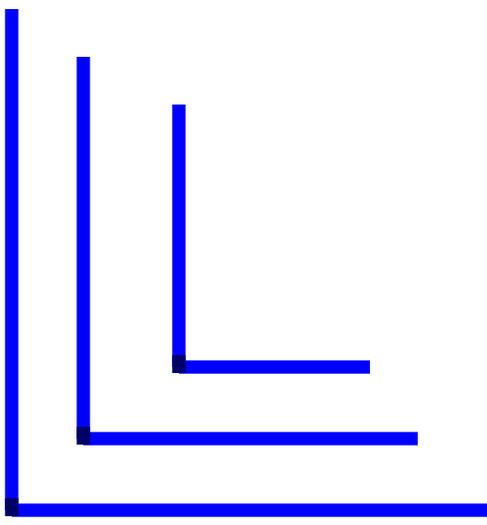


**ALUM ROCK UNION ELEMENTARY  
SCHOOL DISTRICT**

**BOARD OF TRUSTEES**



**Special Board Meeting  
May 29, 2018**



**Tuesday, May 29, 2018**  
**AGENDA - SPECIAL BOARD MEETING**

**Type: AGENDA - SPECIAL BOARD MEETING**

**Time: 6:00 p.m.**

**Code: Regular #20-17/18**

**Location: ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT, 2930 Gay Avenue, San Jose, CA 95127; Board Room.**

**1. OPEN SESSION - CALL TO ORDER AND ROLL CALL**

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1.01 CALL TO ORDER / ROLL CALL -- BOARD PRESIDENT ESAU RUIZ HERRERA.

1.02 ANNOUNCEMENT AND PUBLIC COMMENTS REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION (Government Code Section 54957.7).

1.03 RECOGNITION: ARUESD 2018 Fabulous Four: Classified Employees of the Year-Special Recognition.

1.04 PRESENTATION: Music Department, Visual and Performing. Band will perform outside the District Office.

1.05 ADJOURNMENT TO CLOSED SESSION: The Board will adjourn to Closed Session at approximately 6:05 p.m. Open Session will resume approximately 60 minutes after the start of Closed Session.

**2. CLOSED SESSION**

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2.01 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (5 potential cases). Discussion/Action.

2.02 CONFERENCE WITH LABOR NEGOTIATORS, EMPLOYEE ORGANIZATION: CSEA (California Schools Employees Association); District Negotiators: (1) Hilaria Bauer, Ph.D., Superintendent; (2) Jess Serna, Interim Assistant Superintendent, Human Resources; and (3) Maribel Medina, Attorney. Discussion/Action. Discussion/Action.

2.03 PUBLIC EMPLOYEE DISCIPLINE, DISMISSAL, OR RELEASE (Government Code Section 54957) TITLE: Superintendent. Discussion/Action. This agenda item was submitted by Member Khanh Tran.

**3. RECONVENE TO OPEN SESSION - DISTRICT OFFICE BOARD ROOM**

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3.01 CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE BY BOARD PRESIDENT ESAU RUIZ HERRERA.

3.02 REPORT OF ACTION TAKEN IN CLOSED SESSION.

3.03 DISCUSSION AND/OR MODIFICATION(S) OF THE AGENDA. The Board may change the order of business including, but not limited to, an announcement that an agenda item will be considered out of order, that consideration of an item has been withdrawn, postponed, rescheduled or removed from the Consent Calendar for separate discussion and possible action.

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**4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

4.01 "REQUESTS TO ADDRESS THE BOARD" provides members of the public an opportunity to speak to the Board about any matter under the jurisdiction of the Board and not otherwise on the agenda. Those who wish to address specific agenda items will have an opportunity to do so when that agenda item is introduced and presented during this meeting. Individuals wishing to speak are requested to proceed to the podium. There is a three-minute time limit for each speaker. The Board will automatically refer to staff any formal written requests that are brought before them at this time. Written matters may be placed on a future meeting.

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**5. COMMENTS AND COMMUNICATION**

5.01 Teamsters.

5.02 California School Employee's Association (CSEA).

5.03 Alum Rock Administrator's Association (ARAA).

5.04 Alum Rock Educator's Association (AREA).

5.05 Superintendent.

5.06 Board of Trustees/Communications/Comments.

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**6. SPECIAL PRESENTATION AND/OR RECOGNITION**

6.01 RECOGNITION: Innovate Public Schools Recognition of Alum Rock Schools. Each year, Innovate Public Schools celebrates the Bay Area public schools achieving excellent results for low-income Latino and low-income African American students. Three Alum Rock schools were recognized for their students having higher proficiency rates, in ELA or Math, than all students combined in the state and making strides towards closing the achievement gap. The three schools are: (1) Renaissance Academy at Mathson; (2) Renaissance Academy at Fischer; and (3) Adelante Dual Language Academy.

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**7. PUBLIC HEARING**

7.01 PUBLIC HEARING. District's Initial Bargaining Proposal to Open Negotiations with CSEA Chapter 305; Re: 2018-2019 Reopeners.

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**8. BOND / FACILITIES**

8.01 INFORMATION: The Board will receive a written update on the status of bond projects.

8.02 INFORMATION: The Board will receive a written update from the Citizen's Bond Oversight Committee (CBOC).

8.03 ACTION: Approve the 2016/17 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I.

8.04 ACTION: Award of Contract Hazard Management Services.

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**9. CONTRACTS OVER \$100,000**

9.01 ACTION: Approve Santa Cruz Silicon Valley New Teacher Project, Academic Services, \$100,400.

9.02 ACTION: Approve Springboard Collaborative, Academic Services, \$126,000.

9.03 ACTION: Approve Increase of \$20,000. (Original contract \$100,000) with Ro Health, Inc., Student Services, total cost of this contract \$120,000.

9.04 ACTION: Approve Graciela Hendel, Special Education, \$140,000.00

9.05 ACTION: Approve Increase of \$20,000 (Original contract \$94,714.00) with Maxim Healthcare Services, Student Services, total cost of this contract \$114,714.

9.06 ACTION: Approve Increase of \$50,000 (Original contract \$160,000) with California Janitorial Supply, Maintenance Department, total cost of this contract \$210,000.

9.07 INFORMATION: Final payment of 3 year contract for the 2017-2018 School Year for City Year, Inc., State & Federal Programs, \$450,000.00.

## **10. SUPERINTENDENT/BOARD BUSINESS**

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10.01 INFORMATION/DISCUSSION/ACTION: Special Board Meeting, Setting A Date. The Board will discuss and set a date in June for a Special Board Meeting to review and take action for the LCAP and Budget. The suggested date is Tuesday, June 26, 2018. The Public Hearing will be scheduled at the June 14 Regular Board Meeting.

10.02 INFORMATION/DISCUSSION: The Board will have discussion on Beautiful Day.

10.03 INFORMATION/DISCUSSION/ACTION: The Board will have discussion on School Safety.

10.04 INFORMATION/UPDATE: CSBA Board Policy 5112.5, Students, Closed Campus.

10.05 INFORMATION/DISCUSSION/ACTION: Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms.

10.06 INFORMATION/DISCUSSION/ACTION: Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault line.

10.07 INFORMATION/DISCUSSION/ACTION: Review and assessment of drinking water and water facilities at District schools.

10.08 ACTION: Consideration and Adoption of Resolution No. 37-17/18; Order of Election, Specifications of the Election Order and Consolidation Request. A Biennial District General Election has been ordered to be held on November 6, 2018, in the Alum Rock Union Elementary School District for the purpose of electing 3 Full-Term Offices of Governing Board Members.

10.09 DISCUSSION/ACTION: Board-Created Standing Committees. The Board will discuss the merits of, and may take action to create various Board Committees, such as (1) Bond, Facilities, and Finance Committee; (2) Curriculum and Technology Committee; (3) Parent Engagement Committee; and (4) Small Schools and Innovation Committee. If Board-Created Committees are created, committee appointments will also be made.

10.10 DISCUSSION/ACTION: Program and Construction Management Agreement for Measure I. Terminate Contract between Alum Rock Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group. This agenda item was submitted by Member Andres Quintero.

10.11 DISCUSSION/ACTION: Program Management Agreement, Measure J. Terminate Contract between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Program Management of the ARUSD Bond Program. This agenda item was submitted by Member Andres Quintero.

10.12 DISCUSSION/ACTION: Construction Management Agreement, Measure J. Terminate Contract between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Construction Management of the ARUSD Bond Program. This agenda item was submitted by Member Andres Quintero.

## **11. INSTRUCTIONAL SERVICES**

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11.01 PRESENTATION/INFORMATION: Draft of the 2018-2019 Local Control Accountability Plan (LCAP).

11.02 ACTION: Purchase of iPads and Chromebooks for K-8 Schools.

## **12. BUSINESS**

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12.01 INFORMATION/DISCUSSION: FISCAL EXPERT UPDATE. Dr. Donald Zimring, Fiscal Expert and Dr. William Gillaspie, Fiscal Advisor, in conjunction with Assistant Superintendent Kolvira Chheng, will provide a Fiscal Expert update to the Board.

12.02 INFORMATION/DISCUSSION: FCMAT UPDATE. Assistant Superintendent Kolvira Chheng will provide a FCMAT update to the Board.

12.03 INFORMATION/ACTION: 3rd Interim Report.

## **13. HUMAN RESOURCES**

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13.01 INFORMATION Regarding Resignations.

13.02 ACTION: Adopt the District's Initial Bargaining Proposal to Open Negotiations with CSEA Chapter 305; Re: 2018-2019 Reopeners.

13.03 ACTION: Approve Declaration of Need For Fully Qualified Educators for 2018/2019.

13.04 ACTION: Approve Resolution No. 38-17/18 Proclaiming May 20-26, 2018 Classified School Employees Week.

## **14. CONSENT CALENDAR**

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14.01 ACTION: Approval of Minutes for the following meetings: (1) May 14, 2015; Regular Board Meeting; (2) November 9, 2017, Regular Board Meeting; (3) January 18, 2018, Regular Board Meeting; (4) February 8, 2018, Regular Board Meeting; and (5) March 8, 2018, Regular Board Meeting.

14.02 ACTION: Approve Contracts for Professional Services - Firms.

14.03 ACTION: Approve Memorandum(s) of Understanding(s).

14.04 ACTION: Approval of Fundraising Activities.

14.05 ACTION: Acceptance of Donations.

14.06 ACTION: Acceptance of Vendor & Payroll Warrants-MARCH.

- 14.07 ACTION: Enrollment/Attendance Report for Month 8 (March 19, 2018 thru April 13, 2018).
- 14.08 ACTION: Approve the Certification of Correction for the 2016-2017 Audit Report.
- 14.09 ACTION: eFinance Upgrade Service.
- 14.10 ACTION: Resolution No. 36-17/18 National School Nutrition Employee Week May 7-11, 2018.
- 14.11 ACTION: 2018-2021 Expulsion Plan for Expelled Students
- 14.12 ACTION: Approve/Ratify Notices of Employment and Changes of Status/May 29, 2018/Human Resources Department.
- 14.13 ACTION: Approve Out of State Travel, Schools to Learn From Site Visit Program, Bladensburg, MD May 1-3, 2018 for Anna Nguyen. No cost.
- 14.14 ACTION: Approve Out of State Travel, Policy Leadership Academy, Washington D.C., June 6-8, 2018 for Ivan Montes. No cost.
- 14.15 ACTION: Approve Out of State Travel, NALEO Conference, Phoenix, AZ, June 21-23, 2018 for Esau Ruiz Herrera and Andres Quintero. Estimated cost \$4720.
- 14.16 ACTION: Approve Out of State Travel, SNA Annual National Conference, Las Vegas, NV, July 9-12, 2018 for Mary Fell. Estimated cost \$1337.
- 14.17 ACTION: Approve Out of State Travel, New Tech Network Annual Conference, St. Louis, MO, July 12-15, 2018 for Imee Almazan, Amalia Alvarez, Jeff Berta, Diederich Bonemeyer, Stephanie Guerrero, Amber Harris, Crystal Madril, Jerald Minter and Randall Smith. Estimated cost \$24,500.
- 14.18 ACTION: Approve Out of State Travel, New Tech Network Annual Conference, St. Louis, MO, July 12-15, 2018 for Brienna White, Bonnie Emert, Marlene Estell, Jennifer Doherty, Kevin Fuller, Bryan Nguyen, Jackie Montejano, Michael Kretsch, Jesse Springer and Joey Tango. Estimated cost \$20,000.
- 14.19 ACTION: Approve Out of State Travel, National Spanish Spelling Bee, San Antonio, TX, July 12-15, 2018 for Rosa Garcia. Estimated cost \$2338.
- 14.20 ACTION: School-Sponsored Field Trip List.

## **15. FUTURE BOARD AGENDA REQUESTS**

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- 15.01 Requests from Board of Trustees and/or from the Public.

## **16. ADJOURNMENT**

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- 16.01 President adjourns the meeting.

7.01

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

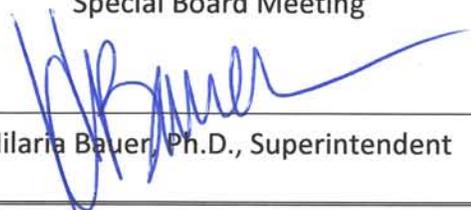
**Subject: PUBLIC HEARING. District's Initial Bargaining Proposal to Open Negotiations with CSEA Chapter 305; Re: 2018-2019 Reopeners.**

Staff Analysis:

The District wishes to open negotiations with CSEA Chapter 305 for 2018-2019 reopeners. Pursuant to the Educational Employment Relations Act (EERA), the parties cannot negotiate until public notice procedures are completed. These "sunshining" procedures require the proposals be presented to the public at an open Board Meeting.

Pursuant to the EERA, the District hereby presents its initial bargaining proposal to CSEA Chapter 305 for the 2018-2019 for public hearing and comment.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Public Hearing</b> <u>7.01</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · [www.arusd.org](http://www.arusd.org)

May 1, 2018

## **Alum Rock Union School District's Initial Proposal to California School Employees Association (CSEA) #305**

Pursuant to the provisions of Government Code Section 3547 (the Rodda Act) all initial proposals of the exclusive representative employee groups and the District shall be presented at a public meeting of the District and shall thereafter be public records. This is commonly referred to as "Sunshining" the proposals. On June 13, 2017, the District and CSEA reached a three (3) year agreement (July 1, 2017 – June 30, 2020). For the second and third year (2018/2019 and 2019/2020) of this Agreement, the parties agree to reopen on wages and Article 10.1 "Coverage", plus two (2) non-economic Articles by either party. The District hereby submits its bargaining proposal for the 2018-2019 Re-opener.

Article IV            Evaluation/Probation  
Article XIV          Bargaining Unit Vacancies, Transfer, Promotion, and Reclassification

The District is committed to work collaboratively and in partnership with the California School Employees Association. With respect to the articles identified above, the District's interest is to establish a collective bargaining agreement that supports student achievement, and staff success.

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Hilaria Bauer, Ph.D., Superintendent

Board of Trustees: Esau Ruiz Herrera, President · Karen Martinez, Vice-President  
Dolores Márquez-Frausto, Clerk · Khanh Tran, Member · Andrés Quintero, Member

8.01

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 22, 2018

**Subject: BOND PROJECTS**

The Board will receive a written update on the status of bond projects.

Information

Submitted by: Kolvira Chheng Title: Assistant Superintendent, Business Services

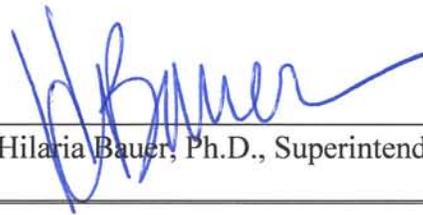
To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

Information

8.01

Agenda Placement



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_

Not Approved: \_\_\_\_\_

Tabled: \_\_\_\_\_



**Alum Rock Union Elementary School District  
Bond Program Update for May 10, 2018 Board Meeting**

**CURRENT PROJECTS:**

***Multi-Purpose School Community Center Projects (MPSCC)***

**Fischer MS Project**

**Bids opened on June 27, 2017 and has been Board Approved on July 17, 2017.**

Initial project kickoff meeting with Contractor, Del Terra and District occurred on 8/3/17. District has issued the Notice of Award, contractor has executed the Agreement. However due to the limited available Bond Funds, the District has decided to hold the commencement of the project; Pending District execution of Contract.

Once District executes the contract and 'Notice to Proceed' is issued to the Contractor, the construction timeline will commence. District in possession of Contract and pending its execution.

On Nov. 6, 2017 Contractor was informed that District is postponing the 'Notice to Proceed' until further notice.

**NOTE:** on the Jan. 18, 2018 Board Agenda under the Superintendent's section, it states: "9.03: Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms." Del Terra was not apprised of the District's recommendation prior to the Board Meeting.

**Current status: *District has not issued any new information. No change since last meeting.***

**Mathson Multi-Purpose Building (old MACSA) Renovation Project**

Project was re-bid, bids opened on September 28, 2017.

The new low Base bid, without the Add Alternates, is \$6,900,000. With the 'Add Alternates', the full contact amount is \$7,213,800.

Facility improvements and repairs are as follows:

- Roofing
- Electrical Upgrades
- HVAC units are to be replaced
- Painting
- Landscaping
- Building modifications
- Create new Access Road & Drop-Off areas
- New Signage

**Current Status: *District directed Del Terra to not issue a Letter of Intent. District has not issued any new information. No change since last meeting.***

**George MS MPSCC (Performing Arts Bldg) Project**

**Per Del Terra presentation of October 12, 2017**

Based on the existence of previously unknown Earthquake Faults immediately adjacent to the George MS site, does the District want:

1. Engineers to perform the \$75,000 of additional Excavation and Testing as required by CGS?
  - a. If so, Test results will be brought to the Board for further discussion/action.
2. If the Testing results in additional Engineering and Structural reinforcement requirements, is the District willing to move forward with the Project?
3. Does the District want to not continue with the Project from this point any further?



