

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, MARCH 12, 2015
CLOSED SESSION: 4:30 p.m. – 6:00 p.m.

Pursuant to Government Code Section 54956 and Education Code Section 35144, the Regular Meeting of the Governing Board was held on Thursday, March 12, 2015, with Closed Session held at 4:30 p.m. to 6:00 p.m., and reconvened into Open Session at 6:00 p.m. to conduct its business meeting at **Sunset School, 3825 Sunset Lane, San Ysidro, CA 92173**. Closed Session was conducted in accordance with applicable sections of California Law.

THIS MEETING WILL BE TAPE RECORDED

MINUTES

1. **CALL TO ORDER** Who: President Martinez Time: 4:30 p.m.

2. **ROLL CALL** by Mr. Edward Velasquez- Interim Superintendent & Secretary to the Board
 Mr. Antonio Martinez, President
 Mr. Marcos A. Diaz, Vice-President
 Mr. Rodolfo Linares, Clerk
 Mr. Jose F. Barajas, Member
 Mrs. Luciana Corrales, Member

3. **PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS**
 Michelle Krug, 1) Encouraged the Board to complete the Ruiz case. 2) Commented that she would like to see the Board proactive and be a model.

 Motion by Member Barajas to recess into Closed Session, seconded by Clerk Linares. The vote was unanimous.

4. **GOVERNING BOARD –RECESSED to CLOSED SESSION AT 4:33 p.m. in accordance with section 54954.5 regarding:**
 - 4.1 **Government Code Section 54957**
 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/REASSIGNMENT
 3 Positions

 - 4.2 **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:**
 Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) and (e)(1): 1 case

 - 4.3 **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**
 (Subdivision (d)(1) of Government Code Section 54956.9)
 Name of Case: Ruiz v. San Ysidro School District, et al.
 San Diego Superior Court Case No. 37-2012-00075315-CU-WM-SC

 - 4.4 **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION**
 (Subdivision (d)(1) of Government Code Section 54956.9)
 Name of Case: Special Education Due Process Hearing Student v. SYSD
 OAH Case No. 2015010362

RECONVENED into OPEN SESSION at 6:05 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 the following action in Closed Session:

4.3 San Diego Superior Court Case No. 37-2012-00075315 - The Board received settlement and voted 5-0 to accept counsel's recommendation.

4.4 Due Process Hearing Case OAH Case No. 2015010362- The Board received information on settlement agreement. The Board voted 5-0 to accept counsel's recommendation.

5. **CALL TO ORDER** Who: President Martinez Time: 6:06 p.m.

6. **ROLL CALL** by Mr. Edward Velasquez- Interim Superintendent & Secretary to the Board

Mr. Antonio Martinez, President

Mr. Marcos A. Diaz, Vice-President

Mr. Rodolfo Linares, Clerk

Mr. Jose F. Barajas, Member

Mrs. Luciana Corrales, Member

7. **FLAG SALUTE** –Edward Velasquez, Interim Superintendent, led in the flag salute.

8. **CONFERENCE SESSION**

Reports/Presentations

8.1 District Spelling Bee

8.2 Volunteer of the Month

8.3 Second Interim

8.4 Bond Report

9. **PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS**

Michelle Krug, 1) Commented that she is looking forward to Mr. Velasquez having meetings on website to keep people informed that cannot attend meetings. 2) Mentioned that she is thankful about the budget and being in a position to move forward.

John Borja, Teacher, 1) Congratulated the Board for acting promptly on pressing issues in the district.

2) Commented that negative certification was a “tactic” from the previous Administration and Board.

3) Mentioned that now we can vacate the negative certification, but the San Diego County Office of Education must sign off. He understands the San Diego County Office of Education does not want to sign off.

4) Mentioned that nothing happens until negative certification is removed. Hopes people begin to understand the implications.

Jimmy Delgado, Homeowner, 1) Mentioned that he pays his mortgage every month, and part of it goes to taxes.

2) Commented that it is in the best interest of the community for the county to accept the budget. 3) Urges the county to do what is in the best interest of the students and taxpayers.

Josie Hamada, 1) Congratulated and thanked Interim Superintendent Velasquez and the new Board for doing what is right for the children, staff and community. 2) Mentioned that the lawsuit was about doing what is right for the children of San Ysidro. 3) Commented that she hopes that, by doing the right thing, the Board and the Administration can build trust and do what is in the best interest of the students first.

