

**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, June 25, 2020, 5:30 p.m. at the Alum Rock Union School  
Board Members and Superintendent participated via Zoom Meeting  
Meeting #19-19/20**

**1. OPEN SESSION**

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

President Ernesto Bejarano welcomed everyone in the audience. President Ernesto Bejarano called the Board Meeting to order at 5:30 p.m. followed by Roll Call.

Board Members Present:

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

President Ernesto Bejarano said the meeting is being live-streamed by the YouTube channel which is Alum Rock TV. He said there are multiple ways to participate in the meeting including text messaging and raising your hand through email.

President Ernesto Bejarano said he wants to put a cap of thirty minutes maximum per item. He said he anticipates that there are at least two items that will have a high volume of public comments.

The Board had a discussion.

Member Dolores Marquez-Frausto asked that the minutes reflect who agreed on having one minute for parents to speak. She asked that two minutes would be allowed for public comment.

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if President Ernesto Bejarano can arbitrarily have a cap limit or if he needs to call for a vote.

Counsel Rogelio Ruiz replied that a vote is not necessary because the Board Bylaw states the amount of time for each board item for public comment. The Board Bylaw states there is a limit of twenty minutes. He said, in this case, there is a desire to have public comments for a cap of thirty minutes.

Member Dolores Marquez-Frausto said that Counsel Rogelio Ruiz misunderstood her question on how the decision is made. She said her concern is that the public comment be at least two minutes. She asked Counsel Rogelio Ruiz if the Board needs to vote on it, and she asked how the Board makes the final decision.

Counsel Rogelio Ruiz said a member of the Board is free to make a motion to set the amount of time for any individual speaker.

**MOTION #01-19 by Member Dolores Marquez-Frausto to give speakers two minutes.**

President Ernesto Bejarano said he would like to move it to a twenty-minute cap which is in the Board Bylaws. He said there was no second on the motion made by Member Dolores Marquez-Frausto.

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

**MOTION #02-19 by President Ernesto Bejarano to have a thirty-minute cap which is longer than the Board's normal cap one minute per speaker which allows more time per speakers which keeps a responsible time line. MOTION #02-19 was seconded by Clerk Andrès Quintero.**

Member Dolores Marquez-Frausto said she would like to discuss the motion because it is unfair to the community. She said people were calling her because there was an item that they wanted to be an action item and it was put on for discussion.

Vice-President Corina Herrera-Loera said the position is that the community needs to speak and that there is not a limit for public comment. She commented that some of the Board members do talk a lot.

President Ernesto Bejarano said there is a motion on the floor to have a thirty-minute cap with one minute for public comment for any item on the agenda.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrès Quintero, President Ernesto Bejarano: Noes: Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 3/2; Motion Carries**

President Ernesto Bejarano said the Board will extend the cap to thirty minutes, one minute per item. He said he appreciates the discussion by everyone. He said, in regards to public comment, if there is a person that has made a statement before another, then just say I agree.

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

Member Dolores Marquez-Frausto said she would like to move item 7.05 after item 5.06.

Clerk Andrès Quintero said he would like to move item 7.05 before item 3.01 so that there could be a clear picture of the budget.

Superintendent Bauer said she wants to pull items 2.01 and 7.01 to be heard in the July Board meeting.

Assistant Superintendent Chheng asked to pull item 9.02.

Member Linda Chavez asked why item 7.01 is being pulled.

Superintendent Bauer replied that the district is working on the language.

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

President Ernesto Bejarano said item 7.05 will be moved directly after item 2.02 before item 3.01. He said the items being pulled are 2.01, 7.01, and 9.02.

## **2. Public Hearing**

### **2.01 Public Hearing: Disclosure of major provisions of the collective bargaining agreement with Teamsters Local 150, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years.**

President Ernesto Bejarano said the public hearing has opened at 5:56 pm.

## **7. Superintendent/ Board Business**

### **7.05 the board will discuss and review the merits of School Resource Officers Program in Alum Rock.**

President Ernesto Bejarano said the reason that this contract is on the agenda is because the contract expires in five days. He said, in order to cancel the contract, the district needs to give thirty days' notice of the cancellation. He said that he does not look forward to moving with the contract because of the budget realities.

Member Linda Chavez said she would like to make a motion for the contract not to come back for another consecutive year.

President Ernesto Bejarano said there cannot be a motion tonight because it is agendized as information only.

Member Linda Chavez asked for the item to be placed as an action for next month's Board meeting.

Superintendent Bauer said the contract will be not be coming to the Board for the next three years. She said the budget situation is very severe.

Board discussed this item.

## **7. Superintendent/ Board Business**

### **Public Comment:**

Assistant Superintendent Sanchez read some of the public comments that came via email.

- 1) Alma Henry asked to discontinue the contract with the City of San Jose and remove all police officers from the schools. She said that black kids are targeted.
- 2) Simone said she is a proud resident of East San Jose. She said the community will take a stand for a more equitable school district for all the students to support all students of color.
- 3) A community member said they are in support of black students of color. They said black and brown students are not criminals.

Member Linda Chavez said her opinion there was an email that was passed around to the community and yes I did see the passed email I don't know who was the originator) It asked people to sign the email that same email was submitted over and over again.

Member Linda Chavez said she believes in the interest of time and if they have the same message-- word for word then in the interest of time just say each persons name; acknowledging them and their point of view so they will perceive or acknowledge that they have been heard. It wasn't necessary to read the same email over and over. I believe the district can do better time wise if we have one speaker, then we have Mr Sanchez read one, then repeat because it takes each Community member more time to set up they can be "**Queued**".so that the progression of the succession will flow smoother.