**NOTE:** on the Jan. 18, 2018 Board Agenda under the Superintendent's section, it states:  
"9.04: Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Faultline."

*Del Terra was not apprised of the District's recommendations prior to the Board Meeting.*

**Current Status:**      **Clarification required from Board:**

***Is it the understanding of the Board that since they have NOT directed District Staff to STOP the Project, thus is the Board's understanding that the Project is to Continue forward with the necessary Site development requirements, i.e. additional Testing and Engineering services?***

**OR**

***Is the direction still 'Pending' a specific direction from the Board of Education, which has been no status change from previous meetings?***

## UPCOMING PROJECTS:

### Bond Funds Required

Per District the **Estimated** Issuance Amount of Bond Funds required:

5 HVAC Projects: \$4M x 5 sites =      \$20.0 M

Fischer MPSCC:                              \$13.0 M

Mathson MPSCC:                             \$ 7.2 M

**TOTAL NEEDED                              \$40.2 M**

Current Bond Cash On Hand:            \$ 6.2 M

Net Bond Funds Needed:                **\$34.0 M**

### HVAC Projects

District has identified and selected five school sites for New HVAC systems to be installed.

**The list includes:**

**1. Arbuckle    2. McCollam    3. Cureton    4. Ryan    5. Russo**

**Status:**

- Job Walk took place 4/10/18
  - Three potential bidders attended
    - BRCO Construction, Fast Track Corp., & Olympus Painting Inc.
- SFA architects received comments from DSA on 4/17
  - Arbuckle & Cureton are scheduled for DSA back check on 5/10
  - McCollam, Ryan, Russo are scheduled for DSA back check on 5/22
- Bid Addendum #4 was issued on 5/8 to contractors which included the DSA Comment responses for Arbuckle & Cureton
- Next addendum will be issued to address the 3 remaining schools with DSA Comment responses on 5/14
- Bid Opening scheduled for 5/18 @ 1pm



- Bid Award to be submitted for the June 14<sup>th</sup> Board meeting
- Anticipated start of construction will be 6/25

**NOTE:**

The HVAC Projects will not go forward unless additional Bond Funds are available, similar with the Mathson and Fischer MPSCC projects.

Also, many contractors are indicating a lack of interest in bidding ARUESD projects due to Projects not going forward and Contractor's Bonding Capacity is being Tied Up, hindering contractor's ability to Bid other viable projects, thus Damaging Contractor's business opportunities. Further, Subcontractor's Labor and Material Costs are increasing from date of Bid Acceptance and Bid Amounts are being at risk of becoming invalid or difficult to maintain.

**Clarifications**

At the April 12, 2018 Board meeting the CBO reported that various documents were not in file for various Bond Projects. However, previous to the April 12<sup>th</sup> report, in a recent phone conversation, as noted in the Weekly Bond Meeting Minutes, and discussed in the various Weekly Bond Planning Meetings, it was mutually agreed that both, District and Del Terra, would work together to reconcile any missing documents so that an accurate reporting can be provided of the various Bond documents. Nonetheless, the District did not contact Del Terra to discuss documents it was seeking. In fact, this point was even stated by Superintendent Bauer at the November 9, 2017 Board Meeting, whereby Bauer stated that we (District and Del Terra) will work together to fill the Gap of documents.

As such, on May 4, 2018 Del Terra provided a response to the District referencing the CBO's April 12<sup>th</sup> report. Del Terra's report indicated that the majority of the documents listed by the District were not actually "missing". Rather, some of the listed documents were located in the project Files, while others did not yet exist due to the District did not have sufficient time to determine which specific Documents and Protocols it wanted to establish for Project Documentation. As such, some documents had not yet existed. Some projects did not require the listed Missing Documents because of the District's decision on the manner of Procurement did not utilize certain documents.

The CBO indicated that 59 do documents were missing, whereby the actual number is 22, only 37% of the 59 items are actually not in file. As stated in the Matrix submitted with the May 4<sup>th</sup> Memo, majority of the items were referenced to the 2013/2014 school year, the 1<sup>st</sup> year of the Bond Program and the District had not yet determined what protocols it wanted to implement.

As is known there were approximately 80 Different bond projects that were successfully implemented on occupied campuses, without injury to any student, faculty or contractor. No lawsuits for lack of performance and all projects complied with Public Contract Codes and Bidding Procedures.

There may be some individual missing documents, but these documents have not affected the performance or risk assignment of the projects. There are no incomplete projects or missing public funds, and Del Terra's performance of the Bond Program has not exposed the District to any risk of negligence or performance.



# DEL TERRA

In summary, it is Del Terra's hope and desire that the District will in the future work cooperatively with Del Terra to 'fill in any gaps' relating to Project Documentation. So that in the future by working together to 'fill in the Gaps', then more accurate information can be provided to the District.

8.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

Date: April 30, 2018

**Subject: Citizen's Bond Oversight Committee (CBOC)**

*The Board will receive a written update from the Citizen's Bond Oversight Committee.*

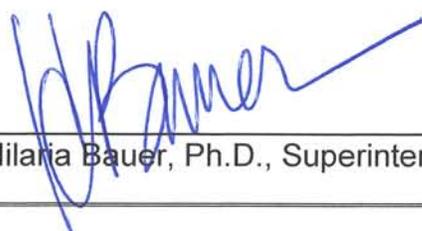
\*\*\*INFORMATION\*\*\*

Submitted by: Kolvira Chheng  Title: Assistant Superintendent, Business Services

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Information**

8.02  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF TRUSTEES**

To the Board of Trustees:

**Subject:** 2016/2017 Annual Performance and Financial Audit of  
General Obligation Bonds Report

**Staff Analysis:** The district hires an independent auditor to review our financial activities for Measure J and Measure I General Obligation Bond funds for period ending June 30, 2017. Our auditor is Crowe Horwath, LLP.

**Recommendation:** Staff recommends approval of the 2016/2017 Annual Performance and Financial Audit of General Obligation Bonds Report.

Submitted by:  Kolvira Chheng Title: Assistant Superintendent, Business Services

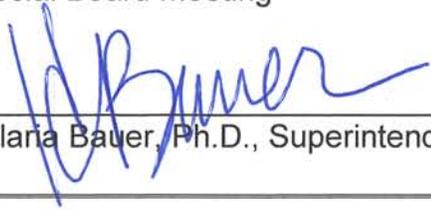
To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

8.03

Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

8.04

Office of Superintendent of Schools

ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES

Board of Trustees:

Date: April 30, 2018

To the Superintendent of Schools

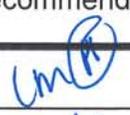
**Subject: Award of Contract  
Hazard Management Services**

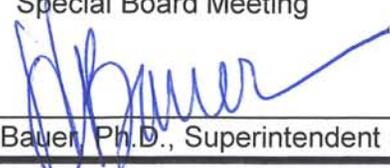
**Staff Analysis:** On April 13, 2017 the Board approved and awarded contracts to Fast Track Construction and BRCO Contractors for HVAC upgrades at L.U.C.H.A. and Dorsa, respectively. On May 11, 2017 The Board approved and awarded Contract to Hazardous Management Services (HMS), Inc. in the amount of \$18,350.00 to provide environmental consultant service as required by The Division of State Architects. On July 13, 2017, District and Del Terra discussed the need for additional scope of work. On July 20, 2017, Del Terra received HMS request for additional funds for LUCHA and Dorsa. Both HVAC projects were completed in August 2017. Final change order and notice of completion for both projects were approved by the Board on November 9, 2017 and December 14, 2017, respectively. On, January 25, 2018, which is approximately five (5) months after the projects have been completed, Del Terra presented the District with two (2) letters (enclosed), both dated July 20, 2017 from Hazard Management Services, Inc. to Del Terra requesting for additional funds due to additional scope of work.

Below is a summary of the fees increase.

<u>School</u>	<u>Original</u>	<u>Increase Amount</u>	<u>Total Amount</u>
Dorsa Elem School	\$ 7,240.00	\$22,000.00	\$29,240.00
L.U.C.H.A. Elem School	\$11,110.00	\$ 3,000.00	\$14,100.00
<b>Total</b>	<b>\$18,350.00</b>	<b>\$25,000.00</b>	<b>\$43,350.00</b>

**Recommendation:** Based on the additional scope of work and DSA inspection requirements, Del Terra Group recommends the Board of Trustees approve the additional fees to Hazard Management Services, Inc. in the amount of **\$25,000.00**. However, due to the delayed timing on when the proposals were presented to the District, staff does not support Del Terra's recommendation.

Submitted by: Louie Moran  Title: Director of Facilities, Bonds and Leases  
Approved by: Kolvira Chheng  Title: Assistant Superintendent, Business Services

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting  
Recommended Approval 8.04  
Agenda Placement Hilaria Bauer, Ph.D., Superintendent 

DISPOSITION BY BOARD OF TRUSTEES

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## PURCHASE ORDER / CONTRACT ADJUSTMENT

C1718155

P.O. No. C1617391 Contract No. \_\_\_\_\_ Contract Original Amount: \$ 18,350.00

Vendor Name: Hazard Management Services, Inc Vendor No. 22343

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: \_\_\_\_\_
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$	<u>18,350.00</u>
Change Order #: <u>1</u>	\$	<u>25,000.00</u>
Change Order #: _____	\$	_____
Change Order #: _____	\$	_____
<b>New Contract Total</b> (including Change Orders)	\$	<u>43,350.00</u>

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
	<u>21</u>	<u>150</u>	<u>95060</u>	<u>6290</u>	<u>22,000</u>	<i>Mania</i> <i>Jan 12 12/29/13</i>
	<u>21</u>	<u>270</u>	<u>95060</u>	<u>6290</u>	<u>3,000</u>	

Reason for Adjustment: Required overtime, weekend work. "Rushed" lab test results for short time frame.  
Bid# B1617-Bond008 HVAC Upgrades at Dorsa and L.U.C.H.A. Elementary Schools

School/Dept.: <u>BONDS</u>	Requested by: <u>LOUIE MORAN</u>
Approval: _____ (for Contracts Only)	Assistant Superintendent of Business Services
<i>John Moran</i>	Program Manager
	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

Below is a cost summary of the original Proposed Fees, 1<sup>st</sup> submittal of the Cost Increases and the renegotiated Cost Increase, discounted.

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT**

Bid# B1617-Bond008 HVAC Upgrades at Dorsa ES & L.U.C.H.A.

**Hazard Management Services, Inc.**

**Original PO#** C1617391 2016/2017 FY

**Rollover PO#** C1718155 2017/2018 FY

	<b>Dorsa ES</b>	<b>LUCHA ES</b>	<b>TOTAL</b>
Original PO	\$ 7,240.00	\$ 11,110.00	\$ 18,350.00
1st Draft Cost Increase	\$ 26,220.00	\$ 3,620.00	\$ 29,840.00
<b>TOTAL</b>	<b>\$ 33,460.00</b>	<b>\$ 14,730.00</b>	<b>\$ 48,190.00</b>

**Revised Increase**

	<b>Dorsa ES</b>	<b>LUCHA ES</b>	<b>TOTAL</b>
Original PO	\$ 7,240.00	\$ 11,110.00	\$ 18,350.00
Renegotiated Cost Increase	\$ 22,000.00	\$ 3,000.00	\$ 25,000.00
<b>TOTAL</b>	<b>\$ 29,240.00</b>	<b>\$ 14,110.00</b>	<b>\$ 43,350.00</b>



# Hazard Management Services, Inc.

207 McHenry Ave. • Modesto, CA 95354  
(209) 551-2000 • www.hazmanage.com

July 20, 2017

Mr. Joe Stam, Program Manager  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Dear Mr. Stam:

This letter contains Hazard Management Services, Inc. (HMS, Inc.) request for additional funds as part of the ongoing HVAC Upgrade project at Alum Rock Union Elementary School District's (ARUESD) Dorsa Elementary School. This request is being submitted after our initial proposal amount for the project was exceeded by a number of factors out of HMS, Inc.'s control on the project. This proposal is to account for all samples, time performing oversight, and closeout time for the project documentation.

For this project, HMS, Inc.'s initial estimated fee was \$7,240. This amount was provided as part of PO C1617391. Based on the initial proposal amount and work completed to date and estimated to be completed in the future, HMS, Inc. is requesting an increase to our PO in the amount of ~~\$28,220~~ <sup>\$25,000</sup>. A few of the reasons for this increase are as follows:

- One set of clearance air samples collected during the project, failed to meet clearance criteria for the AHERA regulation. Per the HMS, Inc. project specifications, ARUESD can back charge the contractor for the second set of clearances:

*Contractor is responsible for all fees (labor and sampling fees) associated with any set of clearance air samples that do not meet current EPA AHERA levels for re-occupancy after an abatement project.*

HMS, Inc. recommends that \$1,400 be charged back to the contractor for the failed clearances.

- When the initial proposal was created for this project, HMS, Inc. was not aware of any project schedules or the contractor that would be performing remediation as part of this project. Once the contractor arrived onsite, it was clear they did not understand the requirements set forth in the project specifications and were not prepared to perform this project in an efficient manner. Examples of lack of preparedness include not arriving with properly trained and certified personnel, insufficient work force and lack of equipment to setup asbestos abatement areas as required by specifications. All of these issues lead to delays throughout the project that increased the amount of time required for HMS, Inc. to provide oversight.
- The general contractor performed additional abatement of areas that were not included in the drawings for full removal as part of this project. This was intended to help reduce the chance of impact to materials, but also to complete the work needed on this project. As these areas of demolition were not noted on the project demo drawings, HMS, Inc. was unaware of the number of containment areas to be completed as part of this project. This also led to a number of additional clearance air samples being collected overall on this project.



Mr. Joe Stam, Program Manager  
Alum Rock Union Elementary School District  
July 20, 2017  
Page Two

- The general contractor, Blane Roth Construction, requested an additional three sets of clearance air samples be collected overall on this project. This was completed because of the remediation contractor not meeting the project schedule and other trades needing to access the spaces as quickly as possible. This was notably completed in Building C, but also occurred in Building A at the start of the project. HMS, Inc. recommends the contractor be back charged for these clearances at a rate of \$1,400 per set to help offset our increased costs.

Thank you for the opportunity to submit this request. If you have any questions, please contact me at (209) 551-2000 (office) or (209) 484-4648 (cell) or by e-mail at [cchipponeri@hazmanage.com](mailto:cchipponeri@hazmanage.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Chipponeri", written in a cursive style.

Chris Chipponeri  
Chief Operating Officer  
Cal/OSHA CAC 10-4633  
CDPH Lead I/A 20476



# Hazard Management Services, Inc.

207 McHenry Ave. • Modesto, CA 95354  
(209) 551-2000 • [www.hazmanage.com](http://www.hazmanage.com)

July 20, 2017

Mr. Joe Stam, Program Manager  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Dear Mr. Stam:

This letter contains Hazard Management Services, Inc. (HMS, Inc.) request for additional funds as part of the ongoing HVAC Upgrade project at Alum Rock Union Elementary School District's (ARUESD) LUCHA Elementary School. This request is being submitted after our initial proposal amount for the project was exceeded by a number of factors out of HMS, Inc.'s control on the project. This proposal is to account for all samples, time performing oversight, and closeout time for the project documentation.

For this project, HMS, Inc.'s initial estimated fee was \$11,110. This amount was provided as part of PO C1617391. Based on the initial proposal amount and work completed to date and estimated to be completed in the future, HMS, Inc. is requesting an increase to our PO in the amount of ~~\$3,620~~ *\$3,000*. A few of the reasons for this increase are as follows:

- When the initial proposal was created for this project, HMS, Inc. was not aware of any project schedules or the contractor that would be performing remediation as part of this project. Once the contractor arrived onsite, it was clear they did not understand the requirements set forth in the project specifications and were not prepared to perform this project in an efficient manner. Examples of lack of preparedness include not arriving with the proper notifications to regulatory agencies and a delay in providing the notifications for work to start and lack of equipment to setup asbestos abatement areas as required by specifications to the required extent. All of these issues lead to delays throughout the project that increased the amount of time required for HMS, Inc. to provide oversight.
- The general contractor performed additional abatement of areas that were not included in the drawings for full removal as part of this project. This was intended to help reduce the chance of impact to materials, but also to complete the work needed on this project. As these areas of demolition were not noted on the project demo drawings, HMS, Inc. was unaware of the number of containment areas to be completed as part of this project. This also lead to a number of additional clearance air samples being collected overall on this project.
- On June 24, 2017, the remediation contractor, PSI, was scheduled to work. HMS, Inc. arrived onsite and none of the remediation crew arrived onsite. This required a four hour charge to HMS, Inc.'s services in regards to the cancelled extra-day shift. This should be back charged to the contractor for \$320 to cover HMS, Inc.'s fees.

Thank you for the opportunity to submit this request. If you have any questions, please contact me at (209) 551-2000 (office) or (209) 484-4648 (cell) or by e-mail at [cchipponeri@hazmanage.com](mailto:cchipponeri@hazmanage.com).

Sincerely,

Chris Chipponeri  
Chief Operating Officer  
Cal/OSHA CAC 10-4633  
CDPH Lead I/A 20476

## **Background for HMS Cost Increase for Dorsa and LUCHA - HVAC Projects**

A procurement process for Hazardous Material Inspection and Testing services was conducted in early 2017 for the Summer HVAC projects at both Dorsa and LUCHA.

2 firms submitted proposals, and the lowest proposed cost firm was selected, the firm was called Hazard Management Services, Inc. (HMS) at a fee of \$7,240 for Dorsa & \$11,110 for LUCHA.

However, due to unforeseen conditions encountered during the course of construction and difficulty in contractor acquiring adequate staffing, the contractor had to perform some of their work on an Overtime basis and on Weekends. For instance, the Contractor issued a letter from the labor Union indicating that there was a Manpower shortage. That was a major part of the issue, was "manning the site". In order to get the state and federal required work done, Air Clearances and Testing, to save time the tests were "Rushed," which increased/added cost. In order to maintain the Construction schedule the contractor worked overtime and weekends. As such, the Hazardous Material Inspection and Testing consultant (HMS) also was required to work the same extended hours and days.