Pat Prindle, Attorney for EcoBusiness Alliance, 1) Thanked the Board for the fresh approach in getting this resolved. 2) Mentioned that before mediation sessions, offers were made to resolve the lawsuit without costing the district money and would make the district money. Ms. Duzyk and representatives turned their backs and they decided they didn't want to resolve.

Mrs. Ruiz, 1) Thanked the Board for settling her case.

A moment of silence was held in memory of the anniversary of the Tsunami victims.

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.sysd.k12.ca.us

10. GENERAL ADMINISTRATION

10.1 MINUTES

The Board approved the minutes of the Organizational Meeting of December 11, 2014 and the minutes of the Special Meeting of January 22, 2015.

Motion: Barajas Second: Linares Vote: Unanimous

10.2 SECOND INTERIM FINANCIAL REPORT FOR 2014-15 FISCAL YEAR

The Board approved the 2014-15 Second Interim Financial Report with attached exhibits.

Motion: Diaz Second: Linares Vote: Unanimous

10.3 2015 CSBA DELEGATE ASSEMBLY ELECTION

The Board elected the following representatives to the 2015 CSBA Delegate Assembly (7 vacancies): Antonio Martinez (San Ysidro SD) and Julie Union (Solana Beach ESD).

Motion: Barajas Second: Diaz Vote: Unanimous

10.4 SECOND READING AND ADOPTION OF REVISED BOARD POLICY AND ADMINISTRATIVE REGULATION 1312.3, UNIFORM COMPLAINT PROCEDURES

The Board approved second reading and adoption of revised Board Policy and Administrative Regulation 1312.3, Uniform Complaint Procedures.

Motion: Linares Second: Diaz Vote: Unanimous

10.5 SECOND READING AND ADOPTION OF REVISED BOARD POLICY 1312.4, WILLIAMS UNIFORM COMPLAINT PROCEDURES

The Board approved second reading and adoption of revised Board Policy 1312.4, Williams Uniform Complaint Procedures.

Motion: Diaz Second: Linares Vote: Unanimous

10.6 SECOND READING AND ADOPTION OF REVISED BOARD POLICY 6020 (a), PARENT INVOLVEMENT

The Board approved second reading and adoption of revised Board Policy 6020 (a), Parent Involvement.

Motion: Linares Second: Corrales Vote: Unanimous

10.7 PARENT INVOLVEMENT SCHOOL POLICY

The Board approved the Parent Involvement School Policy for La Mirada and Sunset Schools.

Motion: Corrales Second: Linares Vote: Unanimous

10.8 RESOLUTION

The Board adopted Resolution No. 14/15-0004 celebrating the life, values and sacrifices of Cesar Chavez by honoring his birthday, March 31st as “Cesar Chavez Day.”

Motion: Diaz Second: Linares Vote: Unanimous

10.9 YMCA 6-TO-6 EXTENDED SCHOOL DAY PROGRAM MEMORANDUM OF UNDERSTANDING FOR 2014-2015 (AMENDMENT NO. 1)

The Board approved/ratified Amendment No. 1 to the YMCA 6-to-6 Extended School Day Program of San Diego County Memorandum of Understanding for the 2014-15 adjusting the funding to facilitate projects related to the Before and After School Education and Safety Program which will be paid from the After School Education and Safety Program (ASES) Grant and the Supplemental & Concentration (LCAP) Funds.

Motion: Diaz Second: Linares Vote: Unanimous

10.10 RESOLUTION 14/15-3110 DESIGNATING AUTHORIZED AGENTS TO RECEIVE MAIL AND PICK UP WARRANTS

The Board approved Resolution #14/15-3110 Designating Authorized Agents to Receive Mail and Pickup Warrants for school year 2014-2015.

Motion: Linares Second: Diaz Vote: Unanimous

10.11 DESIGNATION OF DIRECTORS TO THE SAN YSIDRO SCHOOLS PUBLIC FINANCING CORPORATION

The Board designated Governing Board members Luciana Corrales, Marcos A. Diaz and Rodolfo Linares to the San Ysidro Schools Public Financing Corporation.