Member Linda Chavez said If it's like a script and if it's already been read, I know you have to decipher it ahead of time but can you move on to the next one? Because, if there is 50 of them and if there's 5 of them that it's the same verbatim point of view, can you go on to the next one? But also mention their name; this person said that or that. So that way we can have how many people did in actuality send the email. So that their name can be heard as well, please? Is that possible?"

President Ernesto Bejarano commented that what Member Linda Chavez said was a good idea, Mr. Ruiz we can do that correct?

Member Dolores Marquez-Frausto said "Yeeeeees".

President Ernesto Bejarano said So, why don't we go ahead and do that exactly as Trustee Chavez suggested, for any other emails that come up in that way.

Member Dolores Marquez-Frausto asked so what did Rogelio say.

Counsel Rogelio Ruiz said he is fine given the amount of comments you have.

**7. Superintendent/ Board Business** *(continued)*

Member Dolores Marquez-Frausto asked what about disclosure of who sent that.

President Ernesto Bejarano said yeah were going to give the name.

- 1) Antony Combs said as a member of the black community and a graduate of Alum Rock, he requests that the Board eliminate all contracts with the School Resource Officers.
- 2) Mikah Martin said she is in support to remove all police from the schools. She said they do not help and they serve as obstacles.
- 3) Karen Martinez said she has always been opposed to School Resource Officers on the school campus. She said the district needs to work to ensure students can get the tools and resources. She asked the Board to consider not bringing this item back in three years.
- 4) Brenda Zendejas said the Board is there because of voters. She said she wants to make sure that contracts do not come back to the district.
- 5) Flor De Leon said that a lot of people do not understand that these funds come from the LCAP funds. She said the School Resource Officers receive money from the City of San Jose. She asked why they want to make money from the schools.
- 6) Veronica said she is disappointed that the Board is cutting and silencing the community. She said the community called for this item to be an action item.
- 7) Cynthia Toscano said she has been a proud East Side resident her entire life. She said she is trying to give students a better experience than what is in the system.
- 8) Elisa Raguine said the community needs to stand and support Black Students. She said black and brown students are not criminals. She said many students are not at grade level.
- 9) Miriam Barron said the district needs to provide counselors instead of School Resource Officers.
- 10) Michael Camacho said he wants the elimination of all contracts with School Resource Officers.
- 11) Kimmy Grande said she is a community member and a mental health provider. She said she wants the elimination of the School Resource Officers.
- 12) Zane Amid said he wants the elimination of the School Resource Officers.
- 13) Victor Vasquez said Somos Mayfair is in support of the community restorative justice.

**7. Superintendent/ Board Business** *(continued)*

- 14) Alejandra Flores said as an educator she was here to voice to remove police from the schools.
- 15) Tim Espinoza said it was clear that the superintendent and some Board members are afraid to take a stance on this item. He said the Board needs to listen to the community.
- 16) Erica Grant said she is a white teacher and she is not in support of having police officers. She commented that there was a student of color who slammed his fist next to her. Instead of calling the police, she was able to work with him.
- 17) Maria Martinez said to end the contract with the police and put programs for children in education.
- 18) Lilian Lang requested that the Board vote no at the next Board meeting to eliminate all contracts with School Resource Officers.
- 19) Erica O'Hara said she is a community member and a social worker. She said the same statement that the community demands the following action to eliminate all contracts with School Resource Officers.
- 20) Rita Grossman said community members demand an equitable school district.
- 21) Speaker said they want the elimination of the police on campus.
- 22) Alicia Chavez said she is a program director with Silicon Valley. She said one of their youth said they feel uncomfortable with police presence.
- 23) Julia Barba said she shares her support to cancel all contracts with the San Jose Police Department.
- 24) Jacqueline Franco said her family has been fighting for displacement of the police. She said now with COVID 19, she is trying to be supportive of her daughter's mental wellbeing.
- 25) Julia Sosa said she is an attorney at a law firm with Silicon Valley. She said they are legal advocates for children. She said she is glad to hear that Alum Rock will decline the contract with the police.
- 26) Alondra Arroyo said she demands the decline of the contract with the School Resource Officers.
- 27) Saje Akon said she is a San Jose resident. She said she wants the elimination of the contract with the police.

## 7. Superintendent/ Board Business *(continued)*

28) Blake Bucannon said he is a special education teacher and he wants the elimination of the contract with the police.

29) Special education teacher said they are demanding the elimination of the contract with police.

30) Skinny Solano said he has witnessed multiple times students being mistreated by police at the schools.

## 2 .Public Hearing

**2.02 Public Hearing Proposed 2020-2021 Budget Adoption. A copy of the proposed Budget is available for inspection on [www.arusd.org](http://www.arusd.org) under news and announcements.**

Assistant Superintendent Chheng had a PowerPoint presentation regarding the 2020-21 Budget 2019-20 Estimated Actuals, and the highlights are as follows:

### FTE Summary

<b>2020-21 Budget</b>										
	Routine Repair	CATS	Special EDUC	Total Restr	Unrestr	Total Restr/Unrestr	NURTI ED	BONDS	SELF INS	FTE TOTAL
<b>Certificated</b>										
1100 Teachers		8.000	91.300	99.300	361.450	460.750				460.750
1200 Cert Pupil Support			12.600	12600	11,500	24,100				24.100
1300 Cert Supervisors		3.200	1.000	4.250	38.750	43.000				43.000
1900 Other Certificated			<u>1.000</u>	<u>1.000</u>	<u>1.000</u>	<u>2.000</u>				<u>2.000</u>
Total Certificated_		11.250	105.900	117.150	412.700	529.850				529.850
<b>Classified</b>										
2100 Instr Aids		2.969	59.625	62.594	7.875	70.469				70.469
2200 Classified Su		21.500	0.250	21.750	111.025	132.775	47.414			180.189
2300 Class Sup&Ad	0.500	0.250	-	0.750	20.500	21.250	7.500			28.750
2400 Clerical and O	2.500	0.750	3.500	6.750	69.625	76.375	4.750	0.250	0.750	82.125
2900 Other Classified	24.500	3.969	63.375	91.844	230.338	322.181	59.664	0.250	0.750	382.845
<b>TOTAL FTE</b>	<b>24.500</b>	<b>15.219</b>	<b>169.275</b>	<b>208.994</b>	<b>643.038</b>	<b>852.031</b>	<b>59.664</b>	<b>0.250</b>	<b>0.750</b>	<b>912.695</b>



**2 .Public Hearing** *(continued)*

<b>2019-20 Second Interim</b>										
	<u>Routine</u>		<u>Special</u>	<u>Total</u>		<u>Total</u>	<u>NURTI</u>		<u>SELF</u>	<u>FTE</u>
	<u>Repair</u>	<u>CATS</u>	<u>EDUC</u>	<u>Restr</u>	<u>Unrestr</u>	<u>Restr/Unrestr</u>	<u>ED</u>	<u>BONDS</u>	<u>INS</u>	<u>TOTAL</u>
<b>Certificated</b>										
1100 Teachers	11.200		91.600	102.800	391.250	494.050				494.050
1200 Cert Pupil Support			12.600	12.600	11,500	24,100				24.100
1300 Cert Supervisors	0.550		1.000	1.550	42.450	44.000				44.000
1900 Other Certificated			<u>1.000</u>	<u>1.000</u>	<u>1.000</u>	<u>2.000</u>				<u>2.000</u>
Total Certificated_	11.750		106.200	117.950	446.200	564.150				564.150
<b>Classified</b>										
2100 Instr Aids	3.343		56.475	59.818	8.625	68.443				68.443
2200 Classified Su	21.500			21.750	111.025	132.775	47.414			180.189
2300 Class Sup&Ad	0.500	0.250	0.250	0.250	1.000	21.250	22.500	9.500		32.000
2400 Clerical and O	2.500	0.750	0.500	3.500	6.500	70.625	77.125	3.750	0.500	82.125
2900 Other Classified						21.813	21.813			384.568
<b>TOTAL FTE</b>	24.500	15.219	166.475	206.768	680.806	886.806	60.663	0.500	0.750	948.718

Member Dolores Marquez-Frausto asked Assistant Superintendent Chheng what he anticipated the ADA will be with the district's enrollment.

Assistant Superintendent Chheng replied it will be over eight million dollars.

Vice-President Corina Herrera-Loera thanked Assistant Superintendent Chheng for the COVID 19 report funding. She asked Assistant Superintendent Chheng if the allocated money was for those specific allocations.

Assistant Superintendent Chheng replied as long as those set of funds comes down from the state, they are allowed both swift for those funds.

Member Linda Chavez said this is one-time money that is allowed for that. She asked if this is restricted.

Assistant Superintendent Chheng replied it is one-time money and there are certain restrictions for that money.

President Ernesto Bejarano said in one slide there were restricted funds and zero in the next three years. He asked if this was typical to draw down to zero a year. He asked what the district would do if it is not. He asked what the remedy is, if it goes beyond, and how the district would handle it.

## **2 .Public Hearing** *(continued)*

Assistant Superintendent Chheng replied the district typically does not go to zero. He said the district usually has a carryover. He said the carryover is used for the restricted programs. He said the big programs are the afterschool programs.

President Ernesto Bejarano said that if the district would draw down to zero, he is assuming that the district does not go beyond those expenditures. He asked how the district would handle that.

Assistant Superintendent Chheng replied that the district tries to be mindful. He said the district received restricted dollars and federal funds.

President Ernesto Bejarano said the district is not unique in the current situation. He asked if there was any discussion among other districts on what they think about this and what plans they may have in place.

Assistant Superintendent Chheng replied that there have been conversations on what plans they have in place. He said a lot of the information is very early. He said the district is still waiting on information on the LCFF for years 2021-22 and 23.

Member Dolores Marquez-Frausto asked if the cut was going to be eight or nine million dollars. She asked what amount of deficit needs to be addressed.

Assistant Superintendent Chheng replied it is the four-point two million for the year 20-21. He said that is on top of eight million dollars that was previously mentioned. He said by reducing staff, that would cover the 3% requirement for the next 21-22 school year.

Member Dolores Marquez-Frausto asked if the district does not have a cashflow.

Assistant Superintendent Chheng replied there was enough cashflow to cover the district until the end of December. He said districts are using the debit instrument to borrow cash. He said this would cover all the obligations until the state can pay the district.

Member Dolores Marquez-Frausto asked if the district is looking for a twelve million dollar cut.

Assistant Superintendent Chheng said the eight million dollars is over the two years.

Member Dolores Marquez-Frausto asked what got the district into the eight million dollar deficit.

Assistant Superintendent Chheng replied the biggest issue is that the district continues to experience declining enrollment. He said that is taking a lot of revenue.

## **2 .Public Hearing** *(continued)*

Member Dolores Marquez-Frausto said every year there is a declining enrollment of three hundred students or so. She asked why the district did not start managing this four years ago. She said there is going to be a cut again and CSEA is going to be cut again. They are the lowest-paid group.