Upon completion of the construction work all vendors and consultants are required to provide their invoices during the Close Out phase. The HMS vendor did provide their Invoices which reflected an increase in actual costs due to the Overtime and Weekend work. However, HMS did not provide their required final Deliverables with their invoices. As such, Del Terra did not approve the vendors' invoices until their required Deliverables were provided to the District. Del Terra informed the Vendor that their invoices would be withheld until they completed their contractual duties, which was to provide the respective Hazardous Testing Reports, i.e. Deliverables.

Del Terra followed up with HMS over the subsequent months requesting the deliverables. Not until early 2018 did HMS actually provide the deliverables to the District. At such time, Del Terra then provided the Invoices to the District for approval. Due to delay in the Vendor's submittal of the Deliverables, Del Terra was able to negotiate a reduction in HMS' proposed increases due to their Overtime and Weekend work. The Original cost increases were as follows: \$26,220 for Dorsa and \$3,630 for LUCHA. However, due to Del Terra's renegotiation of these costs, the final cost increases were \$22,000 for Dorsa and \$3,000 for LUCHA.

**B1617-Bond008 HVAC Upgrades at Dorsa ES and L.U.C.H.A  
Request for Additional Funds - Timeline  
Hazard Management Services, Inc.**

<b>HVAC Upgrades at Dorsa ES</b>			
<b>Day</b>	<b>Date</b>	<b>Description of Work</b>	<b>Hours</b>
Monday	6/26/2017	ASBESTOS PROJECT MONITORING LAB FEES - ASBESTOS BULK SAMPLE LAB FEES - DAILY AIR SAMPLE LAB FEES - TEM CLEARANCE SET	4
Tuesday	6/27/2017	ASBESTOS PROJECT MONITORING LAB FEES - ASBESTOS BULK SAMPLE LAB FEES - DAILY AIR SAMPLE	8
Wednesday	6/28/2017	ASBESTOS PROJECT MONITORING	10
Thursday	6/29/2017	ASBESTOS PROJECT MONITORING LAB FEES - DAILY AIR SAMPLE	9
Friday	6/30/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SET	8
Saturday	7/1/2017	ASBESTOS PROJECT MONITORING	9
Monday	7/3/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SET	8
Wednesday	7/5/2017	ASBESTOS PROJECT MONITORING	10
Thursday	7/6/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SETS (2)	13
Friday	7/7/2017	ASBESTOS PROJECT MONITORING ADMIN SUPPORT LAB FEES - AIR SAMPLE CLEARANCE	8
Saturday	7/8/2017	ASBESTOS PROJECT MONITORING ADMIN SUPPORT (5 Hours) LAB FEES - AIR SAMPLE CLEARANCE LAB FEES - TEM CLEARANCE SET	8
Monday	7/10/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SET	11
Tuesday	7/11/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SET	11
Wednesday	7/12/2017	ASBESTOS PROJECT MONITORING LAB FEES - TEM CLEARANCE SET (2)	11

**B1617-Bond008 HVAC Upgrades at Dorsa ES and L.U.C.H.A  
Request for Additional Funds - Timeline  
Hazard Management Services, Inc.**

Thursday	7/13/2017	ASBESTOS PROJECT MONITORING ADMIN SUPPORT (2 Hours) LAB FEES - AIR SAMPLE CLEARANCE LAB FEES - TEM CLEARANCE SET	13
Friday	7/14/2017	ASBESTOS PROJECT MONITORING	1
Monday	9/18/2017	FINAL REPORT	8
Thursday	2/15/2018	Negotiated Discount	

<b>HVAC Upgrades at L.U.C.H.A.</b>			
<b>Day</b>	<b>Date</b>	<b>Description of Work</b>	<b>Hours</b>
Thursday	7/6/2017	Asbestos Project Monitoring. Lab Fees - Daily Air Sample Lab Fees - Air Sample Clearance	8
Friday	7/7/2017	Asbestos Project Monitoring. Lab Fees - Daily Air Sample	8
Saturday	7/8/2017	Asbestos Project Monitoring. Lab Fees - Tem Clearance Set	5
Thursday	9/14/2017	Final Report	8
Thursday	2/15/2018	Negotiated Discount	



Hazard Management Services, Inc.  
 207 McHenry Avenue  
 Modesto, CA 95354  
 209-551-2000

# Invoice

Date
9/18/2017
Invoice #
M16214.5

*DTG*

Bill To
ALUM ROCK UESD 2930 GAY AVENUE SAN JOSE, CA 95127

P. O. No.	Terms	Job No. - Project
C1617391	DUE UPON RECEIPT	M16214 - DORSA ES HVAC BLDGS A-D

DATE	ITEM	QTY	U/M	UNIT RATE	AMOUNT
2/15/2018	NEGOTIATED DISCOUNT	1	FF	-4,220.00	-4,220.00
6/26/2017	ASBESTOS PROJECT MONITORING (PARTIAL DAY)	4	HR	80.00	320.00
6/26/2017	LAB FEES - ASBESTOS BULK SAMPLE	5	EA	20.00	100.00
6/26/2017	LAB FEES - DAILY AIR SAMPLE	1	EA	20.00	20.00
6/26/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
6/27/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
6/27/2017	LAB FEES - ASBESTOS BULK SAMPLE	9	EA	20.00	180.00
6/27/2017	LAB FEES - DAILY AIR SAMPLE	1	EA	20.00	20.00
6/28/2017	ASBESTOS PROJECT MONITORING	10	HR	80.00	800.00
6/29/2017	ASBESTOS PROJECT MONITORING	9	HR	80.00	720.00
6/29/2017	LAB FEES - DAILY AIR SAMPLE	1	EA	20.00	20.00
6/30/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
6/30/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/1/2017	ASBESTOS PROJECT MONITORING	9	HR	80.00	720.00
7/3/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
7/3/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/5/2017	ASBESTOS PROJECT MONITORING	10	HR	80.00	800.00
7/6/2017	ASBESTOS PROJECT MONITORING	13	HR	80.00	1,040.00
7/6/2017	LAB FEES - TEM CLEARANCE SETS (2)	10	EA	200.00	2,000.00
7/7/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
7/7/2017	ADMIN SUPPORT	7	HR	45.00	315.00
7/7/2017	LAB FEES - AIR SAMPLE CLEARANCE	20	EA	50.00	1,000.00
7/8/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
7/8/2017	ADMIN SUPPORT	5	HR	45.00	225.00
7/8/2017	LAB FEES - AIR SAMPLE CLEARANCE	5	EA	50.00	250.00
7/8/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/10/2017	ASBESTOS PROJECT MONITORING	11	HR	80.00	880.00
7/10/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/11/2017	ASBESTOS PROJECT MONITORING	11	HR	80.00	880.00
7/11/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/12/2017	ASBESTOS PROJECT MONITORING	11	HR	80.00	880.00
7/12/2017	LAB FEES - TEM CLEARANCE SET (2)	10	EA	200.00	2,000.00
7/13/2017	ASBESTOS PROJECT MONITORING	13	HR	80.00	1,040.00
7/13/2017	ADMIN SUPPORT	2	HR	45.00	90.00

FINAL

<b>TOTAL</b>
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Hazard Management Services, Inc.  
 207 McHenry Avenue  
 Modesto, CA 95354  
 209-551-2000

# Invoice

Date
9/18/2017
Invoice #
M16214.5

Bill To
ALUM ROCK UESD 2930 GAY AVENUE SAN JOSE, CA 95127

P.O. No.	Terms	Job No. - Project
C1617391	DUE UPON RECEIPT	M16214 - DORSA ES HVAC BLDGS A-D

DATE	ITEM	QTY	U/M	UNIT RATE	AMOUNT
7/13/2017	LAB FEES - AIR SAMPLE CLEARANCE	20	EA	50.00	1,000.00
7/13/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
7/14/2017	ASBESTOS PROJECT MONITORING	1	HR	80.00	80.00
9/18/2017	FINAL REPORT	8	HR	80.00	640.00

P.O. # C1718155  
 Del Terra Group  
 Bldg 7 - Bldg 08 HVAC Upgrades  
 Project Ref: Q Dorca ES  
 Amount: ~~22,000.00~~  
 Reviewed By: [Signature]  
 Date Reviewed: [Signature]  
 Date Forwarded:  
 Forwarded To: L.M. ARQUES  
 DTG Processor: [Signature] 373.0

FINAL

**TOTAL \$22,000.00**



Hazard Management Services, Inc.  
 207 McHenry Avenue  
 Modesto, CA 95354  
 209-551-2000

# Invoice

Date
9/18/2017
Invoice #
M16215.5

DM

Bill To
ALUM ROCK UESD 2930 GAY AVENUE SAN JOSE, CA 95127

P.O. No.	Terms	Job No. - Project
C1617391	DUE UPON RECEIPT	M16215 - L.U.C.H.A. ES HVAC BLDG A&B

DATE	ITEM	QTY	U/M	UNIT RATE	AMOUNT
2/15/2018	NEGOTIATED DISCOUNT	1	FF	-620.00	-620.00
7/6/2017	ASBESTOS PROJECT MONITORING (PARTIAL DAY)	8	HR	81.25	650.00
7/6/2017	LAB FEES - DAILY AIR SAMPLE	1	EA	20.00	20.00
7/6/2017	LAB FEES - AIR SAMPLE CLEARANCE	5	EA	50.00	250.00
7/7/2017	ASBESTOS PROJECT MONITORING	8	HR	80.00	640.00
7/7/2017	LAB FEES - DAILY AIR SAMPLE	1	EA	20.00	20.00
7/8/2017	ASBESTOS PROJECT MONITORING	5	HR	80.00	400.00
7/8/2017	LAB FEES - TEM CLEARANCE SET	5	EA	200.00	1,000.00
9/14/2017	FINAL REPORT	8	HR	80.00	640.00

P.O. # C1718155  
 Del Terra Group  
 Bldg 17 - BondCOR HVAC Upgrades  
 Project Ref: @L.U.C.H.A.  
 Amount: \$3,000.00  
 Reviewed By: [Signature]  
 Date Reviewed: 9/5  
 Date Forwarded:  
 Forwarded To: M. ARIZO  
 DTG Processor: G. DIAZ - 378.0

FINAL

<b>TOTAL</b>	<b>\$3,000.00</b>
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ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT - MEASURE 'J'

PROJECT EXPENDITURE REPORT

**DELTERRA**

Data Date: 20-Feb-18

School: LUCHA  
DTG Project #: HVAC

Item	Voucher No.	Fiscal Year	Budget Code:		Description	Invoice Number:	Invoice Date:	Commitments Amount:	Invoice Amount:
			Fund	Obj					
<b>6270 PRELIMINARY TESTS (ABATEMENT MONITORING)</b>									
1			21	6270	Hazardous Management Service, Inc. Construction Abatement Monitoring BOA 04/13/17 PO# C1617391			\$ 11,110.00	
2	136299	2017	21-C	6290	HMS - Invoice	M16215.3	07/03/17	\$ 14,680.00	\$ 6,880.00
3					Close PO# C1617391 End 2016/2017 Fiscal Year			\$ 4,680.00	
4		2018/09	21-C	6290	Rollover Contract to the 2017/2018 Fiscal Year PO# C1718165	M16215.4	09/18/17	\$ 3,000.00	\$ 4,680.00
5	139183	2018/01	21-C	6290	HMS - Invoice	M16215.5	09/18/17	\$ 3,000.00	\$ 3,000.00
6					Contract Adjustment PENDING BOA				
7					HMS - Invoice				
8									
9									

6270 Abatement Monitoring Subtotal:						\$ 14,110.00	\$ 14,110.00	\$ 14,110.00
Monitoring Remaining Balance:						\$	\$	\$

# DELTERRA

## ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT - MEASURE 'J'

### PROJECT EXPENDITURE REPORT

Data Date: 20-Feb-18

School: DORSA ELEMENTARY		DTG Project # HVAC		Fiscal Year		Budget Code:		Description	Invoice Number	Invoice Date	Commitments Amount	Invoice Amount
Item	Voucher No.	Fiscal Year	Fund	Obj	Obj	Obj						
6270 PRELIMINARY TESTS (ABATEMENT MONITORING)												
1		2017	21	6270			Hazardous Management Service, Inc. Construction Abatement Monitoring BOA 04/13/17 PO# C1617391			06/30/17	\$ 7,240.00	\$ 6,920.00
2	136299	2017	21-C	6290			HMS - Invoice	M16214.3R			\$ (320.00)	
3		2018/09	21-C	6290			Closed PO# C1617391 End Fiscal Year 2016/2017				\$ 320.00	
4		2018/01	21-C	6290			Roll Over Fiscal Year 2017/2018 PO# C1718155	M16214.4		09/18/17	\$ 22,000.00	\$ 320.00
5	139183	2018/01	21-C	6290			HMS - Invoice				\$	
6							Contract Adjustment PENDING BOA	M16215.4		09/18/17	\$	\$ 22,000.00
7											\$	
8											\$	
9											\$	
6270 Abatement Monitoring Subtotal:											\$ 29,240.00	\$ 29,240.00
Monitoring Remaining Balance:											\$	\$

9.01

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

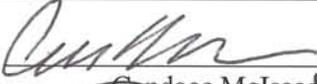
To the Superintendent of Schools:

Date: May 3, 2018

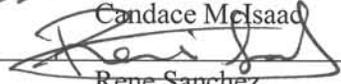
Subject: Santa Cruz/Silicon Valley New Teacher Project

Staff Analysis: Santa Cruz/Silicon Valley New Teacher Project will partner with ARUSD in conducting Induction programs for forty three General Education and Education Specialist teachers that meet all state requirements for State Approved Induction Programs (SB2042), the Common Standards, and the California Induction Preconditions and Program Standards. Through this program teachers will receive one to one mentoring and coaching in order to clear their preliminary teaching credential.

Recommendation: Staff recommends the board approve the contract with the Santa Cruz/Silicon New Teacher Project for our Induction Program for the 2018-19 school year. Cost of the contract is not to exceed \$100,400.

Submitted by:  \_\_\_\_\_

Title: Academic Services Coordinator

Approved by:  \_\_\_\_\_

Title: Assistant Superintendent, Instructional Services

Candace McIsaac

Rene Sanchez

To the Board of Trustees:

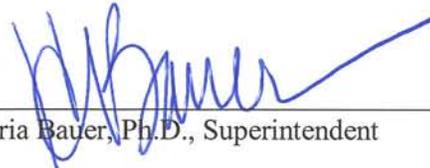
Meeting: May 29, 2018

Special Board Meeting

Recommended Approval

9.01

Agenda Placement



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 27 PM 12:02

## Request for Contracted Services

To: BUSINESS OFFICE Contract No.: \_\_\_\_\_ Vendor No.: \_\_\_\_\_

\_\_\_\_\_  
(School/Dept) and the Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor wishes to enter a:

- MOU (negotiated Agreement)
- Exhibit B & C (Fingerprinting and TB Test)

- MASTER CONTRACT PARTICIPATION
- Scope of Work/Proposal

Note: All Contracts over \$5,000 require pre-approval.

\* Use Independent Contractor Agreement (BUS-109) for unincorporated individuals or in the absent of negotiated agreement.

Name of Individual/Company: Santa Cruz/Silicon Valley New Teacher Project

Address: \_\_\_\_\_ City: Santa Cruz State: CA Zip: 95060

Phone: (831) 466-5600 Fax: (831) 466-5607

SSN: \_\_\_\_\_ Fed I.D. #: 94-6002633

CONTRACT TERM: effective dates July 1, 2018 to June 30, 2019

### CONTRACTOR'S OBLIGATION:

Description of services to be provided: (Please attach proposals and other documentation if necessary.)

Santa Cruz/Silicon Valley New Teacher Project will partner with Alum Rock Union Elementary School District in conducting an induction program according to state standards.

**COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a or b)

     a. Fee Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ Not to Exceed \_\_\_\_\_ of services.

b. Other: \$ 100,400 (One-hundred thousand, four hundred dollars)

Describe rate agreement or other costs: \_\_\_\_\_

BUDGET CODE: \_\_\_\_\_

### APPROVALS:

#### ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT:

Site/Department Administrator: [Signature] / R.S. Date: \_\_\_\_\_

Director of Fiscal Services: \_\_\_\_\_ Date: \_\_\_\_\_

Asst. Supt., of Business Services: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Trustees: \_\_\_\_\_ Date: \_\_\_\_\_

9.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

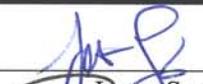
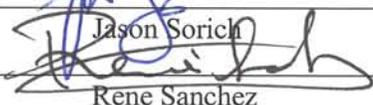
To the Superintendent of Schools:

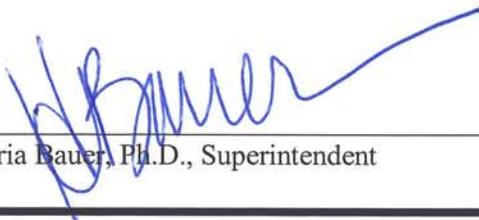
Date: May 3, 2018

Subject: Springboard Collaborative, Extended Learning Summer Program

Staff Analysis: Springboard Collaborative will provide extended learning summer support for students in kindergarten through second grades. The program will serve approximately 420 students, who will receive reading and writing intervention in the form of balanced literacy in a blended learning model. A parent engagement program is included, and participating families will take part in weekly workshops designed to provide strategies to support readers at home.

Recommendation: Staff recommends the board approve the contract with Springboard Collaborative for Extended Learning Summer Program for the 2017-18 school year. Cost of contract is not to exceed \$126,000.

