone Number: (619) 428-4476 Fax Number: (619) 428-1505

**REGULAR MEETING OF THE GOVERNING BOARD**  
**THURSDAY, FEBRUARY 23, 2017**  
**CLOSED SESSION: 5:00 p.m. – 6:00 p.m.**

Pursuant to Government Code Sections 54954 and 54954.2 and Education Code Section 35140, the Regular Meeting of the Governing Board was held on Thursday, February 23, 2017, with Closed Session held at 5:00 p.m. to 6:00 p.m., and reconvened into Open Session at 6:00 p.m. and conducted its business meeting at the **Education Center, 4350 Otay Mesa Road, San Ysidro, CA 92173**. Closed Session was conducted in accordance with applicable sections of California Law.

**MINUTES**

- 1. CALL TO ORDER**      Who: President Pallasigue      Time: 5:00 p.m.
  
- 2. ROLL CALL** by Julio Fonseca, Ed.D., Superintendent & Secretary to the Board
  - Mrs. Rosaleah Pallasigue, President
  - Mrs. Irene Lopez, Vice-President
  - Mr. Rodolfo Linares, Clerk
  - Mr. Marcos A. Diaz, Member – *Arrived at 5:36 p.m.*
  - Mr. Antonio Martinez, Member
  
- 3. PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS**

None at this time.

Member Martinez made a motion to recess to Closed Session, seconded by Vice-President Lopez. The vote was 4 Ayes – 1 Absent (D).
  
- 4. GOVERNING BOARD – RECESSED to CLOSED SESSION at 5:02 p.m. in accordance with section 54954.5 regarding:**
  - 4.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2)  
Number of Cases/Claims: 1
  
  - 4.2 GOVERNMENT CODE SECTION 54957.6**

**CONFERENCE WITH LABOR NEGOTIATORS**  
Agency Negotiators: Julio Fonseca, Ed.D., Superintendent and Jose Arturo Sanchez-Macias, Deputy Superintendent  
Employee Organizations:  
San Ysidro Education Association/CTA

California School Employees Association, Chapter 154

Unrepresented:

Administrators, Classified Management, Confidential/Supervisory

**RECONVENED into OPEN SESSION at 6:00 p.m.** to take action on items discussed in closed session, or to make disclosures of action taken in closed session, if any, as required by Government Code section 54957.7 and section 54957.1.

The Board took no action in Closed Session.

5. **CALL TO ORDER** Who: President Pallasigue Time: 6:00 p.m.
6. **ROLL CALL** by Julio Fonseca, Ed.D., Superintendent & Secretary to the Board
  - Mrs. Rosaleah Pallasigue, President
  - Mrs. Irene Lopez, Vice-President
  - Mr. Rodolfo Linares, Clerk
  - Mr. Marcos A. Diaz, Member
  - Mr. Antonio Martinez, Member
7. **FLAG SALUTE** by Julio Fonseca, Ed.D., Superintendent & Secretary to the Board

#### 8. PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS

**Beatriz Bautista, SYEA Bargaining Team,** 1) Mentioned that she was speaking on behalf of the SYEA Bargaining Team about the reconfiguration process and thanked the Human Resources Department for inviting SYEA to participate in the process. 2) Commented that SYEA did a teacher survey to find out what teachers considered important during the reconfiguration process and eighty-five percent agreed that credentials and seniority was a priority. 3) Mentioned that an MOU was developed to set up the criteria to follow. Teachers with single subject credentials will be placed first and requests for transfers will be honored. Credentials needed to match teacher assignments and seniority. 4) Commented that they looked at Special Education to meet student needs and low numbers in the classroom with a minimum of two grade levels. 5) Mentioned that they want to move the less members possible. 6) Shared with the Board the reconfiguration quick facts.

**Art Castanares, Manzana Energy,** 1) Mentioned that he was at the Board meeting two weeks ago and he thought he was asked to come to every Board meeting. He was not on the agenda and wanted to make sure he was present to answer any questions. 2) Commented that he finished all work for the underground utility monitoring and inspection that was conducted this week. 3) Mentioned that last week, Mr. Macias and the District lawyer had a meeting with him and his lawyer that was recorded by mutual agreement and has a transcript of the meeting. 4) Commented that at that meeting, all potential issues about scheduling, the procurement of equipment and access issues were discussed. 5) Mentioned that Manzana sent the District a notice of default that led to the meeting with attorneys because they were denied access to the sites. 6) Commented that at the meeting held with Mr. Macias and the District lawyer, he asked if there were any issues with Manzana's contract or performance and the lawyer said no. 7) Mentioned that he attended the meeting at Sunset School and asked if there were any issues and no one raised any. He was asked to provide a schedule and he did. 8) Commented that since then, he is hearing in the community that Board members are unhappy with their (Manzana's) performance and that they've done something wrong, stolen money, misappropriated money or embezzled money. 9) Mentioned that he knew Mr. Martinez was having these conversations with people in the community and said it had to stop. 10) Commented that he wanted the Board to be aware of the things that are being said in the community and the damage it creates for their