Assistant Superintendent Chheng asked if she was referring to the resolution that is going to be talked about later on the Board agenda.

Member Dolores Marquez-Frausto said she is referring to that because her community is asking her about that.

Assistant Superintendent Chheng replied there were adjustments made after losing students. He said there are natural increases in expenses. He said all the programs go up every year. He said the state has not been able to keep up with the funding. He commented that Alum Rock School District was not the only district doing major cuts.

Member Dolores Marquez-Frausto said she is looking at the cuts from both meetings of CSEA employees.

Assistant Superintendent Chheng replied the district is also reducing the certificated staff for years 20/21 and 21/22.

Member Dolores Marquez-Frausto said that those cuts were not put in the book. She said all she saw was the low paid CSEA employees. She said she is very concerned about the district's cash flow. She said the district is not going to survive.

Vice-President Corina Herrera-Loera said she was wondering where, in the funding, the police would be placed.

Assistant Superintendent Chheng said it would be located on line 5. He said that is where independent contractors would be placed.

Member Linda Chavez said one of the questions she has for Superintendent Bauer is regarding the projections for each year. She stated the projections given are two hundred students less. She said those projections are inaccurate to her. She said every single year the district has been losing four hundred students. She said, to her, the projection is a false number and the four hundred is not being put there for the projections. She said the district is counting the money that is coming, but it's not. She said that gives a false projection and a false sense of security with the budget. She asked why the projections are given two hundred something and not the fact that the district is losing four hundred students every single year.

President Ernesto Bejarano said he wanted to echo what Member Linda Chavez said. He said over the last couple of years, the district has been projecting low. He said if the district overestimates, that would be easier. He said he knows this is a very hard task. He said to take a conservative number and speak on that.

## **2 .Public Hearing** *(continued)*

Superintendent Bauer said she mentioned to Member Linda Chavez that the district is using a demographic study. She said the district needs to continue to use those numbers given in the study. She said the district needs to have a demographic study. She commented she does not know how accurate it would be especially after COVID 19.

Clerk Andrés Quintero said the numbers given come from a fancy report that is provided to the district by the firm. He said if the district gives a high number and the district does not fall on that number, it will impact people's lives. He said it would cause a batch of cuts and fire a lot of people. He said he rather not let go of folks and that the declining enrollment was as bad.

Member Linda Chavez said if the numbers are off, they are off. Why would you want to be inaccurate? She asked how long must the district go in the wrong direction. She said the district should apply the facts, two hundred students that the district loses every year, that way our budget will be on point.

Member Dolores Marquez-Frausto commented that Clerk Andrés Quintero caused the hell that was created and some of the community members. She said all these agencies came to the district and investigated. She said the district was under the microscope. She said the budget had not been reconciled because there was no CBO. She said the Board did not know what kind of money was being spent.

President Ernesto Bejarano said he cannot minimize comments made by either of his colleagues. He asked that his colleagues focus on the kids sitting at a desk.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if there is there anything that he could do to facilitate the meeting.

Counsel Rogelio Ruiz replied that he can mute everyone to have order in the meeting.

Clerk Andrés Quintero said the matter is that in 2016 there was a blank contract that did not exist. He said that was what he was referring to--the dysfunction. He said Board members Karen Martinez, Dolores Marquez-Frausto, Khanh Tran, and Esau Herrera not just once, but twice approved the contract with Del Terra after administration recommended not to move forward with the contract.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if he could put a cap for this item.

Counsel Rogelio Ruiz replied there is no motion on the adoption of the resolution. He said every Board member has had the opportunity to speak. He said that President Ernesto Bejarano has the right to cut off Board member comments.

**MOTION #03-19 by Clerk Andrés Quintero to approve Action Item 2.02 as presented.  
MOTION #03-19 was seconded by Vice-President Corina Herrera-Loera.**

## **2 .Public Hearing** *(continued)*

Member Dolores Marquez-Frausto said, between the superintendent and the agencies, they were tight knit. She said things that were going on in closed session were getting out. She said Clerk Andrés Quintero keeps accusing her of the five thousand dollars. She said she got the money from her account and loaned herself the money.

### **Public Comment:**

- 1) Veronica said she does not know what to say other than she is embarrassed. She said the Board is representing her children. She said if the Board is not standing with the community, then step aside.
- 2) Flor De Leon said charter schools have taken over Alum Rock School District. She said the community has asked for term limits. She said that Member Linda Chavez has to come to terms. She said that the Board needs to focus on the budget. She said she wants to hear solutions.
- 3) Brenda Zendejas said the back-and-forth discussion among the Board members has been time lost. She said she sees that classified workers will take a big hit in cuts. She said most of the kids go to classified workers when there is a problem.
- 4) Olivia Ortiz said she blames what is going on at the Board meeting on President Ernesto Bejarano. She said he took the right of the public to speak on the last item. She said the Board keeps on going back and forth and having personal attacks on each other. She said she hopes the Board cancels the contract with the police.
- 5) Karen Martinez said she continues to be embarrassed about the behavior of the Board. She said she lives in the community and will continue to do so. She said she will continue to advocate for her community. She said that the focus needs to be on the report that was given to the Board. She said the school board meeting at the community college does not run the way Alum Rock does.
- 6) Maria Martinez thanked Member Dolores Marquez-Frausto for being vocal and asking all the questions regarding the budget. She said when Trustee Esau Herrera and Trustee Khanh Tran were making decisions affecting the children's education, Member Dolores Marquez-Frausto would not question them. She said that she hopes Member Dolores Marquez-Frausto can get connected through a video conference by the next Board meeting. She commented that all she could see was Clerk Andrés Quintero's head and she wanted to see his entire face.
- 7) Victor Vasquez said there has been talk about the many reasons why the budget is the way it is now. He said the community needs to protect families by advocating for affordable housing. He said another thing that is a large problem is the budget and the LCAP.