Motion: Barajas Second: Martinez Vote: Unanimous

10.12 AGREEMENT WITH DANNIS WOLIVER KELLEY, A PROFESSIONAL CORPORATION FOR BOND COUNSEL AND DISCLOSURE COUNSEL SERVICES RELATED TO BONDS

The Board approved/ratified the agreement with Dannis Woliver Kelley, a professional corporation for Bond Counsel and Disclosure Counsel Services. Services to be paid from Bond proceeds.

Motion: Diaz Second: Linares Vote: Unanimous

10.13 ISOM ADVISORS AGREEMENT FOR FINANCIAL ADVISORY SERVICES RELATED TO BONDS

The Board approved/ratified the agreement with Isom Advisors, a Division of Urban Futures Inc. for Consulting and Financial Advisory Services related to Bonds. Services to be paid from Bond proceeds.

Motion: Linares Second: Diaz Vote: Unanimous

10.14 AGREEMENT WITH RBC CAPITAL MARKETS, LLC FOR BOND UNDERWRITING SERVICES

The Board approved/ratified the agreement with RBC Capital Markets, LLC for Bonds underwriting services to be paid from Bond proceeds or other available funds.

Motion: Linares Second: Diaz Vote: Unanimous

10.15 RESOLUTION NO. 14/15-0005 REGARDING REDUCTION OR DISCONTINUATION IN PARTICULAR KINDS OF SERVICES

The Board discussed and approved Resolution No. 14/15-0005 regarding the reduction in or discontinuation of particular kinds of services; Criteria for tiebreaking.

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

10.16 RUIZ, ET AL. V. SAN YSIDRO SCHOOL DISTRICT, ET AL., SAN DIEGO SUPERIOR COURT CASE NO. 37-2012-00075315-CU-WM-SC. – Pulled from the agenda. Reported out from Closed Session.

Ratify final settlement agreement in lawsuit.

Motion: _____ Second: _____ Vote: _____

10.17 PUBLIC STATEMENT BY BOARD PRESIDENT REGARDING SETTLEMENT OF RUIZ, ET AL. V. SAN YSIDRO SCHOOL DISTRICT, ET AL., SAN DIEGO SUPERIOR COURT CASE NO. 37-2012-00075315-CU-WM-SC.

Information only.

11. CONSENT CALENDAR

The Board approved the Consent Calendar with the following changes:

- 1) Pulled Consent Items 11B.2, 11B.3, 11B.12 and 11B.16 for discussion and to be voted on separately.

Motion: Barajas Second: Corrales Vote: Unanimous

11 A. CURRICULUM & INSTRUCTION

11A.1 STAFF DEVELOPMENT

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

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
<u>Teachers:</u> Erin Cronin, Nora Macias S., Sandra Rodriguez, Saul Gonzalez Victor Vargas, Zenaida Rosario, Patty Burch, Ana Magallanes, Veronica Hernandez, Leticia Lemos, Elva De Baca, Efrain Burciaga,	2015 CABE Conference	Town & Country Resort & Convention Center	San Diego	\$11,490.00	Supplemental & Concentration Funds (LCAP) – Categorical

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Juana Marin, Marisa Dorado, Brenda Huerta, Daniel Padilla, Lorena Guerrero, Gabriela Gonzalez, Maria Rodriguez, <u>Parents:</u> Monica Cisneros, Aide Chavez, Claudia Hernandez, Alma Alvarez <u>Speech Therapist</u> Marjorie Palacios, <u>Instructional Aides:</u> Lucielin Cortes, Fernanda Rios, Irene Torres J., Carmina Chavira <u>Teacher:</u> Marisela Lozano <u>Fam. & Com. Services</u> <u>Coordinator</u> Veronica Medina, <u>Director of State & Fed. Projects</u> Matthew Paredes & ASES Site Supervisor <u>Assistant Supt. of Business Services</u> Dena Whittington <u>Account Clerk III</u> Linda Olea	Autism Spectrum Disorders	San Diego	April 23, 2015	\$100.00	Educationally Related Mental Health Services
	Girls: Risk Factors, Trends and Strategies	San Diego	March 18-19, 2015	\$110.00	Educationally Related Mental Health Services
	BOOST Collaborative Conference	Palm Springs	April 28 – May 1, 2015	\$4,000.00	McKinney Vento Funds
	2015 CASBO Conference	San Diego	March 30 – April 2, 2015	\$801.00	General Fund
	AESOP Certification Course	Irvine	March 18-19, 2015	\$685.00	General Fund