company when people are raising some financial issues that are not being raised by a lawyer. 11) Mentioned that if there's an issue, write them in a letter to discuss it. If anybody is making allegations in the community saying that someone has stolen money from the District, put it on paper and send it to their lawyers. 12) Presented Mr. Martinez a cease and desist letter.

**Esther Gutierrez, Community Member,** 1) Commented that she has been hearing there are a lot of problems in the District. 2) Mentioned that parents don't want lawsuits. What happened in the past was very serious. 3) Commented that she's been fighting for four years before the previous superintendent and is also suing the previous superintendent for the District. 4) Mentioned that she knows three of the Board members very well that have been excellent and was proud that she was part of this new change. Then came the new superintendent which is now in the news. 5) Commented that parents don't want to make it an issue, but if they have to, they will. Parents want an explanation. 6) Mentioned that principals are taking advantage of parents and mistreating students. She informed Human Resources and Mr. Zummo has been excellent. 7) Commented that parents need the Board to be respectful and to be with the community and really care for the kids. 8) Mentioned that if somebody is taking money, they should not be here in the District. We already went through this. The money Administration is handling belongs to the students and the parents of the District, not for someone to put in their pockets. 9) Mentioned that she really hopes the Board will take this into consideration because it could get ugly. The community is starting to say, "not again."

**PLEASE SUBMIT PUBLIC COMMENT FORMS PRIOR TO START OF MEETING**

Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address **all of their items**. If translation services are required, please state that, and an additional one (1) minute will be allotted. **Approach the lectern and give your name and address.**

The public has the opportunity to address the Board on any item appearing on the agenda or not on the agenda. Persons wishing to address the Board are asked to fill out a **Public Comment Form** located at the sign-in area, and submit the completed form to the administrative assistant prior to start of meeting.

Those who have a group concern are encouraged to select a spokesperson to address the Board. A copy of the full agenda is available for view at the Superintendent's Office located at 4350 Otay Mesa Road, San Ysidro, California. Also, at the district website: [www.sysdschools.org](http://www.sysdschools.org)

**9. ITEMS FROM THE BOARD & SUPERINTENDENT**

**Member Diaz,** 1) Welcomed everyone. 2) Commented that he was proud we were back to focusing on the kids and the programs and done with the adult games. It looks like we are falling back on that mode again. 3) Mentioned that the Board is here to serve parents and wants to focus on the kids. 4) Commented that the stories on the news never stop. Once it starts getting boring in San Ysidro, something blows up. 5) Mentioned that the Board is ready to refocus on the kids. 6) Commented that on a personal note, he would like to publicly apologize for his comments on a letter that went out. If his comments put doubt in minds, he didn't doubt the letter, it was the process. He supports the letter, the superintendent, where the District is heading and the things the Board has done in the past two years. 7) Mentioned that the District is moving in the right direction and not to let those comments make you lose focus on what we are trying to do. 8) Commented that we strive to provide our kids a safe environment but we are not perfect. 9) Mentioned that we are still fixing things from the past and trying to correct issues. 10) Thanked parents for letting him serve them.

**Member Martinez,** 1) Welcomed everyone. 2) Commented that it's the Board's responsibility to make sure the District is protected against anyone that wants to harm the District. We need to have that protection for our kids and the community. 3) Mentioned that he would like a status on the creation of the Oversight Committee related to the solar panel project that's independent of anything this Board is doing. The committee would look at the solar project and other construction projects and keep us honest. 4) Mentioned that he would like to encourage community members to get involved in the Oversight Committee.

5) Directed Dr. Fonseca and Mr. Macias to do an audit of the solar and construction projects to also ensure we are being kept honest with ourselves. We owe that to the community and the District. 6) Commented that his priority is the water issue. He would like to request a timeline that we can give to the community related to what we are doing about the water and how long it will take to fix it. 7) Mentioned that Assemblywoman Lorena Gonzalez is looking to pass a bill to have a mandatory test from the State related to water quality. He believes the Board should support her with that bill and requested that Dr. Fonseca and Mr. Macias bring a resolution to the next Board meeting in support of the bill. 8) Mentioned that he would also like to request Board meetings videotaped aside from having meetings tape recorded and online to make sure we are being transparent with the community. 9) Commented that we have to stay firm and keep going. 10) Welcomed Aida Castañeda, representative, for Assemblywoman Lorena Gonzalez.