## **2 .Public Hearing (continued)**

- 1) Oscar Sandoval said this is one of the most embarrassing Board meetings he has attended virtually or in person. He said he is a middle school educator and his middle school would be appalled at the way everyone is treating each other. He asked the Board to cut the funding with the police.
- 2) Dilza Gonzalez said she is shocked that the Board is continuing to act the way they are. She said that President Ernesto Bejarano needs to control the behavior. She said the Board is fighting instead of seeing what matters which is the kids. She asked the Board to defund the police.

Superintendent Bauer said the statement made by teachers regarding individuals getting raises is inaccurate. She said no one is receiving a raise. She said she does not know where that came from.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrès Quintero, President Ernesto Bejarano, and Vice-President Corina Herrera-Loera : Noe: Member Dolores Marquez-Frausto.**

**Vote: 4/1; Motion Carries**

## **7. Superintendent/ Board Business**

### **7.05 The board will discuss and review the merits of School Resource Officers Program in Alum Rock.**

Member Linda Chavez asked that the following month it be put for a vote.

Counsel Rogelio Ruiz asked if Member Linda Chavez was asking in terms of getting it on the agenda.

Member Linda Chavez replied yes.

Counsel Rogelio Ruiz said the best way to get it into the agenda would be to send out an email to President Ernesto Bejarano and Superintendent Bauer with the agenda item and the preferred language. He said that Member Linda Chavez would need to make sure that she indicates if it is for action.

Clerk Andrès Quintero thanked everyone who came out to speak on this issue and raised concerns. He said it is always helpful to engage and have a democratic process. He said some concerns were raised about making sure there would be no contracts with School Resource Officers again. He said unless a state law is passed and prohibits those types of actions to reoccur, then that will not come back. He said even if the Board takes action, the item can come back with another Board to take action.

**7. Superintendent/ Board Business**      *(continued)*

Vice-President Corina Herrera-Loera asked Superintendent Bauer for clarification that the district is not funding the police and has not started since Shelter in Place.

Superintendent Bauer replied there have not been any police officers since March 13<sup>th</sup>.

Vice-President Corina Herrera-Loera said next month the Board will be discussing this item even more. She thanked the community for speaking up on behalf of children for the best outcomes.

Member Dolores Marquez-Frausto said she spoke to Superintendent Bauer and the contract has not been paid since March 13<sup>th</sup>, but the district still owes on this contract. She said President Bejarano said the contract will end in five days. She said she asked Superintendent Bauer if she was going to bring this contract forward and Superintendent Bauer said no because there is no money. She said she definitely does not want the police back.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if it would be alright to share his screen.

Counsel Rogelio Ruiz replied yes, as long as it is available for the entire public.

President Ernesto Bejarano said he wanted to take a moment to make comments. He said he ran for the Board with the premises of being transparent. He said regarding the School Resource Officers, he tries to incorporate things or actions he brings forth.

Vice-President Corina Herrera-Loera thanked Member Linda Chavez for bringing this item back. She asked Counsel Rogelio Ruiz if she could bring a resolution to the Board or a Board Policy ensuring that no police will be hired at the district.

Counsel Rogelio Ruiz replied yes she can do that.

Member Linda Chavez said she would like to request the strategies on the pros and cons of the School Resource Officers on campus. She said the district does not have bad kids. The district has good kids that make bad choices. She said the kids are acting out as a cry for help. She said she has seen police help children and she has also seen them abuse them. She said she has seen it with her children more than once. She said, just like Member Dolores Marquez-Frausto said, the police need to be replaced with something else. She said it is better to work together.

#### **4. Public Members Who Wish To Address The Board**

##### **4.01 Requests to Address the Board**

###### **Public Comment:**

- 1) Veronica said something that is not agendaized is the resignation of President Ernesto Bejarano. She said she does not feel that her children are safe under this Board. She asked President Ernesto Bejarano if he had interviewed children by the data he presented.
- 2) Amelia Post said she is calling out for the students' safety. She said she has worked with families in Alum Rock for the past years. She said police target Black and Brown students on campus.
- 3) Brenda Zendejas said she sent an email asking parents how they were selected to be a part of the reopening of the school's committee. She said she does not know how the superintendent decided to form this committee. She said from what she was told, it was formed from a small group of SPARC parents. She said she does not understand why the same parents are being used and these committees are not opened for new parents' voices.
- 4) Victor Vasquez said that East Side Union High School District decided to end their connection with School Resource Officers. He said there was no direction from staff and the Board still did it.
- 5) Natalie Abal said police officers are not trained in the root of the problem. She said those police officers are not able to work with students that have those needs. She said the community is very limited and President Ernesto Bejarano took the time with his research. She said that she does not trust President Ernesto Bejarano's research and she said he took an article from Christian Thompson who happens to be racist.
- 6) Buckley said she extends her concern as a community member. She said it is imperative to defund the police and it is better to fund other resources. She said School Resource Officers are the police. She said police do not support the community.
- 7) Tim Espinoza said in the last few weeks the community has been asking for the Board to take action. He said it is time for the community to take matters into their own hands and find people who will listen.