Submitted by: 	Title: <u>Educational Technology Administrator</u>
Approved by: 	Title: <u>Assistant Superintendent, Instructional Services</u>

To the Board of Trustees:	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>
Recommended Approval <u>9.02</u>	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent

DISPOSITION BY BOARD OF TRUSTEES

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED FOR DISTRICT

2018 APR 27 PM 12: 22

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
FROM: ACADEMIC SERVICES (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: SPRINGBOARD COLLABORATIVE  
Address: 2 PENN CENTER, STE. 315 City: PHILADELPHIA State: PA Zip: 19102  
Phone: (908) 902-7833 Fax: 1500 JAK BOULEVARD  
SSN: \_\_\_\_\_ Fed I.D. #: 45-3719806  
Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates MAY 15, 2018 to AUGUST 4<sup>th</sup>, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
5 WEEK SUMMER LITERACY PROGRAM FOR 420 STUDENTS AT FOUR SCHOOLS
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
DAILY BALANCED LITERACY ACTIVITIES DELIVERED BY ARUESD TEACHERS;  
BOOKS PROVIDED + WORKSHOPS FOR FAMILIES. EXPECTED OUTCOME:  
2.5 MONTHS READING GAIN.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ 126,000 (describe rate agreement) \$300/kid x 420 Kids

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

9.03

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

To the Superintendent of Schools:

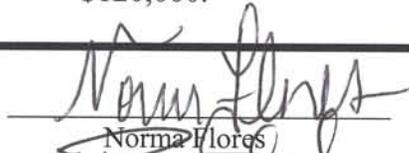
Date: May 3, 2018

Subject: Ro Health, Inc., Contract Increase

Staff Analysis: The proposed contract adjustment is for the current contract with RO Health Inc. The proposed contract adjustment will continue to provide diabetes care (e.g., insulin administration, blood glucose checks, treatment for low and high blood glucose levels) for students with diabetes residing within the Alum Rock School boundaries for the 2017-2018 school year. It is necessary that the services to be provided until the end of the school year in order to keep students medically safe.

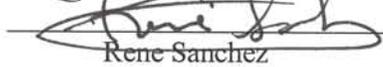
Recommendation: Staff recommends the board approve the \$20,000.00 increase to the current contract with Ro Health to finish off the 2017-2018 school year. The total cost of this contract is \$120,000.

Submitted by:

  
Norma Flores

Title: Director, Student Services

Approved by:

  
Rene Sanchez

Title: Assistant Superintendent, Instructional Services

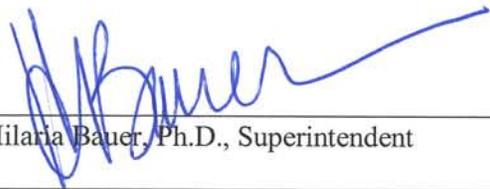
To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

Recommended Approval

9.03

Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED

2018 APR 30 PM 2:34

## PURCHASE ORDER / CONTRACT ADJUSTMENT

2018 APR 30 A 10:29

P.O. No. \_\_\_\_\_ Contract No. C1718103 Contract Original Amount: \$ 100,000  
 Vendor Name: Ro Health Inc. Vendor No. 22344

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: 1
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$ <u>100,000</u>
Change Order #: <u>1</u>	\$ <u>20,000</u>
Change Order #: _____	\$ _____
Change Order #: _____	\$ _____
<b>New Contract Total</b> (including Change Orders)	\$ <u>120,000</u>

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
<u>1</u>	<u>03</u>	<u>340</u>	<u>3230</u>	<u>5815</u>	<u>\$ 20,000</u>	<u>MB 4/20/18</u>

Reason for Adjustment: We need to increase our contract with Ro Health to continue paying the LVN services our students w/ medical needs are currently receiving until the end of the school year.

School/Dept.: <u>Student Services</u>	Requested by: <u>Norma Flores</u>
Approval: _____ <small>(For Contracts Only)</small> <u>Norma Flores</u>	Assistant Superintendent of Business Services
	Program Manager
	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

9.04

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

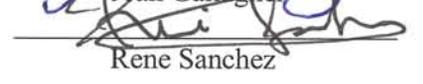
To the Superintendent of Schools:

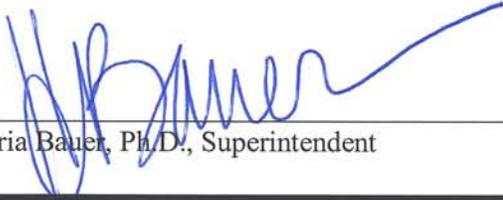
Date: May 1, 2018

Subject: Graciela Hendel

Staff Analysis: Ms. Graciela Hendel will provide bilingual speech assessment services for preschool students residing within the Alum Rock School boundaries. During the 2017/2018 school year, the District received over 300 referrals for preschool speech assessments. The law requires assessments are to be completed in students' primary language. There have been no bilingual applicants per the District's employment postings.

Recommendation: Staff recommends that the Board approve the contract with Ms. Hendel for the 2018-2019 school year. The cost of this contract is \$140,000.

Submitted by: 	Title: <u>Chief Special Services Officer</u>
Approved by: 	Title: <u>Assistant Superintendent, Instructional Services</u>

To the Board of Trustees:	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>
Recommended Approval	
<u>9.04</u>	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
SCHOOL DISTRICT

2018 APR 31 AM 9:28

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
FROM: Special Education (School/Dept.) VENDOR NO. 15997

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Graciella Mendel  
Address: 7537 Newcastle Dr City: Cupertino State: Ca Zip: 95014  
Phone: (408) 257-2562 Fax: ( )  
SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_  
Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates July 1, 2018 to June 30, 2019

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:  
Bilingual Speech & language assessments

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Bilingual speech & language assessments, screenings, Report Writing, attend all meetings

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- a. **Fee Rate:** \$ 95 per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>158</u>	<u>380</u>	<u>1300-0</u>	<u>5815</u>	<u>140,000</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.

9.05

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

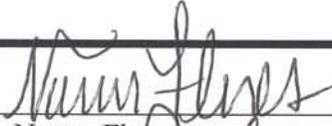
To the Superintendent of Schools:

Date: May 3, 2018

Subject: Maxim Healthcare Service Inc., Contract Increase

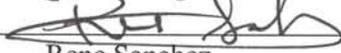
Staff Analysis: On June 8, 2017 the Board approved a contract with Maxim Healthcare Services Inc. in the amount of \$80,000 dollars. In order to provide diabetes care (e.g., insulin administration, blood glucose checks, treatment for low and high blood glucose levels) for students with diabetes residing within the Alum Rock School boundaries for the 2017-2018 school year. In order to continue to provide services to students until the end of the school year, staff is requesting to increase the contract by an additional \$20,000.

Recommendation: Staff recommends the Board approve the increase of \$20,000.00 to the current contract with Maxim Healthcare Services Inc. in order to continue services for the 2017-2018 school year. The total cost of this contract will be \$114,714.

Submitted by: 

Title: Director, Student Services

Norma Flores

Approved by: 

Title: Assistant Superintendent, Instructional Services

Rene Sanchez

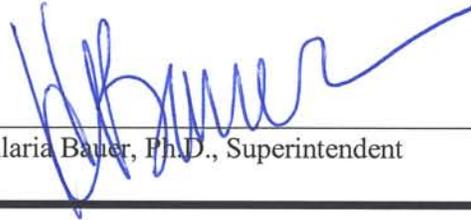
To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

Recommended Approval

9.05

Agenda Placement



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 33 AM 8:31

## PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. \_\_\_\_\_ Contract No. C1718031 Contract Original Amount: \$ 80,000

Vendor Name: Maxim Healthcare Services Vendor No. 16815

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: 1
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

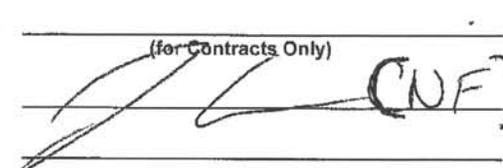
### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$ <u>80,000</u>
Change Order #: <u>1</u>	\$ <u>14,714</u>
Change Order #: <u>2</u>	\$ <u>20,000</u>
Change Order #: _____	\$ _____
<b>New Contract Total</b> (including Change Orders)	\$ <u>114,714</u>

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
2	03	340	3230	5815	\$20,000	<i>MB</i> 5/2/18

Reason for Adjustment: To pay outstanding invoices and for the remaining Fiscal Year.

School/Dept.: <u>Student Services</u>	Requested by: <u>Norma Flores</u>
Approval: _____ <small>(for Contracts Only)</small>	Assistant Superintendent of Business Services
 <b>(NF)</b>	Program Manager
	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

9.06

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

To the Superintendent of Schools:

Date: May 2, 2018

Subject: California Janitorial Supply, Contract Increase

Staff Analysis: On January 12, 2017 the Board approved addendum #5 for Bid # B0708-28001 for janitorial supplies. At this time, staff is asking to increase the contract in order to pay outstanding invoices, support and maintain adequate janitorial supplies for all school sites and district office through the end of the 2017-2018 school year as well as summer school.

Recommendation: Staff recommends that the Board of Trustees approve the increase in the amount of \$50,000 dollars for a total expenditure of \$210,000 for the 2017-2018 fiscal year.

Submitted by:   
Daniel Flores  
Approved by:   
Kolvira Chheng

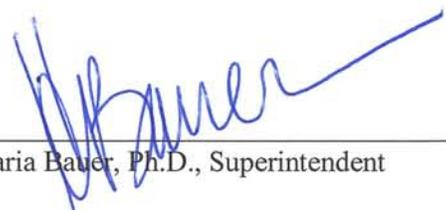
Title: Director, Maintenance, and Operations & Transportation  
Title: Assistant Superintendent, Business Services

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

Recommended Approval

9.06



Agenda Placement

Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 32 AM 10: 59

## PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. 20180226 Contract No. \_\_\_\_\_ Contract Original Amount: \$ 80,000.00

Vendor Name: CALIFORNIA JANITORIAL SUPPLY Vendor No. 11103

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- 1 Increase Amount Line Item No.: \_\_\_\_\_
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$	<u>80,000.00</u>
Change Order #: <u>1</u>	\$	<u>80,000.00</u>
Change Order #: <u>2</u>	\$	<u>50,000.00</u>
Change Order #: _____	\$	_____
<b>New Contract Total</b>	\$	<u>210,000.00</u>
(Including Change Orders)		

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
1	03	450	81200	4300	50,000.00	<i>[Signature]</i> 4/30/18

Reason for Adjustment: Please increase PO 20180226 by \$50,000. In order to pay outstanding invoices, and to be able to provide adequate supplies through the end of 2017-2018 school year, also to include summer school session.

School/Dept.: <u>MOT</u>	Requested by: <u>Gloria Fernandez</u>
Approval: <u><i>[Signature]</i></u> (for Contracts Only)	Assistant Superintendent of Business Services
_____	Program Manager
_____	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

9.07

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

To the Superintendent of Schools:

Date: May 23, 2018

Subject: City Year, Inc., San Jose/Silicon Valley

Staff Analysis: A three-year MOU (2015-2018) with City Year San Jose/Silicon Valley was approved at the January 15, 2015 Board Meeting. The MOU includes the breakdown of annual cost that needs approval each year of the contract. This is the third (final) year of the contract.

City Year provides English Language Arts and math support during the regular school day for targeted students.

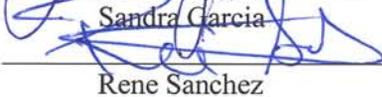
Information Only: Final payment of 3 year contract--\$450,000.00 for the 2017-2018 School Year.

Submitted by:

  
Sandra Garcia

Title: Director, State & Federal Programs

Approved by:

  
Rene Sanchez

Title: Assistant Superintendent, Instructional Services

To the Board of Trustees:

Meeting: May 29, 2018

Special Board Meeting

Information Only

9.07

Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 32 AM 11: 02  
PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. \_\_\_\_\_ Contract No. C1718336-1 Contract Original Amount: \$ 450,000.00  
Vendor Name: City Year, Inc. Vendor No. 15415

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: \_\_\_\_\_
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other X

**CONTRACTS ONLY**

Change Orders:

Contracts Original Amount \$ 450,000.00

Change Order #: \_\_\_\_\_ \$ \_\_\_\_\_

Change Order #: \_\_\_\_\_ \$ \_\_\_\_\_

Change Order #: \_\_\_\_\_ \$ \_\_\_\_\_

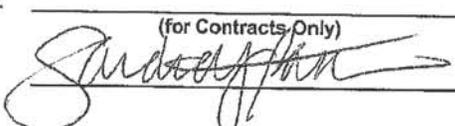
**New Contract Total** \$ 450,000.00  
(including Change Orders)

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
	03	360	50500	5100	\$450,000.	

Reason for Adjustment: Roll over contract for 2017-2018 Fiscal year. 3rd year of a 3 year contract.

References master contract C1516069, board approved on January 15, 2015.

Contract term: 07/01/15-06/30/18.

School/Dept.: <u>State &amp; Federal</u>	Requested by: <u>Sandra Garcia</u>
Approval: _____ <i>(for Contracts Only)</i>	Assistant Superintendent of Business Services
	Program Manager
	Purchasing Manager
Date Requested: <u>05/01/2018</u>	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject:**

**SPECIAL BOARD MEETING, SETTING A DATE**

The Board will discuss and set a date in June for a Special Board Meeting to review and take action for the LCAP and Budget. The Public Hearing will be scheduled at the June 14, 2018 Regular Board Meeting. The recommended date is Tuesday, June 26, 2018.

**INFORMATION/DISCUSSION/ACTION**

Submitted by:

Hilaria Bauer

Title:

Superintendent

To the Board of Trustees:

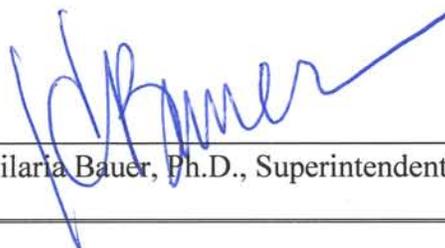
Meeting:

May 29, 2018  
Special Board Meeting

**Information/Discussion/Action**

10-01

Agenda Placement



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by:

Seconded by:

Approved:

Not Approved:

Tabled:

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject: BEAUTIFUL DAY**

The Board will have discussion on Beautiful Day.

**INFORMATION/DISCUSSION**

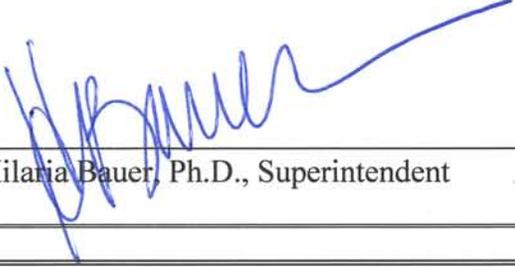
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Information/Discussion**

10.02  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject: SCHOOL SAFETY**

The Board will have discussion around School Safety.

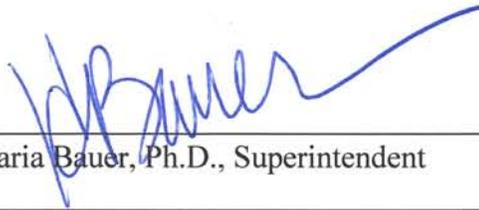
**INFORMATION/DISCUSSION/ACTION**

Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Information/Discussion/Action**

10.03  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.04

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject: CSBA BOARD POLICY 5112, STUDENTS, CLOSED CAMPUS**

**Information/Update**

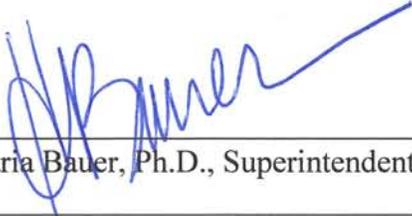
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Information/Update**

10.04  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.05

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject:**

**DISCUSSION AROUND NEXT STEPS PERTAINING TO THE  
GEORGE AND FISCHER MULTI-PURPOSE ROOMS**

The Board will discuss the next steps.

**Information/Discussion/Action**

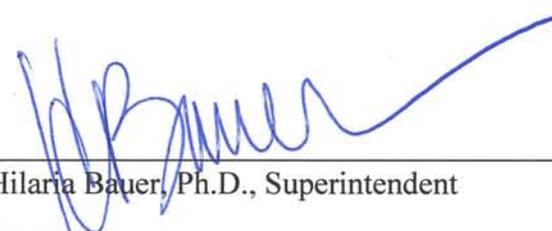
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

Information/Discussion/Action

10.05  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.06

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject: DISCUSSION AROUND GEORGE MULTI-PURPOSE COMMUNITY ROOM**

Discussion that will exclude the George campus pertaining to the earthquake fault line.

**Information/Discussion/Action**

Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

Information/Discussion/Action

10.06  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.07

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject: DRINKING WATER ASSESSMENT**

Review and assessment of drinking water and water facilities at District schools.

**INFORMATION/DISCUSSION/ACTION**

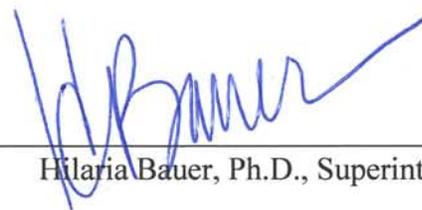
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Information/Discussion/Action**

10.07

Agenda Placement



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.08

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 13, 2018

**Subject:**

**RESOLUTION NO. 37-17/18  
A BIENNIAL DISTRICT GENERAL ELECTION  
OF 3 FULL-TERM OFFICES OF GOVERNING BOARD  
MEMBERS**

Election held on November 6, 2018.