**Vice-President Lopez** 1) Commented that the reason she ran for the Board was because she thought the District was well governed and it hurt when the Grand Jury Report came out. 2) Commended Dr. Fonseca and supports him with the letter that was written to the community and staff because it took a lot of love for education and for our kids. 3) Commented that we need to work together. She sees a lot of positive things but there are also a lot of negative things. 4) Mentioned that she believes in the community, superintendent, Mr. Macias and staff who have been around for many years and are hard workers and good people. 5) Commented that she will not let anyone come and utilize us to fight with each other. We need unity and to work together as parents, teachers, administrators and classified. 6) Commented that she wants to see parents at meetings to give their input because they are the voice of their children. 7) Mentioned that she knows there are rules and regulations that govern us and we need to follow that. In order to be honest and truthful, we need to show respect to get respect as a Governing Board, not as an individual. 8) Mentioned that she is not on the Board to gain anything. Her purpose is to help the community and to give the kids the best. 9) Commented that her dream is that all the school communities work together with the support of parents and staff.

**Clerk Linares,** 1) Commented that he was not in the Closed Session meeting because the item for Closed Session was not what the Board was going to talk about. There were different issues. 2) Mentioned that he walked out because in the past we had problems for non agendized items and we were called on it and had to redo a nomination. 3) Commented that he concurs with Vice-President Lopez that we are governed by many laws and regulations and the one that governs this Board is the Brown Act. 4) Shared information on the Brown Act and concerns that item 4.1 in Closed Session was not agendized properly. 5) Commented that the Board forms an opinion with the information provided and acts on the advice from legal counsel and he had not been informed of any claims. He didn't think it applied to the item on the agenda for that reason he walked out. 6) Commented that the request of documents he made should be discussed in Open Session not in Closed Session. 7) Mentioned that on February 15, he requested from the President a Special Meeting for five items and that meeting was denied. 8) Commented that he was told that three of the items were going to be discussed at the next Board meeting and will be discussed with the entire Board present and only one item was on the agenda that did not qualify. 9) Mentioned that when a Board member requests to have a Special meeting, the opinion of Board members should be requested if they agree to the meeting. 10) Commented that he was calling the meeting because it's important to him and he has a problem in the manner we are conducting ourselves and not following the law. 11) Mentioned that he knows that the Board and Superintendent acted on the advice from legal counsel on all the meetings we had and everything that is discussed in Closed Session is approved by legal. He has doubts now. 12) Commented that there are many meetings that are not complying with the law and we are violating the Brown Act and does not want to be a part of those meetings. 13) Stated that he will not participate in any future meetings that are not properly agendized.

**President Pallasigue,** 1) Welcomed everyone. 2) Commented that she agrees a hundred percent with Assemblywoman Lorena Gonzalez that actions in the District are completely relevant and important and every claim should be looked at and investigated. 3) Mentioned that she also agrees in due process. We live in a country where an accusation or claim is made and we are entitled to it being investigated thoroughly within our American rights of due process. 4) Commented that Dr. Fonseca and staff have her full support.

5) Apologized for speaking on behalf of Board members on her letter to the District and apologized to Mr. Linares. Mentioned that she didn't want to create any waves and just wanted to show the community that the Board supports Dr. Fonseca. 6) Mentioned that she is new to the Board but not to the community. Her children were raised in this community and are products of this District. 7) Commented that she cares about the community and doesn't want the integrity of the community to be outshined by slimy allegations. 8) Mentioned that she never thought she would see the electives the District is offering now to prepare students for life and doesn't want to see them outshined. 9) Mentioned that she appreciates all staff for everything they do. 10) Commented that she would like Dr. Fonseca to give an update on the Food Waste Evaluation. 11) Mentioned that she would like to take a look at a more comprehensive restorative justice program. 12) Thanked the Plumber's Union and Mr. Martinez for coordinating that. 13) Thanked the Board and everything they bring to the table even if they don't always agree and may have different approaches. 14) Mentioned that it is a privilege to serve as a parent in this community. 15) Commented that we take very seriously everything that is said whether it is negative or positive and thanked everyone for entrusting the Board.