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

- 8) Flor De Leon said she would like to discuss having a new Board President for the Board that has more control of the meeting because today it was out of control. She said like in past meetings when someone is giving public comment, there should not be comments from the Board.
- 9) Cythnia Toscano asked that when this item is brought for action that there is unbiased information to the meeting and facts.

President Ernesto Bejarano asked if in a public comment there could be time yield for someone else to speak.

Counsel Rogelio Ruiz replied that in the Board Policy there is not yielding time.

- 10) Dilza Gonzalez said she echos what Veronica said. She said that the presentation given by President Ernesto Bejarano is a bias. She said when there is real talk about real research having an open mind and to be able to change personal opinion. She said she did not like the idea that President Ernesto Bejarano presented about having closed session with the School Resource Officers.

President Ernesto Bejarano said the way it is described is the way the Board Policy is. He asked that whoever has research to send it to him. He is open to that.

#### **5. Comments and Communications**

##### **5.01 Teamsters**

There were no representatives from Teamsters at this time.

##### **5.02 California School Employee's Association (CSEA)**

Sharon Fontaine said last year there were twenty-four classified workers that were affected by the layoffs. She said there are thirty-nine members of CSEA that are in the reemployment status. She said CSEA is absorbing the majority of the layoffs. She said she knows that the accountant and office assistant III are vacancies. She said CSEA is unable to meet with Human Resources as of tonight to go over the bumping list and the seniority list. She said she knows that the budget has not been signed by the governor. She does understand that with COVID-19, some positions need to be eliminated. She said the Alum Rock community has the moral obligation to maintain employment of these government positions. She said there is an unfair labor practice still pending with the district. She asked the Board not to approve Resolution #42-19/20.

## **5. Comments and Communications (continued)**

### **5.03 Alum Rock Administrator's (ARAA)**

Maria Martinez said she is a proud principal of Adelante Dual Language Academy and she is the new ARAA president for the upcoming year. She said ARAA and the management team have been invited to engage in a book study this summer about racism.

Tara Bickford, exiting ARAA president, said that ARAA has made it through. She said she could not be happier than to pass the torch to Maria Martinez.

### **5.04 Alum Rock Educator's Association (AREA)**

Jocelyn Merz, AREA president, said there was no need to have the elimination of certificated employees because there is not a need for actual layoffs. She said there have been far more people that have retired or resigned. She said, hopefully, that adds more clarification. She said schools' and communities' first legislation that will be on the November ballot will help bring millions and billions of dollars to California. She thanked Clerk Andr s Quintero and Vice-President Corina Herrera-Loera for acting so quickly in bringing the Black Lives Matter Resolution. She said she appreciates all of the frontline workers. She shared how important it is to realize that 95127 zip code has one of the highest COVID-19 cases in the county. She said that one of Alum Rock's full-time nurses has resigned to take a job at another district where she is serving half of the students.

### **5.05 Superintendent**

Superintendent Bauer said she was going to pass and not make comments.

### **5.06 Board of Trustees/Communication/Comments**

Member Dolores Marquez-Frausto said she was sorry for letting comments made by her colleagues get to her. She said she is only human and, at some point, she could not hold it anymore. She said she has tried really hard to work with Clerk Andr s Quintero and it has been a difficult thing to do. She said her heart is at Alum Rock School District and she is not going anywhere. She commented that when elections come, the community can change the Board. She said she hopes everyone will do the right thing.

Member Linda Chavez said City Council voted to have a digital coalition for this fiscal year's budget. She said this so the underserved get access. She said this access is so important. She thanked East Side Union High School District for putting this forward. She said if money ever clears up two or three years from now, the district should contribute also.

## **5. Comments and Communications (continued)**

Member Linda Chavez said she has been experiencing a lot of problems with Zoom. She said she knows families get frustrated when they are calling in. She said the Board should discuss the future of technology. She said the district needs to help parents.

Clerk Andrés Quintero said he understood the apology that his colleague provided to the Board. He said the facts are put out and they make people uncomfortable. He said anything he has said can be viewed by the public.

Vice-President Corina Herrera-Loera wished all the fathers a Happy Father's Day. She said she was reassigned to the Santa Clara County Emergency Response team as a Public Information Officer. She said the Latin community is testing at a higher rate of 40% for COVID-19. She said, unfortunately, those are in the 95127 zip code. She thanked the parents for expressing themselves.

President Ernesto Bejarano said he would like to piggyback on what Member Linda Chavez said regarding digital equity. He said there have been people advocating the city and county to bring those resources to the community. He said he does not expect everyone to agree with him always and he does not agree with everyone always.

## **6.Contracts Over \$100,000**

**6.01 Approve the contract with Accountable Healthcare Staffing, Inc., in order to provide occupational therapist services to all Special Education Students, Special Education, \$105,840.00.**

**MOTION #04-19 by Clerk Andrés Quintero to approve Action Item 6.01 as presented. MOTION #04-19 was seconded by Member Linda Chavez.**

Public Comment:

- 1) Veronica said the Board should approve this item. She asked to defund the police. She said once the district defunds the police, that money could be put to mental health

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

**6.Contracts Over \$100,000 (continued)**

**6.02 Approve contract with Lozano Smith LLP., for legal counsel in order to insure compliance in relation to Special Education matters, Special Education, \$125,000.00**

**MOTION #05-19 by Clerk Andrés Quintero to approve Action Item 6.02 as presented. MOTION #05-19 was seconded by Member Linda Chavez.**

Public Comment:

- 1) Veronica talked about great resources for kids. She said to defund the police and put good resources for kids.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano and Vice-President Corina Herrera-Loera: Abstention: Member Dolores Marquez-Frausto.**