**INFORMATION/DISCUSSION/ACTION**

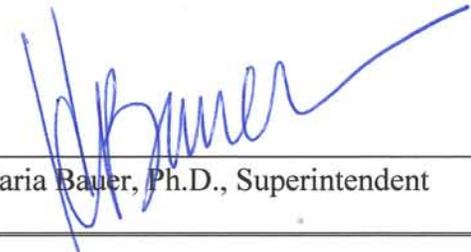
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Information/Discussion/Action**

10.08  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
RESOLUTION NO. 37-17/18**

**ORDER OF ELECTION, SPECIFICATIONS OF THE ELECTION  
ORDER AND CONSOLIDATION REQUEST**

**WHEREAS**, a Biennial District General Election has been ordered to be held on Tuesday, November 6, 2018, in the Alum Rock Union Elementary School District of Santa Clara County for the purpose of electing 3 Full-Term Offices of Governing Board Members of the Alum Rock Union Elementary School District; and

**WHEREAS**, pursuant to Part 3 (commencing with Section 10400) of the Elections Code of the State of California and Section 5342 of the Education Code of the State of California, such election may be either completely or partially consolidated;

**WHEREAS**, pursuant to Section 5322 of the Education Code of the State of California, this Board must adopt a resolution constituting a "Specifications of the Election Order";

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1.** That pursuant to Section 5342 of the Education Code, the Governing Board Members of the Alum Rock Union Elementary School District calls for an election to be held on November 6, 2018 and requests the Board of Supervisors of Santa Clara County to completely consolidate the election with the statewide election.

**Section 2.** That the Governing Board Members of the Alum Rock Elementary School District requests the Board of Supervisors of Santa Clara County to hold and conduct the election in the manner prescribed in Section 10418 of the Elections Code of the State of California and to further provide that the Registrar of Voters canvass the returns of the election.

**Section 3.** That said officers are to be elected at large / by division;

**Section 4.** That the divisions, if any, from which said directors are to be elected, and the number of offices to be filled from each, are:

<b>Division</b>	<b>3 Number of Offices</b>
-----------------	--------------------------------

**Section 5.** That each district involved in a general district election in an affected county shall reimburse the county as set forth Title 1, Div. 1, Part 4, Chapter 3, Art. 8 of the Education (*Educ. Code 5420 et seq.*).

**Section 6.** That the candidates' statements of qualifications shall be limited to 200/400 words; that the cost of printing, translating and distributing said statements shall be borne by the district candidates who file such statements, and that each candidate who files such a statement shall/ shall not be required to pay in advance his or her pro rata share of the estimated costs of printing, handling, and mailing said candidate statement, such estimated costs to be determined by the Registrar of Voters.

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
RESOLUTION NO. 37-17/18**

**ORDER OF ELECTION, SPECIFICATIONS OF THE ELECTION  
ORDER AND CONSOLIDATION REQUEST**

**Section 7.** That a current map showing the boundaries of the district and the boundaries of the divisions of the district, if any, is herewith submitted.

**Section 8.** That the method of determining the winner or winners in the event of a tie vote shall be by lot / special runoff.

**Section 9.** That the names of all current Board Members and date each term ends are: (please indicate all members and for those who are appointed incumbents, note the name of the elected incumbent who was replaced and the date elected incumbent's term would have ended if term had been fulfilled).

<b>Member Name</b>	<b>Term End</b>	<b>Date Appt. To Vacancy</b>	<b>Replaced</b>
Esau Ruiz Herrera	Expires 2018	Elected incumbent in 2014	
Karen Martinez	Expires 2020	Elected incumbent in 2016	
Dolores Marquez-Frausto	Expires 2020	Elected incumbent in 2016	
Andrés Quintero	Expires 2018	Elected incumbent in 2014	
Khanh Tran	Expires 2018	Elected incumbent in 2014	

**PASSED AND ADOPTED** this 29<sup>th</sup> day of May, 2018, by the following vote:

**AYES:** \_\_\_\_\_

**NOES:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSENTION:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

Signature of Officer / Clerk of the Governing Board of the Alum Rock  
Union Elementary School District

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
INFORMATION SHEET**

*(To be returned with the Resolution)*

**DISTRICT CONTACT**

Hilaria Bauer, Ph.D., Superintendent  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127  
1-(408)-928-6830, Office phone  
1-(408)-928-6416, Office fax  
[hilaria.bauer@arUSD.org](mailto:hilaria.bauer@arUSD.org), email

**DISTRICT OFFICE DAYS AND HOURS OF OPERATION**

Monday-Friday, 7:30-4:30 p.m.

Hilaria Bauer

---

Print Name of District Contact

---

Signature of District Contact

Date

# Alum Rock Union ESD

## Board Bylaw

### Governing Board Elections

BB 9220

#### Board Bylaws

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9270 - Conflict of Interest)

When possible, Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

(cf. 9110 - Terms of Office)

#### Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. Candidates may be required to pay their pro rata share of these costs to the district in advance as specified in Elections Code 13307.

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

#### Limitation of Campaign Contributions and Expenditures

The Board believes the district and community will be best served by imposing reasonable limitations on the amount of money that may be contributed to a campaign for election to district office. The Board therefore has resolved that the following limits shall apply:

1. Maximum Contribution from an individual or Entity to a candidate for district office:  
\$500
2. Maximum expenditure by a candidate for his/her campaign for election to district office:

## No Limit

### Aggregation of Contributions

1. The Contributions of an Entity whose Contributions are directed and controlled by any individual shall be aggregated with Contributions made by that individual and any other Entity whose Contributions are directed and controlled by the same individual.
2. If two or more Entities make Contributions that are directed and controlled by a majority of the same persons, the Contributions of those Entities shall be aggregated;
3. Contributions made by Entities that are Majority-Owned by any person shall be aggregated with the Contributions of the majority owner and all other Entities that are Majority-Owned by that person, unless those Entities act independently in their decisions to make Contributions.

### Definitions

1. As used in this section of the Bylaw, the term "Contribution" shall have the same meaning as that used in Section 18215 of the Regulations of the Fair Political Practices Commission (2 CCR 18215).
2. As used in this section of the Bylaw, the term "Entity" shall mean any incorporated or unincorporated business, association, organization or other group, other than an individual.
3. As used in this section of the Bylaw, the term "Majority-Owned" shall mean an ownership interest of more than fifty percent. (2 CCR 18215.1).

### Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of the two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. (Education Code 5016)

### Legal Reference:

#### EDUCATION CODE

- 1000 Composition, and trustee area, county board of education
- 1006 Qualifications for holding office, county board of education
- 5000-5033 Elections
- 5220-5231 Elections
- 5300-5304 General provisions (conduct of elections)
- 5320-5329 Order and call of elections
- 5340-5345 Consolidation of elections

5360-5363 Election notice  
5380 Compensation (of election officer)  
5390 Qualifications of voters  
5420-5426 Cost of elections  
5440-5442 Miscellaneous provisions  
7054 Use of district property  
35107 Eligibility; school district employees  
35177 Campaign expenditures or contributions  
35239 Compensation of governing board member of districts with less than 70 ADA

#### ELECTIONS CODE

20 Public office eligibility  
1302 Local elections, school district election  
2201 Grounds for cancellation  
4000-4004 Elections conducted wholly by mail  
10400-10418 Consolidation of elections  
10509 Notice of election by secretary  
10600-10604 School district elections  
13307 Candidate's statement  
13309 Candidate's statement, indigence  
14025-14032 California Voting Rights Act  
20440 Code of Fair Campaign Practices

#### GOVERNMENT CODE

1021 Conviction of crime  
1097 Illegal participation in public contract  
12940 Nondiscrimination, Fair Employment and Housing Act  
81000-91014 Political Reform Act

#### PENAL CODE

68 Bribes  
74 Acceptance of gratuity  
424 Embezzlement and falsification of accounts by public officers  
661 Removal for neglect or violation of official duty

#### CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications  
Article 7, Section 7 Conflicting offices  
Article 7, Section 8 Disqualification from office

#### UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

#### COURT DECISIONS

Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192  
Randall v. Sorrell, (2006) 126 S.Ct. 2479  
Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821  
Dusch v. Davis, (1967) 387 U.S. 112

#### ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)  
83 Ops.Cal.Atty.Gen. 181 (2000)  
81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Secretary of State's Office: <http://www.ss.ca.gov>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Self Government: <http://www.ca-ilg.org>

Bylaw ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

adopted: July 13, 2006 San Jose, California

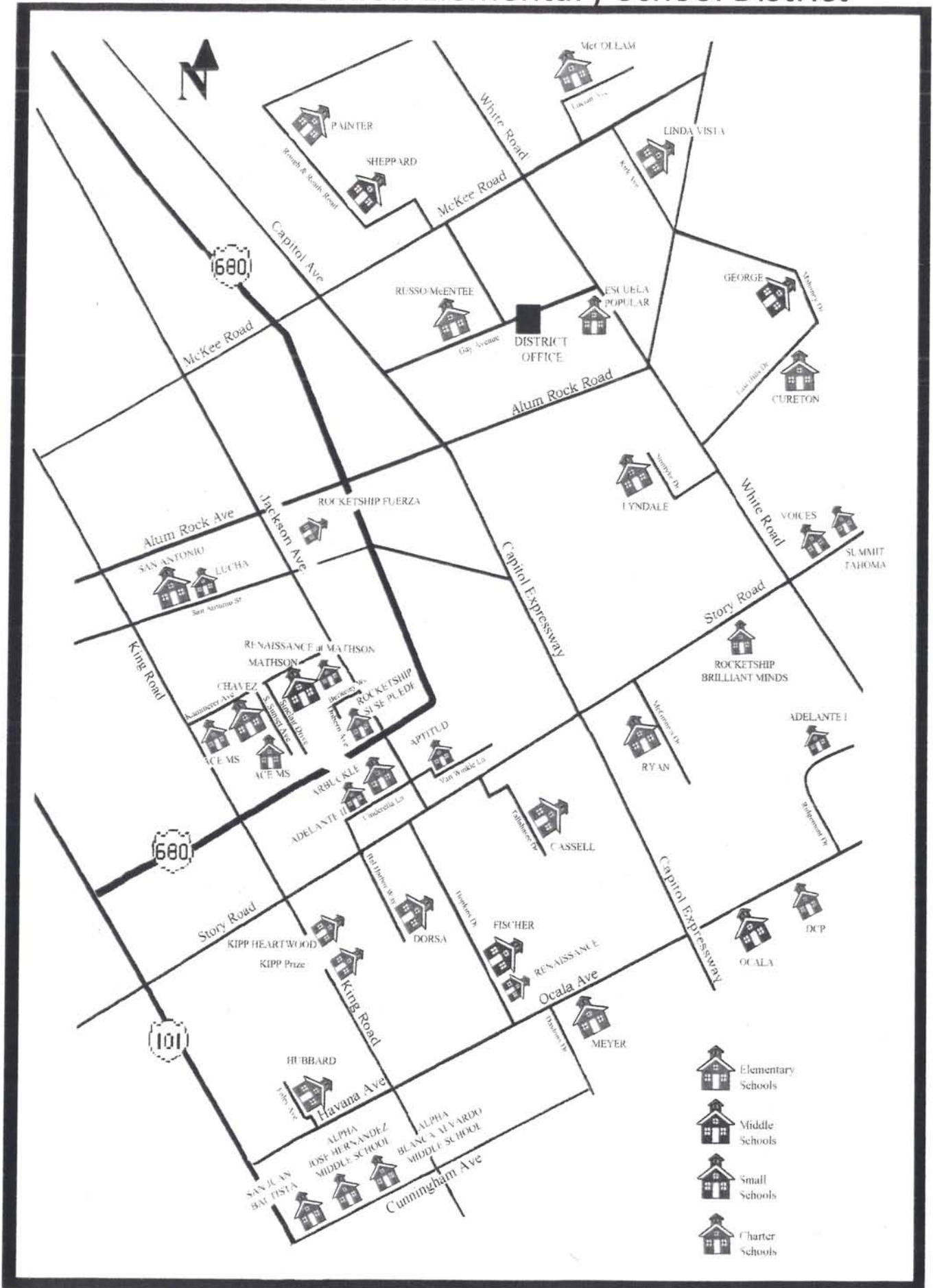
revised: July 2, 2013

revised: February 13, 2014

revised: March 13, 2014

revised: May 29, 2018

# Alum Rock Union Elementary School District



Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 1, 2018

**Subject:**

**BOARD-CREATED STANDING COMMITTEES**

The Board will discuss the merits of, and may take action to create various Board Committees, such as (1) Bonds, Facilities, and Finance Committee; (2) Curriculum and Technology Committee; (3) Parent Engagement Committee; and (4) Small Schools and Innovation Committee. If Board Committees are created, committee appointments will also be made.

**Discussion/Action**

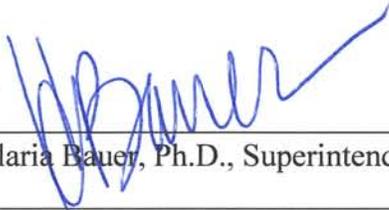
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

10.09  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 22, 2018

**Subject: PROGRAM AND CONSTRUCTION MANAGEMENT AGREEMENT FOR MEASURE I**

Terminate the contract between Alum Rock Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group. This agenda item was submitted by Member Andrés Quintero.

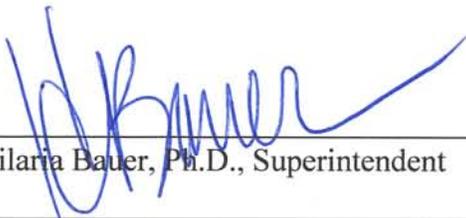
**Discussion/Action**

Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Discussion/Action**

10.10  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 22, 2018

**Subject:**

**PROGRAM MANAGEMENT AGREEMENT, MEASURE J**

Terminate Contract between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Program Management of the ARUSD Bond Program. This agenda item was submitted by Member Andrés Quintero.

**Discussion/Action**

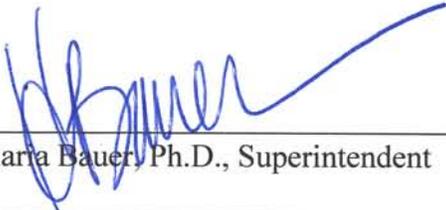
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Discussion/Action**

10.11  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

10.12

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 22, 2018

**Subject: CONSTRUCTION MANAGEMENT AGREEMENT,  
MEASURE J**

Terminate the contract between Alum Rock Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group for Construction Management of the ARUSD Bond Program. This agenda item was submitted by Member Andrés Quintero.

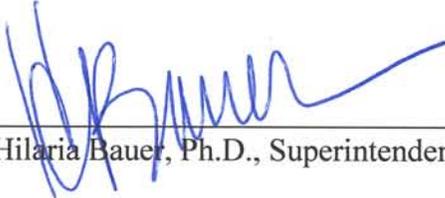
**Discussion/Action**

Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Discussion/Action**

10.12  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

11.01

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
2930 Gay Avenue, San Jose, CA 95127

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

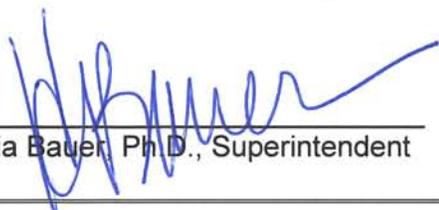
Date: May 17, 2018

**Subject:** PRESENTATION/INFORMATION: Draft of the 2018-2019 Local Control Accountability Plan (LCAP)

**Staff Analysis:** Staff will present a first draft of the Goals/Actions for the 2018-2019 Local Control Accountability Plan that school districts are required to submit to the Santa Clara County Office of Education, as a result of the Local Control Funding Formula (LCFF), per Education Code section 52060.

**Recommendation:** Information Only

Submitted by: <u>Sandra Garcia</u> 	Title: <u>Director of State and Federal Programs</u>
Approved by: <u>Rene Sanchez</u> 	Title: <u>Assistant Superintendent of Instructional Services</u>

To the Board of Trustees:	Meeting: May 29, 2018 Special Board Meeting
<b>Information Only</b>	
<u>11.01</u> Agenda Placement	 Hilaria Bauer, Ph.D., Superintendent

<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
2930 Gay Avenue  
San Jose, CA 95127

11.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

Date: **May 11, 2018**

**Subject:** Purchase of iPads and Chromebooks for K-8 Schools

**Staff Analysis:** Staff seeks authorization to purchase iPads and Chromebooks to enhance our support for K-8 students using CMAS Contract and Apple, Inc. Piggyback Agreements that were board approved on November 9, 2017.

We recommend the use of iPads and Chromebooks to target language and literacy development via an interactive and developmentally-appropriate platform. iPads and Chromebooks provide children with access to a higher level technology, promote effective learning by addressing multiple modes of learning styles, deliver high-quality interactive Blended Learning opportunities to support Alum Rock Union School District's learning goals.

iPads	\$260,082.00	Fund: Title I
Chromebooks	\$251,770.31	Fund: Parcel Tax

**Recommendation:** Staff recommends approval of purchases using CMAS Contract No: 3-16-70-1811AC and Apple Piggyback Agreement Number P-13 13/14.

Submitted by: <u>Barbara Campbell</u> 	Title: <u>Director, Academic Services</u>
Approved by: <u>Rene Sanchez</u> 	Title: <u>Assistant Superintendent, Instructional Services</u>

To the Board of Trustees:	Meeting: <b>May 29, 2018</b> Special Board Meeting
<b>Recommend Approval</b> <u>11.02</u>	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent

<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



TECHNOLOGIES, INC.

MJP Technologies, Inc  
 6085 King Dr, Unit 102  
 Ventura, CA 93003

# MJP Estimate

Date:	5/1/2018
Estimate #	222827

Name / Address	Ship To		
Alum Rock Union Elementary S D Avtar Gill 2930 Gay Avenue San Jose, CA 95127	Alum Rock Union Elementary S D 2930 Gay Avenue San Jose, CA 95127		
	P.O. #		
	Contact: Avtar Gill		
Description	Qty	Cost	Total
Acer C731-C8VE 11.6" LCD Chromebook - Intel Celeron N3060 Dual-core (2 Core) 1.60 GHz - 4 GB LPDDR3 - 16 GB Flash Memory Capacity - Chrome OS - 1366 x 768 - ComfyView"	875	197.00	172,375.00T
California Electronic Waste Recycling Fee (Effective as of Jan. 1, 2013): -\$5 - 4" to 14.9" display -\$6 - 15" to 34.9" display -\$7 - 35" display and above	875	5.00	4,375.00
GOOGLE INC : Google Chrome OS Management Console License, Education	875	26.00	22,750.00
36-Compartment Anthro Charging Carts Yes Cart for Mini Laptops - Anthro Corp, YESMOR2GMPW4	25	1,310.00	32,750.00T
Shipping/Handling***** Included*****	1	0.00	0.00
175LH Master Lock 2in (51mm) Wide Resettable Combination Brass Padlock with 2-1/4in (57mm) Shackle	25	20.00	500.00T
*CMAS Contract #: 3-11-70-1811AE	1	0.00	0.00

Estimate valid for 30 days unless otherwise specified.  
 Email purchase orders to orders@mjp.net or fax to (805)981-3775.  
 Please inspect goods upon receipt. Damage claims must be processed immediately or may not be honored.