11B. BUSINESS

11B.1 PURCHASE ORDER REPORT

The Board approved/ratified purchase order numbers:

A60867-A60874, A60876-A60881, A60883-A60884, A60886-A60892, A60895-A60917, A60919-A60930 of the General Fund

A60875, A60882, A60918 of the Child Development Fund

A60866, A60885, A60893-A60894 of the Cafeteria Fund

11B.11 MASTER SOFTWARE LICENSE AND HOSTING AGREEMENT FOR TRANSTRAKS SOFTWARE

The Board approved the Master Software License and Hosting Agreement with Perseus Associates for Transtraks Software at an estimated annual cost of \$5,075 from the General funds.

11B.12 BOARD ACTION TO DECLARE DISTRICT PERSONAL PROPERTY AS OBSOLETE, SURPLUS, DISPOSE OF, OR DONATE PER EDUCATION CODE 17546 (a) (b) (c)

The Superintendent recommends that the Board declare district personal property as obsolete and surplus to be disposed, sold, or donated as per California Education Code Sec. 17546 (a)(b)(c) *with appropriate amendments.*

Motion: Diaz Second: Linares Vote: Unanimous

11B.13 THE CITY LINK FOUNDATION AGREEMENT

The Board approved the agreement with The City Link Foundation for transportation services on an as need basis.

11B.14 SERVICE CONTRACT WITH MWILLIS INC.

The Board approved/ratified the Service Contract with MWillis Inc. from February 23, 2015 to June 30, 2015 at an approximate total cost of \$24,500 from the General fund.

11B.15 AGREEMENT WITH THE FAMILY GUIDANCE & THERAPY CENTER FOR SOUTHERN CALIFORNIA 2014-2015 - REVISED

The Board approved/ratified the revised agreement with The Family Guidance & Therapy Center for Southern California project to increase the hours of service from 11.5 to 20.5 for school year 2014-15 in the amount of \$3,075.00 from the Educational Related Mental Health Services funds.

11B.16 STORM EDUCATIONAL ENTERPRISES PERFORMANCE AGREEMENT AND COPYRIGHT PERMISSION – DISTRICT-WIDE NEW TEACHER TRAINING

The Board approved/ratified the Performance Agreement and Copyright Permission with Storm Educational Enterprises for school year 2014-15. Trainings for new teachers will be held district-wide at a cost not to exceed \$22,500 from the Common Core Funds.

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

11C. PERSONNEL – CLASSIFIED

EMPLOYMENT

The Board approved/ratified employment for the following as recommended by staff:

11C.1 Noontime Supervisor(s): Catalina Hernandez, assigned to Smythe School, effective March 13, 2015

11C.2 Operations Technician: Fernando Esquer, effective March 13, 2015

11C.3 Substitute Food Service Worker (s): Guadalupe Contreras Beltran and Claudia Renteria, effective March 13, 2015.

11C.4 Maintenance Supervisor: Jose Leon, effective March 13, 2015

11C.5 Gardener/Custodian: Jose Aguayo, effective March 13, 2015

11C.6 Intervention Programs (Classified and Certificated)

11D. PERSONNEL – CERTIFICATED

EMPLOYMENT

The Board approved/ratified employment and placement on substitute employment list for the following as recommended by staff:

- 11D.1 Substitute Teachers: Jacqueline Tellings, Karen Ramos, Belinda Estrella, and Armando Ramos effective March 13, 2015. To be compensated at appropriate daily rate.

The Board approved/ratified employment for the following as recommended by staff:

- 11D.2 Interim Assistant Principal/Resource Leader: Maria Rodriguez as the Interim Assistant Principal/Resource Leader at Sunset School, effective March 16, 2015

RETIREMENT

The Board approved/ratified the following retirement as recommended by staff:

- 11D.3 Permit Teacher: Norma Mier, (19 years) effective June 8, 2015

RESIGNATION

The Board approved/ratified the following resignation as recommended by staff:

- 11D.4 Teacher: Lucio Soto, (11 months) effective June 5, 2015

4. GOVERNING BOARD –RECESSED to CLOSED SESSION at 8:36 p.m. in accordance with section 54954.5 regarding:

4.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) and (e)(1): 1 case

RECONVENED into OPEN SESSION at 9:17 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.