**Dr. Fonseca, Superintendent,** 1) Thanked everyone for their support during the last couple of weeks. 2) Mentioned that the focus for us regardless of what is being said and the message to staff and to the Board is we are staying the course and nothing will distract us from where we need to get. 3) Commented that he made a promise to the community that we finalize some things for the best interest of the kids. In the last couple of weeks we derailed from that but as we continue to move forward, no more distractions. 4) Mentioned that Member Linares had concerns on the direction the District is taking on the financial decisions we are making. He would like to make it public that on February 16, 2017, the San Diego County Office of Education sent the first interim report for 2016-2017. The District again submitted a positive certification and they concur with the certification at this time. Our finances are in very good standing. 5) Commented that teachers are amazing in following the course the Administration set forward from the beginning. He sees a lot of positive things happening in terms of test scores and the care and level of concern the teachers have is beyond anything he has seen. Thanked teachers for staying the course with the Administration. 6) Mentioned that focusing on moving 243 teachers in less than seven months is no easy task. Regardless of the distractions, we stayed focused and we accomplished this. 7) Commented that eighty-five percent of teachers had their first choice. 8) Mentioned that he can't thank classified staff enough for trying to collaborate with Francisco and other agencies to bring in water. 9) Mentioned that the Plumber's Union donated ten thousand dollars worth of water bottles and fourteen hundred and forty water bottles were donated from the Lumber Liquidators indefinitely to support our students. 10) Commented that it was an honor to have a lengthy discussion with Assemblywoman Gonzalez who took a look at what we were doing in the District. 11) Thanked Law Firm Pillsbury for assisting the District. Mentioned that it felt really good to hear them say that the District has gone above and beyond the call of duty to make sure the students and staff were safe with the immediate action we took. 12) Mentioned that Mr. Macias already sent out a letter for the Oversight Committee and there is process of a period of ten days to give everyone an opportunity to apply. 13) Commented that the District is also being looked at by Junior Achievement for another grant. Not only are we teaching students basic curriculum and instruction, we are also extending the District to financial literacy. These are the things that we need to be talking about in public because these are the things that are real and it's what we are here to do. 14) Mentioned that related to the commentary of Art Castanares, he sincerely apologizes. We have no control of what happens in the community. One of the things we have maintained and will stay steadfast is that we want to complete the project. Although we may have some things we don't agree on, what we want to see happen with this situation is we want to have the solar panel project completed for the community once and for all. We are hopeful we can continue to have this communication so that we can get this project done. 15) Commented that in moving forward, the renovation of the District is not going to stop. Mr. Macias has done a fantastic job meeting with DSA and getting things done. 16) Commented that we need to get beyond the nonsense of the adults and not lose focus on why we are all here. We need to educate and protect the children. 17) Invited the community to volunteer with Samsung in painting and sprucing up our school.

18) Mentioned that there was a comment made earlier about against all enemies foreign and domestic that was tough to hear because I don't think we are enemies. We need to stay focused on one goal alone, the kids. Let's stay focused on making sure we complete all of the projects within the time frame and let's get passed all of the nonsense.

**10. GENERAL ADMINISTRATION**

**10.1 MINUTES**

The Board approved the minutes of the Regular Board Meeting of January 26, 2017.

Motion: Diaz                      Second: Pallasigue      Vote: Unanimous

**10.2 AUDIT REPORT 2015-16 FISCAL YEAR**

The Board approved the Audit Report for the 2015-16 fiscal year.

Motion: Martinez                      Second: Diaz      Vote: Unanimous

**11. CONSENT CALENDAR**

The Board approved the Consent Calendar with the following changes:

- 1) Pulled Consent Calendar Items 11B.1 and 11B.4 for discussion and to be voted on separately.

Motion: Linares                      Second: Diaz      Vote: Unanimous

**11A. CURRICULUM & INSTRUCTION**

**11A.1 24<sup>TH</sup> ANNUAL ADELANTE MUJER CONFERENCE**

The Board approved the attendance/registration and transportation costs for up to 125 female 6<sup>th</sup> to 8<sup>th</sup> grade students and their mothers/guardians to attend the 24<sup>th</sup> Annual Adelante Mujer Conference on Saturday, March 4, 2017 at Eastlake Middle School at a cost not to exceed \$5,950.00 from the general fund.

**11A.2 STAFF DEVELOPMENT**

The Board approved/ratified the attendance to the following workshops/trainings/events listed.