<b>Subtotal:</b>	\$232,750.00	<b>Sales Tax: (9.25%)</b>	\$19,020.31	<b>Total</b>	\$251,770.31
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Quote Valid Until: 05/31/2018

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Customer Signature: \_\_\_\_\_

Phone #: 805-981-9511 Fax # 805-981-3775 E-mail: orders@mjp.net Web Site: www.mjp.net

# Apple Store for Education Institution

## Proposal 2103196699

Proposer: Jose Chavez

Thank you for your proposal dated 04/18/2018. The details we've provided below are based on the terms assigned to account 22888, ALUM ROCK UNION ELEMENTARY SD.

To access this proposal online, please search by referencing proposal number 2103196699.

Comments from Proposer:

Item	Description	Total Quantity	Unit Price	Total Price
MR7G2LL/A	iPad Wi-Fi 32GB - Silver	630	299.00	188,370.00 USD
			Recycle Fee	3,150.00 USD
			<b>Subtotal</b>	<b>191,520.00 USD</b>
			<b>Estimated Tax</b>	<b>17,424.23 USD</b>
			<b>Total</b>	<b>208,944.23 USD</b>

Please note that your order subtotal does not include Sales tax or rebates. Sales tax and rebates, if applicable, will be added when your order is processed.

## How to Order

If you would like to convert this Proposal to an order, log into the Apple Store for Education Institution [ <https://ecommerce.apple.com> ] and click on Proposals. Then search for this Proposal by entering the Proposal number referenced above.

Note: A Purchaser login is required to order. To request Purchaser access for your Apple Account, log into Apple Store for Education Institution and select the 'Register' link from the store login page. Purchases under a Proposal are subject to the terms and conditions of your agreement with Apple and the Apple Store for Education Institution.

Please contact us at 800-800-2775, if you have further questions or need assistance.

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The prices and specifications above correspond to those valid at the time the proposal was created and are subject to change.

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# QUOTE CONFIRMATION



**DEAR JOSE CHAVEZ,**

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
JSJZ536	4/19/2018	630AIRWATCH	0441718	<b>\$8,757.00</b>

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">AirWatch Essentials Shared Cloud - subscription license (2 years) + 2 Years</a> Mfg. Part#: V-K12-CLD-D-2G-APRO UNSPSC: 43232804 Electronic distribution - NO MEDIA Contract: Standard Pricing	630	4680120	\$13.90	\$8,757.00

PURCHASER BILLING INFO		SUBTOTAL	\$8,757.00
<b>Billing Address:</b> ALUM ROCK UNION SCHOOL DIST ACCTS PAYABLE 2930 GAY AVE SAN JOSE, CA 95127-2398 <b>Phone:</b> (408) 928-6854 <b>Payment Terms:</b> NET 30 Days-Govt/Ed		SHIPPING	\$0.00
		<b>GRAND TOTAL</b>	<b>\$8,757.00</b>
DELIVER TO		Please remit payments to:	
<b>Shipping Address:</b> ALUM ROCK UNION SCHOOL DIST DISTRICT WAREHOUSE 2930 GAY AVE SAN JOSE, CA 95127-2398 <b>Phone:</b> (408) 928-6854 <b>Shipping Method:</b> ELECTRONIC DISTRIBUTION		CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

Need Assistance? CDW•G SALES CONTACT INFORMATION			
	Austin Romero	(877) 283-5780	austrom@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdw.com/content/terms-conditions/product-sales.aspx>  
 For more information, contact a CDW account manager

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TECHNOLOGIES, INC.

**MJP Technologies, Inc**  
**6085 King Dr, Unit 102**  
**Ventura, CA 93003**

# MJP Estimate

Date:	4/19/2018
Estimate #	222610

Name / Address	Ship To
Alum Rock Union Elementary S D Avtar Gill 2930 Gay Avenue San Jose, CA 95127	Alum Rock Union Elementary S D Attn: Avtar Gill 2930 Gay Avenue San Jose, CA 95127
	P.O. #
	Contact: Jose Chavez

Description	Qty	Cost	Total
Anthro YES - Cart for 40 tablets - powder-coated steel - metallic gray, polar white	18	1,140.00	20,520.00T
Shipping/Handling***** Included*****	1	0.00	0.00
*CMAS Contract #:*CMAS Contract #: 3-11-70-1811AE	1		0.00
175LH Master Lock 2in (51mm) Wide Resettable Combination Brass Padlock with 2-1/4in (57mm) Shackle	18	20.00	360.00T
1900-BK Bump Armor iPad Light Case - Black	630	27.36	17,236.80T
Shipping/Handling	1	738.55	738.55

Estimate valid for 30 days unless otherwise specified.  
 Email purchase orders to orders@mjp.net or fax to (805)981-3775.  
 Please inspect goods upon receipt. Damage claims must be processed immediately or may not be honored.

<b>Subtotal:</b>	\$38,855.35	<b>Sales Tax: (9.25%)</b>	\$3,525.80	<b>Total</b>	\$42,381.15
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Quote Valid Until: 05/18/2018

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Customer Signature: \_\_\_\_\_

Phone #: 805-981-9511 Fax # 805-981-3775 E-mail: orders@mjp.net Web Site: www.mjp.net

12.01

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

Board of Trustees:

Date: April 30, 2018

Subject: **Fiscal Expert**

Staff Analysis: Dr. Donald Zimring, Fiscal Expert and Dr. William Gillaspie, Fiscal Advisor, in conjunction with Assistant Superintendent, Kolvira Chheng, will provide a Fiscal Expert update to the Board.

**\*\*INFORMATION/DISCUSSION\*\***

Approved by: Kolvira Chheng



Title: Assistant Superintendent of Business Services

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**INFORMATION/DISCUSSION**

12.01

Agenda Placement



Hilaria Bauer, Ph.D. Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



May 8, 2018

VIA U.S. MAIL

Mr. Esau Herrera, Board President  
Mr. Andrés Quintero, Board Member  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, Ca 95127

RE: ARUSD Agenda Item For Termination of Contracts with Del Terra

Dear Messer's Herrera and Quintero:

I am writing in my capacity as fiscal advisor to the Alum Rock Union Elementary School District ("District") in response to Mr. Quintero's letter of May 7, 2018 regarding the placement of items on the District's agenda for public meetings. Mr. Quintero's letter states that on May 3, 2018 he submitted items to the District Superintendent, Dr. Hilaria Bauer for inclusion on the District's May 10, 2018 agenda for the termination of all contracts with Del Terra Real Estate Services, Inc. dba Del Terra Group ("Del Terra"). Mr. Quintero's letter further states that on May 4, 2018 you provided the following reply to Dr. Bauer regarding the proposed agenda items:

*10.10, 10.11, 10.12*

*As I recall, this item has already been acted upon by the board, and was not adopted by the board. Bringing it back requires a trustee who voted in the majority to request this reconsideration. I don't believe that requirement has been met here, and thus these 3 items should be deleted from this agenda. Of course, any trustee is always able to express their own political opinion regarding any issue, but must also follow proper procedure for agenda action items.*

A review of the District's Board Policies 9322 and 9323 entitled "Agenda/Meeting Materials" and "Meeting Conduct" respectively, shows that there is no language in the Board Policies which requires that where an item has been previously placed on a Board Agenda, a trustee who voted in the majority is required to request reconsideration of that item. The process that Mr. Herrera referenced in his reply to Dr. Bauer appears to be derived from section 37 of Roberts Rules of Order. There is no record that District bylaws incorporate or otherwise require compliance with Roberts Rules of Order.

The agenda for the January 18, 2018 regular board meeting indicates that the Board may have considered amending Board Policy 9323, to require that board meetings be conducted in accordance with Robert's Rules of Order unless Robert's Rules conflict with the Brown Act or existing board policies. However, Board Policy 9323 has not been amended to include any reference to Roberts Rules of Order and the minutes for the January 18, 2018 have not been approved by the board and posted on the District's website for review to confirm what if any action was taken by the board regarding Board Policy 9323.



Board Policy 9322, Agenda/Meeting Materials, which sets forth the process for agenda preparation states that:

*The Board President and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.*

Based upon the language of Board Policy 9322, compliance with the Board's guidelines regarding agenda preparation requires a collaborative approach, does not require compliance with Robert's Rules of Order, and does not support a unilateral decision to exclude an item from the agenda.

As you are aware, the Santa Clara County Extraordinary Audit of the Alum Rock Union Elementary School District, dated June 9, 2017 ("FCMAT Audit") reviewed the policies and internal controls of the District for purchasing and contractual commitments. Among the recommendations contained on page 45 of the FCMAT Audit is that the District should:

*Establish a culture of trust in the district. The tone at the top is essential to fostering a culture of ethical behavior. Governing board members and administrators should demonstrate a high moral and ethical example by gaining a thorough understanding of established policies and operational procedures and adhering strictly to them. The duties and responsibilities of staff members in each department should be segregated as well as those of supporting employees who are responsible for enforcing established policies.*

In this instance, reliance upon a procedure that the Board has not adopted to exclude an item from the Board agenda, suggests that additional review and understanding of Board policy is necessary to comply with the FCMAT recommendation cited above.

I note that the District has received a letter from Del Terra dated May 4, 2018 pertaining to the District's April 12, 2018 FCMAT Documentation Update. The fiscal expert team and I will work with the District staff to review the correspondence from Del Terra and determine what, if any, further documentation or action is recommended as such issues pertain to the District's fiscal integrity.

Please note that the role of the Superintendent as the District's chief administrator is integral to the work underway with the fiscal expert team to strengthen the District's internal controls and business practices, and to support the District's compliance with the recommendations stated in the FCMAT Audit. As such, interruption of the Superintendent's duties regarding the assessment of the District's fiscal stability and compliance with contracting procedures undermines the District's ability to address fiscal weaknesses that have been revealed in a review of the District's interim report based upon the standards and criteria set forth in the Title 5, CCR, sections 15440 et. seq. Specifically, the actions of the governing board taken at the April 12, 2018 meeting in closed session were improper in that such actions violated the Brown Act, as explained in the April 13, 2018 letter from Don Zimring. The actions of the governing board to restrict the Superintendent's involvement with the review and audit of the Del Terra contracts, and ongoing investigation by SEC and the district attorney are also destabilizing for the District's fiscal health, in that it improperly interferes with the District's business operations and ongoing investigations regarding critical financial matters.



Santa Clara County  
Office of Education

As the District's fiscal advisor, I respectfully request that you please make every effort to comply with the District's board policies and work cooperatively with the Superintendent and District staff to support the audit of the Del Terra contracts and compliance with the FCMAT recommendations and the ongoing investigations by the Securities and Exchange Commission and the district attorney.

Sincerely,

A handwritten signature in cursive script, reading "Dr. William P. Giffaspie".

William P. Giffaspie, ED.D., Fiscal Advisor

12.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

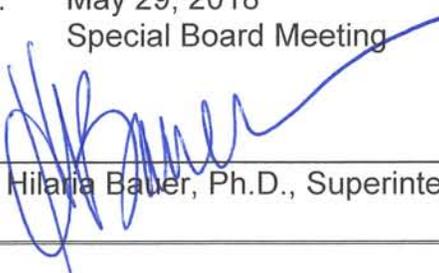
Date: April 30, 2018

**Subject:** FCMAT Update

**Staff Analysis:** The Board is requesting to have an updated status on the FCMAT Report and the requested documents. Assistant Superintendent of Business Services will provide a FCMAT update.

*\*INFORMATION / DISCUSSION\**

<p>Approved by: <u>Kolvira Chheng</u>  Title: <u>Assistant Superintendent, Business Services</u></p>
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<p>To the Board of Trustees:</p> <p><b>INFORMATION / DISCUSSION</b></p> <p><u>12.02</u></p> <p>Agenda Placement</p>	<p>Meeting: May 29, 2018 Special Board Meeting</p> <p></p> <p>Hilaria Bauer, Ph.D., Superintendent</p>
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · www.arusd.org

May 10, 2018

To: Board of Trustees

From: Kolvira Chheng, Assistant Superintendent of Business Services

Re: Item #12.02 - FCMAT Update - Request for Documents

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At a special board meeting held on July 27, 2017, the Board of Trustees authorized a formal written response to the FCMAT Extraordinary Audit. Consistent with the response and actions and timelines approved by the Board, the District sent Del Terra six separate letters on August 4, 2017, requesting deliverables, documents and records under the agreements between Del Terra and the District as follows:

1. Agreement for Additional Services: DSA Close Out Certification Services (Exhibit "A")
2. Request for Deliverables, Documents and Records pursuant to Program and Construction Management Agreement (Measure "I") dated November 10, 2016 (Exhibit "B")
3. Request for Deliverables, Documents and Records pursuant to Program Management Agreement (Measure "J") dated November 10, 2016 (Exhibit "C")
4. Request for Deliverables, Documents and Records pursuant to Construction Management Agreement (Measure "J") dated November 10, 2016 (Exhibit "D")
5. Request for Deliverables, Documents and Records pursuant to Program Management Agreement (Measure "J") dated May 9, 2013 (Exhibit "E")
6. Request for Deliverables, Documents and Records pursuant to Construction Management Agreement (Measure "J") dated October 1, 2013 (Exhibit "F")

**Below are Updates at the October 12, 2017 Board Meeting Regarding DSA Close Out Certification Services.**

With regard to letter #1 listed above (DSA Close Out Certification Services agreement), the letter included an August 18, 2017, deadline for Del Terra to provide requested documents and information to the District. On August 19, 2017, Del Terra requested a one week extension due to Mr. Luis Rojas being out of town and unavailable during the week of August 13 – 18. Subsequently, at a weekly meeting between the District and Del Terra held on August 24, 2017, Del Terra provided the District with the following items:

1. A response letter from Del Terra dated August 24, 2017 (included in Exhibit "A");
  2. A print out of a screen shot indicating approximately 127 gigabytes of documents and plans relating to DSA close out projects (labeled "November 2013 thru June 2015");
    - a. At the August 24<sup>th</sup> meeting, Del Terra requested the District to review the files and inform Del Terra as to which files the District is requesting for its records and files.
    - b. On August 27, 2017, the District e-mailed Del Terra directing Del Terra to provide all files it had in its possession relating to the performance of the work under the DSA Close Out agreement;
-

- c. At a regularly scheduled weekly meeting between the District and Del Terra on August 31, 2017, Del Terra provided the District with a hard drive believed to contain the 127 gigabytes of documents related to the DSA close out projects.
3. Matrices listing DSA close out projects and the status of each project
    - a. Upon the District's review of the matrices, the District informed Del Terra that some items on the matrices do not match the list that was included in the DSA Close Out Certification Services agreement between the District and Del Terra.
    - b. Del Terra informed the District that the reason for the difference is because Del Terra created the matrices using information from the State's (DSA's) website rather than the list provided in the DSA Close Out Certification Services agreement.
    - c. The District provided Del Terra with the list that was included in the DSA Close Out Certification Services agreement for Del Terra to reconcile with its matrices.
    - d. As of this date Del Terra has not reconciled the project lists between the two documents.

The District also requested that, per the Board-approved response to the FCMAT Report, that Del Terra provides a spreadsheet detailing the status of all projects specified in the Agreement to include the following information: (i) the original projects that need to be certified (not all district projects ever completed, which causes confusion); (ii) the status of each project and whether the Del Terra Group obtained the certification and date of certification; (iii) an indication of the project certification work in progress and any significant issues; and (iv) a bottom-line total of projects still uncertified.

Del Terra has provided the District a spreadsheet which appears to show the certification status of 113 separate projects. That spreadsheet indicates that at least 33 separate projects on the spreadsheet remain uncertified.

The District is continuing in its review of the information provided by Del Terra.

**Below are Updates for the November 9, 2017 Board Meeting Regarding DSA Close Out Certification Services.**

On October 26, 2017, at a regularly scheduled weekly meeting between the District and Del Terra, Del Terra provided a document titled "EXHIBIT "C" – Project List", which reflects a list of DSA close out certification projects. The District is currently reviewing the document.

**Below are Updates for the December 14, 2017 Board Meeting Regarding DSA Close Out Certification Services.**

The District is continuing to review the documents, thus no further updates at this time.

**Below are Updates for the February 8, 2018 Board Meeting Regarding DSA Close Out Certification Services.**

The District is continuing to review the documents, thus no further updates at this time.

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**Below are Updates for the March 8, 2018 Board Meeting Regarding DSA Close Out Certification Services.**

The District is continuing to review the documents, and anticipate on providing a final report in April 2018 on this matter.

**Below are Updates for the April 12, 2018 Board Meeting Regarding DSA Close Out Certification Services.**

The District is continuing to review the documents, and anticipate on providing a final report in May 2018 on this matter.

**Below are Updates for the May 10, 2018 Board Meeting Regarding DSA Close Out Certification Services.**

The District is continuing to review documents, thus no updates at this point.

**Below are Updates at the October 12, 2017 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

With regard to letters #2 - #6 listed above relating to the several agreements for program management and construction management services, Del Terra was requested in each of the separate letters to provide all documents, deliverables and records to the District by August 28, 2017.