7. ROLL CALL by Mr. Edward Velasquez- Interim Superintendent & Secretary to the Board

- Mr. Antonio Martinez, President
- Mr. Marcos A. Diaz, Vice-President
- Mr. Rodolfo Linares, Clerk
- Mr. Jose F. Barajas, Member
- Mrs. Luciana Corrales, Member

The Board took the following action in Closed Session:

- 1) The Board, after consultation and advice from counsel, will initiate a malpractice lawsuit against the Law Firm of Stutz, Artiano Shinoff and Holtz on a 5-0 vote.
- 2) Additionally, the Board has directed Interim Superintendent Velasquez to file a complaint with the State Bar Association against Stutz, Artiano Shinoff and Holtz. The vote was 5-0.

12. ITEMS FROM THE BOARD & SUPERINTENDENT

Member Barajas, 1) Congratulated the Teachers of the Year. 2) Thanked Ms. Madera for the article on the Biliteracy program that was sent to CUBE attendees. 3) Asked principals to inform the Board of upcoming events and acknowledged Sunset School for sending invitations informing the Board.

Member Corrales, 1) Thanked Principal Burciaga for hosting the Board meeting. 2) Thanked Mr. Velasquez for the Cesar Chavez Resolution. 3) Attended the CABA conference and shared information with the Board. 4) Thanked Ms. Madera and Mr. Paredes for revising the Board Policies. 5) Thanked the Board for showing unity.

Vice-President Diaz, 1) Thanked everyone for attending. 2) Commented that it's amazing what he's seen in the schools, children and staffing. It's a team effort. 3) Mentioned that he thinks of this as a business. Our clients are the students, and how do we make this business more efficient for our clients? Commented that this is how he focuses and makes decisions. 4) Thanked principals for what they do day- to- day. 5) Asked principals to thank their teachers and support staff on behalf of the Board. Commented that teachers take care of our clients, the students.

Clerk Linares, 1) Commented that he is pleased that this time we are five board members with a unanimous vote. He has made this his personal fight since June of last year. 2) Mentioned that tonight was a culmination of everything he had envisioned, to settle with EcoBusiness and get out of negative certification. 3) Believes we are almost there and hopes to have the cooperation of the county. 4) Mentioned that this is just the beginning. He has a long list of things that need to be done.

President Martinez, 1) Commented that he ran for the school Board because he heard that 50 percent of residents in San Ysidro do not have a high school diploma and most astonishing was that everyone accepted that as "Okay." 2) He refused to accept that and all that we've been through. Commented that, "It's a new day in San Ysidro." 3) Mentioned that he has seen the turnaround that started when Mr. Velasquez was brought in. He has done a lot and will continue to do a lot to turn this district around. 4) Thanked staff for bearing with us through all of this. Mentioned that we will resolve this together. 5) Thanked Dena Whittington for her leadership. 6) Thanked Principal Burciaga for hosting the Board meeting. 7) Thanked South Bay School District for nominating him for CSBA Delegate Assembly. 8) Mentioned that he had the opportunity to visit classrooms that have the chrome books. He visited Mr. Direen's classroom and saw students doing college education work. If we can use that as a model, when they reach high school, not only will they be prepared, they will all go on to college or vocational school. 9) Mentioned that making sure they will all have successful careers is the responsibility of the Board. 10) Mentioned that Sergio Metri, a professional baseball player that attended Beyer and San Ysidro Middle School, is a good friend of his father. His father will bring him to visit San Ysidro Middle School students. Invited everyone to attend. 11) Thanked the Board for remaining strong.

Interim Superintendent Velasquez, 1) Acknowledged staff, principals and teachers for a phenomenal job. 2) Thanked his parents, two immigrants from Mexico that came to this country and provided him the opportunity. 3) Thanked Monica for all her help.

President Diaz made the motion to adjourn the meeting, seconded by Clerk Linares. The vote was unanimous.

13. ADJOURNMENT

Time: 9:34 p.m.

Respectfully Submitted,

Julio Fonseca, Ed.D.
Superintendent