<b>PARTICIPANT(S)</b>	<b>EVENT</b>	<b>PLACE</b>	<b>FROM/TO</b>	<b>COST</b>	<b>FUNDING</b>
Kelli Hay, Manuela Colom	ESSA and Private Schools Workshop	SDCOE	March 2, 2017	\$0	No Cost

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Lorena Varela, Nancy Serrano, Maribel Martinez, Eva Duarte, Mara Nacu, Sandra Ferguson, Matilde Diaz, Ernestina Lopez, Maria Cabrera, Ana Sepulveda, Meliza Rubio, Victoria Boone Cecilia Cruz, Audrey Valvekens	14 <sup>th</sup> Annual Early Years Conference: Dual Language Development & Cultural Competence in Early Education	SDCOE	March 10 & 11, 2017	\$1,125.00	Preschool & Child Development QPI Funds
Rick Quintana, Denise Villezcas, Martha Murillo, Rebeca Ackerman, Miguel Aguilera, Lupita Garcia, Sylvia Armenta, Dalia Gonzalez-G.	Trauma- Informed Practices for Schools (TIPS) Training of Trainers	SDCOE	March 17, 2017	\$280.00	Special Education Fund
Paloma Perez	Procurement in the 21st Century	SDCOE	March 30-31, 2017	\$0	No Cost
Kelli Hay, Manuela Colom, Veronica Medina	LCAP Stakeholder Engagement Workshop	SDCOE	April 10, 2017	\$0	No Cost
Kelli Hay, Veronica Medina	2017 Foster Youth Education Summit	Sacramento	April 18 & 19, 2017	\$2,500.00	Supplemental and Concentration Fund
Paloma Perez	Direct Certification Training	Escondido	April 20, 2017	\$0	No Cost
Pamela Lambert, Paloma Perez, Ana Bush, Elmy Flores, Izmael Sierra	Goodfood Showcase Event	Encinitas	December 2, 2016	\$278.00	Child Nutrition Fund

<b>PARTICIPANT(S)</b>	<b>EVENT</b>	<b>PLACE</b>	<b>FROM/TO</b>	<b>COST</b>	<b>FUNDING</b>
Manuela Colom, Kelli Hay, Melissa Brown, Marlo Vasquez, Nadia Aviles, Gloria Mena, Lupita Garcia, Vikki Viramontes Maria Rodriguez, Josefina Villegas, Alexander Gacuya, Arturo Preciado, Saul Gonzalez	Best Behavior: Building Positive Behavioral Interventions and Supports	San Diego	March 8-9, 2017	\$1,170.00	Supplemental and Concentration Fund

## **11B. BUSINESS**

### **11B.1 AGREEMENT WITH XEROX MRC SMART TECHNOLOGY SOLUTIONS FOR COPIERS**

The Board approved the five (5) year agreement with MRC Smart Technology Solutions, a Xerox Company, for copiers/equipment and copy print charges at an estimated annual cost of \$270,435.00 from the general fund.

Motion: Martinez

Second: Pallasigue

Vote: Unanimous

### **11B.2 AGREEMENT WITH XEROX MRC SMART TECHNOLOGY SOLUTIONS FOR PRINTERS**

The Board approved the five (5) year service agreement with MRC Smart Technology Solutions, a Xerox Company, for service to District owned printers at an annual cost of \$57,600.00 from the general fund.

### **11B.3 COX CALIFORNIA TELCOM, LLC - ICB COMMERCIAL SERVICE AGREEMENT - AMENDMENT NO. 3**

The Board approved Amendment No. 3 to the Cox California Telcom LLC, Commercial Service Agreement extending the term of the agreement and replacement of services at an estimated monthly cost of \$12,620.00 from the E-rate fund.

**11B.4 LEGAL SERVICES AGREEMENT WITH SHEPPARD MULLIN**

The Board approved/ratified to retain the law firm of Sheppard Mullin for specialized and limited legal services as needed.

Mr. Linares emphasized that this Board and Superintendent on all actions made acted on the advice from legal counsel. We must reconsider legal counsel's performance.

Mr. Macias stated for the record that nothing that has to do with contracts can never ever be discussed in Closed Session and that this item was not discussed in Closed Session.

Clerk Linares requested for the record full payments and accounting on legal and itemized statements on time spent for the last two years.

Clerk Linares mentioned that another item that disappoints him and that he knows is not coming from Administration but is coming from legal counsel is that a Board member does not have access to documents. He had to go through the Freedom Act to request documents. Mentioned that he has a big concern with the legal counsel we have right now.

Motion: Pallasigue    Second: Linares    Vote: 4 Ayes – 1 Noe (Linares)

Member Martinez made a motion to adjourn the meeting, seconded by Vice-President Lopez. The vote was unanimous.

**12. ADJOURNMENT**                      Time: 7:40 p.m.

Respectfully Submitted,

Julio Fonseca, Ed.D., Secretary  
Governing Board