In a letter dated August 27, 2017 (Exhibit "G"), Del Terra stated that the District's timeframe to provide the documentation is not consistent with industry standard and is unreasonable. According to Del Terra, this type of effort typically requires 60 days. Del Terra also suggested using an alternative approach by which the District would first identify what is in the District's possession, and the District would then determine what further documentation the District desires for its files.

On August 31, 2017, at a regularly scheduled weekly meeting between the District and Del Terra, the District directed an alternative approach with which Del Terra would provide the District with a list of all projects since 2013 for which Del Terra provided program management and/or construction management services. Additionally, Del Terra would provide by project a list of documentation that the District should have. Once that is provided by Del Terra, the District will review the list to determine if additional documents are required. Del Terra informed the District that it will work on producing the requested deliverables.

The District's August 4 letter did not direct Del Terra to create documents, but rather to provide program and project documents which, under the agreements, Del Terra was already required to have compiled and maintained in an organized document archive system. On that basis, on September 14, 2017, the District sent Del Terra a letter (Exhibit "H") clarifying that Del Terra must provide all documentation under the agreements.

On September 21, 2017, the District received a letter from Del Terra informing the District that it is gathering all of the requested documents pursuant to the District's September 14, 2017 letter.

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(Exhibit "I".) However, Del Terra noted that it is not a simple effort and will take a reasonable amount of time to complete and that Del Terra was reserving its "right to seek compensation for additional services based upon the duplication of effort that is required by the District's request".

The District responded to Del Terra on September 29, 2017 (Exhibit "J"), emphasizing that documents must be submitted in an organized fashion pursuant of the various program management agreements and that since Del Terra was required to develop and implement a document management control system as part of its "Basic Services" under the agreements, and that, as provided in the agreement, all documents are to be maintained at the District Office, the provision of the required documents in an organized fashion to the District would not be an additional service for which the District would pay additional compensation to Del Terra. Additionally, Del Terra was reminded of the District's multiple requests beginning in September 2016 for documents supporting Del Terra's billing for construction management services for the Fischer Middle School, George Middle School, Dorsa HVAC and LUHCA HVAC projects, including all supporting documentation relating to all Del Terra invoices including personnel names and positions, timesheets, actual hours worked, and applicable hourly rates.

On October 3, 2017, the District received a letter from Del Terra (Exhibit "K") indicating that it is compiling documents relating the construction management services for the Fischer Middle School, George Middle School, Dorsa HVAC and LUHCA HVAC projects. Those documents were originally requested by the District on September 13, 2016. Since October 3, Del Terra has not provided the requested documents.

On Friday, October 6, 2017, Del Terra provided the following items:

1. External Hard Drive believed to contain some project documents
2. Measure "J" Project Documentation List 2013-2017
3. Del Terra Document Filing System Index
4. Screen Shot of Del Terra File Structure

The "Measure 'J' Project Documentation List 2013-2017" provided by Del Terra (Exhibit "L") indicates that a least thirty-three (33) separate District Measure J projects are missing "Warranties/Guarantee", seven (7) separate projects are missing signed construction contract agreements, and that at least thirty (30) projects do not have signed bid and/or contract-related documents.

The District is continuing in its review of the documents provided on October 6 to identify other missing documents and files and in an effort to assess the organization of the materials provided.

**Below are Updates for the November 9, 2017 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

On October 13, 2017, the District sent Del Terra a letter requesting the following clarification regarding documents that Del Terra provided to the District on October 6:

- Whether the external hard drive contained all of the documents requested by the District in each of the above five (5) August 4 letters related to Program and Construction
-

Management Agreements (other than the documents noted as "Missing" on the "Project Documentation List 2013-2017").

- How Del Terra intends to recover and/or provide those documents noted as "M – Missing" and "X-Need Executed Copy".
- Whether the external hard drive provided by Del Terra contained all program management documents for Measure J and Measure I, since the Filing System Index and the Screen Shot of Del Terra File Structure appear to relate to documents and the file structure for individual construction projects, not to the bond program management overall.

On October 26, 2017, at a regularly scheduled weekly meeting between the District and Del Terra, Del Terra informed the District that it is gathering all of the requested documents pursuant to the District's October 13, 2017 letter. As of Wednesday, November 8, 2017, Del Terra has not produced any additional documents as requested in the District's October 13, 2017 letter.

**Below are Updates for the December 14, 2017 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

In reviewing the documents provided by Del Terra on October 6, 2017, District's staff noted the following:

- The file structure convention is inconsistent, for example, some files are grouped by individual projects while some are group by type of projects, thus making it difficult for staff to tie the documents in the hard drive to the matrix.
- The District will need to meet with Del Terra to reconcile the documents matrix to the documents provided in the hard drive.
- There appears to be missing documents which were listed on the documents matrix, titled "Measure 'J' Project Documentation List 2013 – 2017".

On Monday, December 11, 2017, the District received a hard drive from Del Terra and is in the process of reviewing the materials.

**Below are Updates for the February 8, 2018 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

District is continuing to review the documents, thus no further updates at this time. However, as noted above, due to the large volume of documents and inconsistent filing structure, it has been challenging for district staff to reconcile documents from the hard drive to the matrix.

**Below are Updates for the March 8, 2018 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

The District is continuing to review the documents, and anticipate on providing a final report in April 2018 on this matter.

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**Below are Updates for the April 12, 2018 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

The enclosed report titled, "Measure 'J' Projects Lists 2013-2017 Bond Documents", which was prepared by the District's Director of Bonds and Facilities, reflects a total of 66 projects that Del Terra Group (DTG) managed from 2013 through 2017. The District has completed its review of documents submitted by DTG for projects #1 through #51. Documents for projects #52 through #66 is still under review by the District. For projects #1 through #51, below is a breakdown of the type of documents and issues relating to those documents:

- Notice of Intent
  - 29 missing
- Notice to Award
  - 3 missing
  - 8 signed by District, only
  - 15 signed by DTG, only
    - If this is true to be the case, DTG proceeded without receiving proper authorization from the District.
- Contract Agreements
  - 2 missing
- Contractor Docs (bonds, Insurance, ect)
  - 2 missing
- Notice to Proceed
  - 2 missing
  - 2 signed by District, only
- Warranties
  - 17 missing
- Notice of Completion
  - 11 are filed copies only, no records of being recorded by the County

Staff will provide further updates for projects #52 through #66 once the review is completed.

In addition to the documents noted above, the District has made several requests for documents supporting Del Terra's billings for construction management services in relation to the Fischer Middle School Multi-Purpose Building Project, Gorge Middle School Multi-Purpose Building Project, Dorsa HVAC and LUCHA HVAC projects, where the District was billed and paid for construction management services at the 6% CM rate totaling approximately \$329K, although construction had not yet begun at the time of the billing. The requests specified for Del Terra to provide all supporting documentation, such as personnel names and positions, timesheets, actual hours worked, and applicable hourly rate. The District first requested this information in September 2016. The applicable construction management agreements provide that pre-construction services would be billed "on an hourly basis for work actually performed." As of this date, the District has not received the back-up documentation that is responsive to this request. This information is necessary for the District in order for staff to be able to calculate the actual amount that should have been paid to Del Terra. It is also noteworthy to mention that as of this date, construction has not begun for both the Fischer and George Middle School Multi-Purpose Building Projects.

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Re: FCMAT Update – Request for Documents  
Page 7 of 7  
May 10, 2018

**Below are Updates for the May 10, 2018 Board Meeting Regarding Documents and Information Relating to the 2013 and 2016 Measure J and Measure I Program Management Agreements and Construction Management Agreements.**

The District received the enclosed letter from Del Terra dated May 4, 2018 in response to the District's April 12, 2018 FCMAT Update – Request for Documents. The District is in the process of preparing a response to Del Terra and will continue to work with Del Terra to update/revise report, if necessary and as needed.

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13181 Crossroads Pkwy North, Ste 540  
City of Industry, CA

Phone: 626.839.9300  
Fax: 626.839.9307

201 Spear Street, Suite 1100  
San Francisco, CA 94105

Phone: 415.230.5352  
Fax: 415.230.5301

May 4, 2018

Kolvira Chheng, CBO  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Re: Response to District's April 12, 2018 FCMAT Documentation Update

Mr. Kolvira Chheng:

At the April 12, 2018 Board meeting you reported that various documents were not in file for various Bond Projects. As we discussed previous to your April 12<sup>th</sup> report and in our recent phone conversation, that both the District and Del Terra would work together to reconcile any missing documents so that an accurate reporting can be provided of the various Bond documents. In fact, this point was even stated by Superintendent Bauer at the November 9, 2017 Board Meeting, whereby Bauer stated that we (District and Del Terra) will work together to 'fill the Gap' of documents. So needless to say, I was rather surprised that a report was presented to the Board without communication with Del Terra to confirm the documents that the District is seeking.

In order to make the exercise of listing the documents which the District asserts are missing easier to follow, we are attaching a Report that lists those 'missing' documents. We added a column quantifying which Bid has the 'missing' documents and the **Quantity that the District asserts** are missing and the **Quantity that Del Terra** indicates that are not in the Project File. There is also a **Comments** column to offer where the Document was located (if it was located) or why it was not in file.

The summary will show that the District asserts that there were 59 documents missing, whereas Del Terra shows only 22 items missing. A difference of 37 documents that were either in the file or not applicable. Some of the documents reasons why the difference in quantities are as follows:

- Of the 27 total different Projects that had missing files, 17 of them were from the 1<sup>st</sup> year of the bond program, fiscal year 2013/2014.
  - If you recall, I have stated many times that Del Terra's original contract was not executed until May 2013, the 1<sup>st</sup> bids were opened on August 1, 2013, less than 2 months later. The actual start of construction was on August 20<sup>th</sup>. That means Construction actually started 20 calendar days after Bid Opening. Many of the missing documents come from that time period, whereby the District and Del Terra did not have the sufficient time to issue the Courtesy Documents.
- Many of the Documentation protocols were not yet established by the District, hence various documents missing were not specified or requested by the District as of bid time.
- The documents that were in file were the legally binding documents i.e., NTP, Bonds & Insurance and Contract Agreements.
- NOI/NOA - Courtesy Documents: Notice of Intent (NOI) and Notice of Award (NOA) are not in the public contract code and do not assign risk to the District. The NOI and NOA are courtesy or advisory documents to the Contractor. Only a NTP or Contract can obligate a District for contractor performance.

# DEL TERRA

13181 Crossroads Pkwy North, Ste 540  
City of Industry, CA

Phone: 626.839.9300  
Fax: 626.839.9307

201 Spear Street, Suite 1100  
San Francisco, CA 94105

Phone: 415.230.5352  
Fax: 415.230.5301

- Hence, that is why the District has not issued Notice to Proceed or Contracts for the Fischer and Mathson MPSCC Projects which have gone out to bid and bids have been opened and accepted by the District. NOI and NOA do not put the District at risk of contract obligation.
- Other Documents were found in the files and HardDrive.
- Some documents were Not Applicable to be required for the project, e.g. some Bond Projects were procured by Competitive Proposals, not Bidding. The project was within the District's competitive Proposal threshold, thus some typical bond documents are not applicable for the projects listed.
- As also mentioned, there was a lack of consistent District and Bond Administration and direction
  - As stated by Del Terra, FCMAT and SCCOE, the District has suffered with the unusually high rate of Administrative turnover in the Business Department, 7 CBOs in 2.5 yrs.
  - Four (4) different Facility Directors
  - Many times no CBO's or Facility Directors at all
  - Superintendent was for 2 yrs directly active in the Bond Program
  - These factors also lead to the District affecting the consistent compliance with protocols

It is known that there were approximately 80 different bond projects that were successfully implemented on occupied campuses, without injury to any student, faculty or contractor. No lawsuits for lack of performance and all projects complied with Public Contract Codes and Bidding Procedures.

There may be some individual missing documents, but these documents have not affected the performance or risk assignment of the projects. There are no missing projects or public funds, and Del Terra's performance of the Bond Program has not exposed the District to any risk of negligence or performance.

In summary, it is Del Terra hope and desire that the District will work cooperatively with Del Terra to 'fill in any gaps' relating to Project Documentation.

Luis D. Rojas  
*President/CEO*

12.03

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF TRUSTEES**

To the Board of Trustees:

**Subject:** Third Interim Financial Report – Fiscal Year 2017-2018

**Staff Analysis:** In accordance with Education Code 42130, 42131(a)(1) and (2), school districts filing a qualified or negative certification for the Second Interim Report are required to prepare a Third Interim Report, for the period ending April 30. This report evaluates whether or not the district is able to meet its financial obligation for the remainder of the fiscal year, and also to meet any multi-year commitments.

The report will be available before the Board Meeting.

**Recommendation:** Staff recommends approval by the Board of Trustees of the Third Interim Financial Report.

Approved by: Kolvira Chheng Title: Assistant Superintendent, Business Services

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting  
**Recommend Approval**  
12.03  
Agenda Placement Hilaria Bauer, Ph.D, Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**  
Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · www.arusd.org

May 10, 2018

To: Board of Trustees

From: Kolvira Chheng, Assistant Superintendent of Business Services

Re: Item #12.03 – Third Interim Report

## BACKGROUND

Pursuant of Education Code section 42131(e), the governing board of each school district filing a qualified or negative certification for the second report required under Section 42130 or classified as qualified or negative by the county superintendent of schools, shall provide to the county superintendent of schools, the Controller and the Superintendent no later than June 1, financial statement projections of the school district's fund and cash balances through June 30 for the period ending April 30. The District projects that it will be able to meet the reserves requirement for the current and two subsequent fiscal years. Additionally, the District will maintain a positive cash balance for the remainder of the current fiscal year.

The chart below reflects the District's multi-year projection for the Unrestricted General Fund.

	UNRESTRICTED GENERAL FUND		
	2017-18 Third Interim	2018-19 Projected	2019-20 Projected
BEGINNING BALANCE	21,834,894	11,629,208	11,753,934
TOTAL REVENUES	113,797,036	118,440,128	112,192,296
TOTAL EXPENDITURES	102,192,024	95,193,882	93,063,279
TOTAL CONTRIBUTIONS/TRANSFERS	(21,810,699)	(23,121,519)	(23,754,674)
Surplus/(Deficit)	(10,205,686)	124,727	(4,625,657)
ENDING FUND BALANCE	11,629,208	11,753,934	7,128,277
COMPONENTS OF ENDING BALANCE			
Revolving Fund	20,000	20,000	20,000
Restricted	-	-	-
Committed	-	-	-
Assigned	250,000	250,000	250,000
Reserve for Economic Uncertainties	4,381,859	4,005,747	3,957,294
Unassigned/Unappropriated Amount	6,977,349	7,478,187	2,900,983

## RECOMMENDATION

Staff recommends the Board of Trustees approve the Third Interim Report.

13.01

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Information Regarding Resignations

Staff Analysis:

Pursuant to Board Policy 4117.2 the Superintendent or her designee has accepted the following resignations.

Submitted by: Jess Serna Title: Interim Assistant Superintendent,  
Human Resources

To the Board of Trustees:

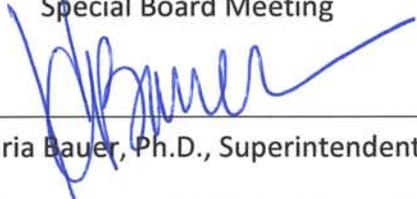
**Information Only**

Meeting:

May 29, 2018

Special Board Meeting

13.01  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

HUMAN RESOURCES DEPARTMENT  
SPECIAL MEETING OF THE BOARD OF TRUSTEES

May 29, 2018

**CLASSIFIED RESIGNATIONS:**

**I. Resignations:**

1. Arenas, Abraham	Bus Driver/Transportation	03/26/18
2. Canela, Melissa	Community Liaison/Russo-McEntee	05/12/18
3. Gonzales, Gabriela	Child Nutrition Assistant I/Ocala	04/30/18

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT-  
HUMAN RESOURCES DEPARTMENT  
SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**May 29, 2018**

**CERTIFICATED RESIGNATIONS:**

**I. Resignations:**

1. Cavazos, Neena	Psychologist/Special Education Dept.	06/30/2018
2. Narvaez-Gomez, Alejandra	PLOA 2017/18	06/30/2018
3. Summers, Kristie	PLOA 2017/18	06/30/2018
4. Yuen, Joanna	PLOA 2017/18	06/30/2018

13.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: **Adopt the District's Initial Bargaining Proposal to Open Negotiations with CSEA Chapter 305; Re: 2018-2019 Reopeners.**

Staff Analysis:

Staff recommends that the Board of Trustees adopt the District's initial proposal for 2018-2019 Reopeners as presented and direct the Superintendent and/or her designee to begin negotiations with CSEA Chapter 305.

Submitted by: Jess Serna Title: Interim Assistant Superintendent,  
Human Resources

To the Board of Trustees:

**Recommend Approval**

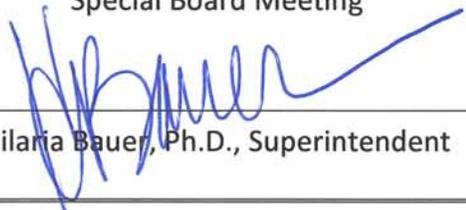
13.02

Agenda Placement

Meeting:

May 29, 2018

Special Board Meeting

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · [www.arusd.org](http://www.arusd.org)

May 1, 2018

## Alum Rock Union School District's Initial Proposal to California School Employees Association (CSEA) #305

Pursuant to the provisions of Government Code Section 3547 (the Rodda Act) all initial proposals of the exclusive representative employee groups and the District shall be presented at a public meeting of the District and shall thereafter be public records. This is commonly referred to as "Sunshining" the proposals. On June 13, 2017, the District and CSEA reached a three (3) year agreement (July 1, 2017 – June 30, 2020). For the second and third year (2018/2019 and 2019/2020) of this Agreement, the parties agree to reopen on wages and Article 10.1 "Coverage", plus two (2) non-economic Articles by either party. The District hereby submits its bargaining proposal for the 2018-2019 Re-opener.