**Vote: 4/1; Motion Carries**

**6.03 Approve the contract with Ester B. Clark School, a specialized non public school to support autistic or severe behavioral disordered students, Special Education, \$100,296.00.**

**MOTION #06-19 by Clerk Andrés Quintero to approve Action Item 6.03 as presented. MOTION #06-19 was seconded by Member Linda Chavez.**

Public Comment:

- 1) Veronica said she supports children. She asked the Board to defund the police.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

**6.04 Approve the contract with AON, Risk Services West, Inc., Business Services, \$231,000.00.**

**MOTION #07-19 by Clerk Andrés Quintero to approve Action Item 6.04 as presented. MOTION #07-19 was seconded by Member Linda Chavez.**

Vice-President Corina Herrera-Loera asked if the Board is allowed to have a discussion back and forth with the public.

President Ernesto Bejarano said that is good to follow the Brown Act.

**6.Contracts Over \$100,000 (continued)**

Counsel Rogelio Ruiz replied there should not be any discussion.

President Ernesto Bejarano asked if clarification of a question is allowed and not a dialogue.

Counsel Rogelio Ruiz replied that it is accurate.

Public Comment:

- 1) Veronica said her daughter Isabel wanted to speak.
- 2) Isabel said she is a student that attends San Antonio and she does not want police at her school. She said she rather have counselors than police at her school.

Member Linda Chavez informed the Board that the Board Meeting needs to be extended.

**MOTION #08-19 by Clerk Andrés Quintero extend the meeting until 11:30 pm.  
MOTION #08-19 was seconded by Member Linda Chavez.**

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

**Item 6.04**

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

**7. Superintendent/ Board Business**

**7.02 Board Policy 5141.4, Child Abuse Prevention and Reporting**

- 1) Veronica said the money should be put to train the teachers. She said to stand with Black Lives Matter.

President Ernesto Bejarano asked Superintendent Bauer if the staff received child abuse online training.

Superintendent Bauer replied yes.

**7. Superintendent/ Board Business (continued)**

**7.03 Board Policy 0450, Compensation Safety Plan.**

- 1) Veronica said when a child has some type of disability a mental health specialist should be called and the police.

**7.04 Approve Board Policy 9240, Board Training**

**MOTION #09-19 by Clerk Andrés Quintero to approve Action Item 7.04 as presented.**

**MOTION #09-19 was seconded by Vice-President Corina Herrera-Loera.**

- 1) Veronica said that the Board all needs training. She said the Board does not stand with Black Lives Matter.
- 2) Maria Martinez said she agrees with Veronica. She asked the Board to get their training and invite the parents.
- 3) Brenda Zendejas said there was a letter that came in from the state auditor from Elaine Howe asking the Board to improve their governance. She said the audit asked that the Board take governance classes. She said governance training should be mandated.

President Ernesto Bejarano asked Superintendent Bauer if the governance training they took was in response to the state audit.

Superintendent Bauer replied yes.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

**7.06 Resolution #44-19/20 Language Access**

Clerk Andrés Quintero said the resolution is not ready. He said the idea came about because the district has engaged in good practices for translation. He said times move on and people change. He said it is important for the Board to take action and memorialize this.

President Ernesto Bejarano said he thinks the staff does an excellent job in this area. He said this could be a model to provide access.

- 1) Veronica asked President Ernesto Bejarano for his resignation. She said the district does not have a good translation system. She said the community is saying how awful the Spanish translation is on YouTube.

**7. Superintendent/ Board Business (continued)**

- 2) Victor Vasquez said parents kept on asking for translation services to be provided at the Board meetings. He said the LCAP was in English only.

Clerk Andrés Quintero said the Language Access is still being worked on. He said former Board Member Andrea Shelton was doing the work to increase language access.

- 3) Maria Martinez said there needs to be more information on the Language Access because there is nothing. She said the district needs to get a bigger zoom account to improve the meeting for those who do not speak English.

Clerk Andrés Quintero said it is still being worked on.

- 4) Brenda Zendejas asked that there be captions added for the hearing impaired.

**7.07 Approve Resolution #41-19/20 of the Board Trustees of the Alum Rock Union Elementary School District that Black Lives Matter.**

Clerk Andrés Quintero thanked the administration for moving the item forward.

Vice-President Corina Herrera-Loera said she did not know if anyone had read the Mercury News. She said Dr. Scott Liepton said for everyone in Santa Clara County to ensure Black Lives Matter to end white supremacy.

**MOTION #10-19 by Vice-President Corina Herrera-Loera to approve Action Item 7.07 as presented. MOTION #10-19 was seconded by Member Dolores Marquez-Frausto.**

Public Comment:

- 1) Veronica said she wanted to echo what Vice-President Corina Herrera-Loera said. She said the district needs to defund the police for Black Lives Matter.
- 2) Veronica Talton said she is an Alum Rock employee and she is African American. She thanked AREA President Jocelyn Merz for her support. She said she is also a part of the AREA Equal Rights Committee. She said for the July Board Meeting she will bring forth a Resolution for Black Lives Matter.
- 3) Brenda Zendejas thanked the Board for putting this item on the agenda. She said she does stand with the community.
- 4) Victor Vasquez said African American and Asian communities have been impacted. He said everyone understands that everyone is impacted by racism.

**7. Superintendent/ Board Business** *(continued)*

Vice-President Corina Herrera-Loera said she wanted to amend the resolution to say “Therefore it be further resolved that Alum Rock terminate the contract with San Jose Police Department and ARUSD will no longer retain San Jose Police Departments have police officers such as SRO’s now or in the future”. She asked Counsel Rogelio Ruiz if that could be added and if it was possible.

Counsel Rogelio Ruiz replied that it is possible.

Clerk Andrés Quintero asked Counsel Rogelio Ruiz if there would be a crisis would the district get the support. He asked if there would be a situation would the district be prohibited from getting extra security. He asked if this would limit the district from getting extra support.

Counsel Rogelio Ruiz replied that for emergency circumstances, you can call any 311 or 911. He said if the district requires some security presence of the San Jose Police Department, then, yes, this would potentially affect that. He said this is a determination by the Board to not contract services.

Clerk Andrés Quintero thanked Counsel Rogelio Ruiz for that clarification. He said he will go ahead and support this amendment.

Superintendent Bauer said the district can always call 911 if there is an emergency.

President Ernesto Bejarano said he does not want a situation to come back and hurt the district. He said, for instance, the Cesar Chavez event typically does have assistance from the San Jose Police Department.

Counsel Rogelio Ruiz said, of course, the district has the responsibility to provide safety and a safe environment in all its campuses. He said generally he does not think there is a liability or exposure given the nature and scope of the operations at the Cesar Chavez event .

President Ernesto Bejarano said he feels a strong obligation to do the best that he can do. He said it is not easy to stand there with his convictions. He said he has advocated for his fellow African American communities. He said he supports the amended resolution..

Vice-President Corina Herrera-Loera said the amended version is “ Therefore it be further resolved that ARUSD terminates with San Jose Police Department and no longer retains any San Jose Police Department for any hire police officers SRO’s now or in the future.



## **7. Superintendent/ Board Business (continued)**

Superintendent Bauer said parent chaperons can help the district with the kids.

Clerk Andrés Quintero said he questioned a blanket statement. There is a blanket statement that the Board made now and it affects how Cesar Chavez day would be. He does not feel comfortable having volunteers watch the kids.

President Ernesto Bejarano said in terms of an emergency, for instance, like enforcing a restraining order, he assumes the district could call 311.

Counsel Rogelio Ruiz said that the district would just resort to a normal process of engaging with police.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

## **8. Special Presentation**

### **8.03 LCAP Operations Report**

**MOTION #11-19 by Clerk Andrés Quintero to approve Action Item 8.03 as presented. MOTION #11-19 was seconded by Vice-President Corina Herrera-Loera.**

- 1) Flor De Leon said there is not enough time given for this item. She said it is about the LCAP and there is a lot of important information.
- 2) Veronica said she wants to echo what Flor said. She said this item was given such little time.
- 3) Maria Martinez said she is upset and disappointed with this item.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

### **8.02 Review and Approve the LCAP Federal Addendum.**

**MOTION #12-19 by Clerk Andrés Quintero to approve Action Item 8.03 as presented. MOTION #12-19 was seconded by Member Linda Chavez.**

## **8. Special Presentation (continued)**

Public Comment:

- 1) Dilza Gonzalez said she was upset at the Board because of the LCAP. She said 81% of the students are in high need.

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

## **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, 10.08, 10.09, 10.10 and 10.11.*

- *Approve Item 10.01 Approve Board Meeting Minutes for the following dates: (1) March 12, 2020 and (2) April 9, 2020, Regular Board Meeting.*
- *Agenda Item 10.02 Approve Acceptance of Donations.*
- *Agenda Item 10.03 Approve Acceptance of Vendors & Payroll Warrants.*
- *Agenda Item 10.04 Approve the Santa Clara County Treasury Investment Portfolio Status.*
- *Agenda Item 10.05 Approve Education Protection Account (EPA) Spending Plan for 2020-2021.*
- *Agenda Item 10.06 Approve/Ratify Notices of Employment and Changes of Status/June 25, 2020/Human Resources Department.*
- *Agenda Item 10.07 Approve Contracts for Professional Services-Firms/Organizations.*
- *Agenda Item 10.08 Approve Memorandum(s) of Understanding (s).*
- *Agenda Item 10.09 Approve Amended 2020-2021 Supervisory Calendar*
- *Agenda Item 10.10 School Plan for Student Achievement (SPSA) 2020-2021*
- *Agenda Item 10.11 Acceptance of S.H. Cowell Foundation Grant*

***MOTION #20-19 by Member Linda Chavez to approve Agenda Items 10.01, 10.02, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10 and 10.11, as presented. MOTION #20-19 was seconded by Clerk Andrés Quintero.***

**Roll call vote: Ayes: Member Linda Chavez, Clerk Andrés Quintero, President Ernesto Bejarano, Vice-President Corina Herrera-Loera and Member Dolores Marquez-Frausto.**

**Vote: 5/0; Motion Carries**

## **10. CONSENT CALENDAR**

Superintendent Bauer said she wanted to clarify that the LCAP is not being approved tonight because of COVID-19. She said this just a report.

Clerk Andrés Quintero asked Counsel Rogelio Ruiz if it would be a violation of the Brown Act for the Board to listen to the information.

Counsel Rogelio Ruiz replied it would not be a violation of the Brown Act. It would be a Board bylaw issue.

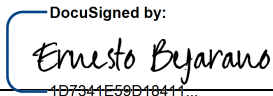
President Ernesto Bejarano said the rest of the items are going to be tabled.

## **13. ADJOURNMENT**

### **13.01 President Adjourns the Meeting**

President Ernesto Bejarano adjourned the meeting at 11:33 p.m.

Respectfully submitted,

DocuSigned by:  
  
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Ernesto Bejarano, Board Clerk  
mc