Article IV	Evaluation/Probation
Article XIV	Bargaining Unit Vacancies, Transfer, Promotion, and Reclassification

The District is committed to work collaboratively and in partnership with the California School Employees Association. With respect to the articles identified above, the District's interest is to establish a collective bargaining agreement that supports student achievement, and staff success.

Hilaria Bauer, Ph.D., Superintendent

Board of Trustees: Esau Ruiz Herrera, President · Karen Martinez, Vice-President  
Dolores Márquez-Frausto, Clerk · Khanh Tran, Member · Andrés Quintero, Member

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Approve Declaration of Need For Fully Qualified Educators for 2018/2019

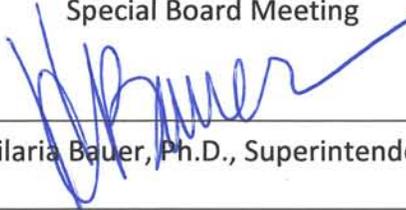
Staff Analysis:

This is required to meet the revised procedures for issuing and renewing emergency permits consistent with Title V regulations pertaining to Section 80026 Declaration of Need for Fully Qualified Educators. The Declaration will ease the paperwork previously required for each individual statement of need, and instead provide a single statement to be submitted annually to the Commission on Teacher Credentialing.

Recommendation:

It is the recommendation of staff that the Board of Trustees declare the need for fully qualified educators.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>13.03</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



State of California  
 Commission on Teacher Credentialing  
 Certification Division  
 1900 Capitol Avenue  
 Sacramento, CA 95811-4213

Email: [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov)  
 Website: [www.ctc.ca.gov](http://www.ctc.ca.gov)

## DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

Original Declaration of Need for year: 2018-19

Revised Declaration of Need for year: \_\_\_\_\_

### FOR SERVICE IN A SCHOOL DISTRICT

Name of District: Alum Rock Union Elementary School Dist. District CDS Code: 69369

Name of County: Santa Clara County CDS Code: 43

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 05 / 10 / 2018 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

***Enclose a copy of the board agenda item***

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2019.

Submitted by (Superintendent, Board Secretary, or Designee):

Hilaria Bauer, Ph.D.

Superintendent

*Name*

*Signature*

*Title*

408 928-6416

408 928-6830

*Date*

*Fax Number*

*Telephone Number*

2930 Gay Avenue, San Jose CA 95127

*Mailing Address*

hilaria.bauer@arUSD.org

*EMail Address*

### FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County \_\_\_\_\_ County CDS Code \_\_\_\_\_

Name of State Agency \_\_\_\_\_

Name of NPS/NPA \_\_\_\_\_ County of Location \_\_\_\_\_

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on \_\_\_/\_\_\_/\_\_\_, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, \_\_\_\_\_.

► **Enclose a copy of the public announcement**

Submitted by Superintendent, Director, or Designee:

Name	Signature	Title
Fax Number	Telephone Number	Date
Mailing Address		
E-Mail Address		

► *This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency*

**AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS**

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

<b>Type of Emergency Permit</b>	<b>Estimated Number Needed</b>
CLAD/English Learner Authorization (applicant already holds teaching credential)	20
Bilingual Authorization (applicant already holds teaching credential)	10
List target language(s) for bilingual authorization: Spanish	
Resource Specialist	5
Teacher Librarian Services	

**LIMITED ASSIGNMENT PERMITS**

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	20
Single Subject	15
Special Education	25
TOTAL	60

**EFFORTS TO RECRUIT CERTIFIED PERSONNEL**

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to [www.cde.ca.gov](http://www.cde.ca.gov) for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

**EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL**

Has your agency established a District Intern program? Yes  No

If no, explain. \_\_\_\_\_

Does your agency participate in a Commission-approved college or university internship program? Yes  No

If yes, how many interns do you expect to have this year? 15

If yes, list each college or university with which you participate in an internship program.  
San Jose State University, National University, Loyola Marymount University,  
Santa Clara University

If no, explain why you do not participate in an internship program.  
 \_\_\_\_\_  
 \_\_\_\_\_

13.04

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: **Resolution # 38-17/18 Classified School Employees Week May 20-26, 2018**

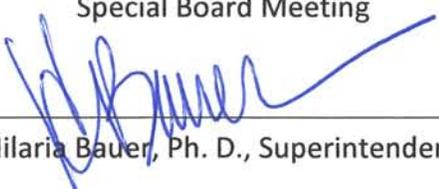
Staff Analysis:

Alum Rock Union Elementary School District hereby recognizes and wishes to honor the contribution of the classified school employees to quality education in the state of California and in the Alum Rock Union Elementary School District and declares the week of May 20, 2018 through May 26, 2018 as *Classified School Employees Week* in the Alum Rock Union Elementary School District.

Recommendation:

Staff recommends approval of Resolution # 38-17/18.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>13.04</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph. D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT**  
**Resolution # 38-17/18**  
**Proclaiming May 20-26, 2018**  
**"CLASSIFIED SCHOOL EMPLOYEES WEEK"**

**WHEREAS**, classified school employees provide valuable services to the schools and students of the Alum Rock Union Elementary School District; and

**WHEREAS**, classified school employees contribute to the establishment and promotion of a positive instructional environment; and

**WHEREAS**, classified school employees serve a vital role in providing for the welfare and safety of Alum Rock Union Elementary School District students; and

**WHEREAS**, classified school employees employed by Alum Rock Union Elementary School District strive for excellence in all areas relative to the educational community;

**NOW, THEREFORE, BE IT RESOLVED**, that the Alum Rock Union Elementary School District hereby recognizes and wishes to honor the contribution of classified school employees to quality education in the State of California and in the Alum Rock Union Elementary School District and declares the week of May 20-26, 2018 as *Classified School Employees Week* in the Alum Rock Union Elementary School District.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of May 2018, by the Board of Trustees of the Alum Rock Union Elementary School District, County of Santa Clara, State of California.

---

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

Board of Trustees:

Esau Ruiz Herrera, President \_\_\_\_\_

Karen Martinez, Vice President \_\_\_\_\_

Dolores Marquez-Frausto, Clerk \_\_\_\_\_

Khanh Tran, Member \_\_\_\_\_

Andrés Quintero, Member \_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed, and adopted by the members of the Board of Trustees of the Alum Rock Union Elementary School District at a public meeting of said Board held on May 29, 2018.

---

Hilaria Bauer, Ph.D., Superintendent

---

Date

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

Board of Trustees:

May 18, 2018

**Subject:**

**APPROVAL OF BOARD MEETING MINUTES FOR THE FOLLOWING DATES:**

- May 14, 2015; Regular Board Meeting
- November 9, 2017; Regular Board Meeting
- January 18, 2018; Regular Board Meeting
- February 8, 2018; Regular Board Meeting
- March 8, 2018; Regular Board Meeting

**Recommend Approval**

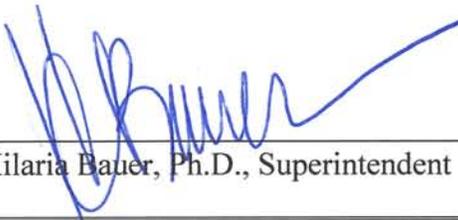
Submitted by: Hilaria Bauer Title: Superintendent

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

14.01  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

**DRAFT 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, May 14, 2015, 5:30 p.m. at San Antonio Elementary School**  
**Cafeteria, 1721 E. San Antonio Street, San Jose, CA 95116**  
**Meeting #20-14/15**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

President Esau Ruiz Herrera welcomed everyone in the audience. President Esau Ruiz Herrera called the Board Meeting to order at 5:35 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Dolores Marquez-Frausto	Vice-President ( <i>arrived late at 5:37 p.m.</i> )
Khanh Tran	Clerk
Andrés Quintero	Member
Karen Martinez	Member ( <i>arrived late at 5:39 p.m.</i> )

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Director, State & Federal Programs
Dr. Fernando Elizondo	Interim Chief, Human Resources Officer
Dana Taylor	Interim Assistant Superintendent, Business Services
Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support
Kristine McNatt	Executive Assistant, Human Resources

**1.02 Announcement and Public Comments Regarding Items to be Discussed in Closed Session**

President Esau Ruiz Herrera announced the items that would be discussed in Closed Session.

Public Comments:

1. Andrew Dias: George teacher, spoke to settle the contract

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

**1.02 Announcement and Public Comments Regarding Items to be Discussed in Closed Session**

2. Daryl Davis: Renaissance at Mathson parent, in support of the teachers
3. Joselynn Burton: Teacher, settle contract—we need a raise
4. Danielle D'Ambrosio: Lyndale teacher, spoke to settle the contract
5. Rita Minster: McCollam teacher, stated we passed the parcel tax, but no raises
6. Kelly Shafsky: Renaissance at Mathson teacher, spoke to settle the contract
7. #101305: (female): Teacher, feels like just a number and not a person
8. Brian Wheatley: President, Evergreen Teacher's Association, commented they settled and now Alum Rock needs to settle
9. Ryan Jaeger: Teacher since 2001, commented that we need to settle the contract
10. Addie Vane: George teacher, commented "love my job but can't afford to live here anymore"
11. Female teacher *(no name given)*: Spoke to settle the contract
12. Gail LaRocha: Meyer teacher, spoke to settle the contract
13. Ben Chee: Linda Vista teacher, spoke to settle the contract
14. Deane Kirchner: Mom, taxpayer, and PTA member, spoke on behalf of supporting the teachers
15. Sheryl Duarte: Russo/McEntee teacher, spoke to settle the contract
16. Cathy Flores: Meyer teacher, spoke to settle the contract
17. Olivia *(no last name given)*: Chavez parent and SOMOS Mayfair community member, spoke on behalf of the teachers
18. Luz Maria: Chavez parent, commented that she supports the teachers
19. Paula Blass: Renaissance at Fischer parent, commented that she supports the teachers
20. Louisa Gonzalez: Chavez parent, commented that she supports the teachers
21. Wendy Bosshardt: Russo/McEntee teacher, spoke to settle the contract
22. Dolores *(no last name given)*: Russo/McEntee parent, commented that she supports the teachers
23. Parent volunteer *(female and no name given)*: Russo/McEntee parent, commented she supports the teachers
24. Maria Duran: Ocala/San Antonio parent, commented that she supports the teachers

**1.03 Adjournment to Closed Session**

The Board recessed to closed session at 6:17 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session at approximately 6:45 p.m.

### **3. RECONVENE TO OPEN SESSION**

#### **3.01 Call to Order/Roll Call/Pledge of Allegiance**

The Board reconvened to Open Session at 7:09 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call in which all Board Members were present. President Esau Ruiz Herrera led the pledge of allegiance.

#### **3.02 Report of Action Taken in Closed Session**

President Esau Ruiz Herrera reported that there was nothing to report from Closed Session at this time. He also announced that the Board would be returning back to Closed Session after the end of Open Session to continue with unfinished Board business.

### **4. SPECIAL PRESENTATION / RECOGNITION**

#### **4.01 Performance by the Alum Rock Honor Band**

President Esau Ruiz Herrera acknowledged the performance by the Alum Rock Honor Band.

#### **4.02 Recognition for Teacher of the Year**

Staff presented an award to Ms. Hushi Natividad from Russo/McEntee Academy, Teacher of the Year.

Board Comments:

President Esau Ruiz Herrera congratulated Ms. Hushi Natividad and also thanked all the teachers for their dedication.

Member Andrés Quintero congratulated and thanked Ms. Hushi Natividad for her service to the District.

Vice-President Dolores Marquez-Frausto congratulated and thanked all of her family.

Clerk Khanh Tran also congratulated Ms. Hushi Natividad for her hard work as a teacher.

### **3. RECONVENE TO OPEN SESSION (continued)**

#### **3.03 Discussion and/or Modification(s) of the Agenda**

Member Andrés Quintero asked to move *Agenda Item 9.02 after Item 4.03*. These agenda items include the following:

**9.02 Draft of the Local Control Accountability Plan (LCAP)**

**4.03 Presentation by Renaissance at Fischer and Renaissance at Mathson Staff**

**3. RECONVENE TO OPEN SESSION** *(continued)*

**3.03 Discussion and/or Modification(s) of the Agenda**

Member Karen Martinez asked to move *Agenda Items 8.01 after 5.01*. These agenda items include the following:

**8.01 Presentation and/or Update on the Bond/Facilities**

**5.01 Requests to Address the Board**

Clerk Khanh Tran asked to move *Agenda Items 9.01 following 8.01*. These agenda items include the following:

**9.01 Amend Board Bylaw 9322 Provision Entitled 'Agenda Preparation'**

**8.01 Presentation and/or Update on the Bond/Facilities**

The Board was in consensus to accept the amended agenda as presented.

**4. SPECIAL PRESENTATION/RECOGNITION**

**4.03 Presentation by Renaissance at Fischer and Renaissance at Mathson Staff**

Superintendent Bauer introduced Principal Doug Kleinhenz who gave a presentation of Arts, Sciences, and Social Justice in school.

The art teacher spoke along with Mr. Jesus Guerra, Renaissance I teacher, on how important art was in school. Three 8<sup>th</sup> grade students spoke about racism in school. Assistant Principal Vince Iwasaki, spoke on the testimonials, and the presentation was adjourned with closing remarks provided by Principal Doug Kleinhenz.

Board Comments:

Dolores Marquez-Frausto, Karen Martinez, Andrés Quintero, Khanh Tran, and Esau Ruiz Herrera.

**9. SUPERINTENDENT/BOARD BUSINESS**

**9.02 Draft of the Local Control Accountability Plan (LCAP)**

Superintendent Bauer introduced Rene Sanchez, Assistant Superintendent of Instructional Services, who gave a brief overview of the draft LCAP. The presentation consisted of a review of LCAP Trends from stakeholder input, a LCAP draft, and a timeline and next steps in the LCAP process.

## 9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

### 9.02 Draft of the Local Control Accountability Plan (LCAP)

#### Board Comments:

Member Karen Martinez asked what exactly will community liaisons be doing? Will they be providing home visits? Assistant Superintendent Rene Sanchez briefly explained some of the liaisons' duties and the plan to have them at all sites on a part-time basis. Member Karen Martinez asked if the summer extensive opportunities would include students with IEPs? Assistant Superintendent Rene Sanchez replied that they would.

Vice-President Dolores Marquez-Frausto thanked Assistant Superintendent Rene Sanchez for being very accommodating with the information and also for going out to the schools to meet the parents. She also commented that she would also like to address sports and partner with various organizations.

President Esau Ruiz Herrera asked if parents want to support students in a positive way, i.e., in sports (soccer league), how could this be accommodated in the LCAP Plan?

Member Andrés Quintero thanked staff for their presentation.

Clerk Khanh Tran stated that he would like to see monies allocated to different programs.

#### Public Comments:

1. Olivia (*no last name given*): Chavez parent and Empuje community member that spoke in support of DAC
2. Ms. Gonzalez: Parent with 3 students that spoke in support of DAC
3. Sandra Covella: San Antonio parent, in support of community liaison for San Antonio
4. Sara Ramirez: San Antonio parent and Empuje Somos Mayfair member, spoke in support of community liaisons
5. Macaria Alva: Parent and Empuje Somos Mayfair member, spoke in support of community liaisons
6. Rosa Velasquez: San Antonio parent, spoke in support of the community liaisons
7. Rocio Ramos: San Antonio and Renaissance parent, spoke in support of the community liaisons. She commented *NOT* to approve the community liaisons on a part-time basis
8. Maria Huerta: Chavez parent and SOMOS Mayfair community member, spoke in support of the soccer league for the summer
9. Jocelyn Merz: AREA president, stated that she is disappointed to only see \$10K being spent for teacher recruitment and support
10. Maria Garcia: Parent that spoke in support of the "Growing Together Program"
11. Yolanda Hernandez: Mathson parent, spoke in support of the sports program (specifically soccer)

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.02 Draft of the Local Control Accountability Plan (LCAP)**

Board Comments:

Member Karen Martinez asked if the District could use LCAP to run sports programs? Assistant Superintendent Rene Sanchez stated that the District would have to look at the board policy and administrative regulations.

Member Andrés Quintero acknowledged Ms. Pam Gudino for all the great work she has done in the district. Unfortunately, she is moving to the Peninsula.

Clerk Khanh Tran commented that we need to retain teachers.

Vice-President Dolores Marquez-Frausto commented that Empuje was an important program and then asked if the “Growing Together Program” was a SOMOS Mayfair Program? Someone from the audience replied “yes”.

President Esau Ruiz Herrera stated that LCAP was a work in progress. The rules and the law say that parents shall have a voice and we must accommodate our students and teachers.

**5. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

**5.01 Requests to Address the Board**

There were no speakers from the audience at this time.

**8. BOND/FACILITIES**

**8.01 Presentation and/or Update on the Bond/Facilities**

Mr. Luis Rojas gave an executive summary report on the Bond Projects.

**Asphalt Projects**

**George MS– Asphalt Repair and Enhancement**

Mr. Luis Rojas reported that construction started on January 5, 2015, and the end of construction would be approximately March 31, 2015 with 100% complete.

**Cureton ES-Asphalt Repair and Enhancement**

Mr. Luis Rojas reported that construction started on March 28, 2015; however, he was not able to give an end date.

## 8. BOND/FACILITIES

### 8.01 Presentation and/or Update on the Bond/Facilities

#### Restroom Projects Non-DSA (Refurbishment)

Mr. Luis Rojas reported that scopes of work are being finalized by the architects for Summer 2015, and the architect is walking the sites to verify the scope of work in order to finalize the guide specifications. The plans will be issued at the job walk with contractors on May 27, 2015.

#### DSA Projects

Mr. Luis Rojas reported that DSA projects are being designed and submitted to DSA for Summer/Winter 2015. Following review of the plans by the Program Management Team and District staff, and the Board approval of DSA plan check fees, the plans are scheduled to be submitted to the DSA in June 2015.

#### Meyer Elementary School – DSA Restroom Project

- Nurses Restroom-100% completed by April 6, 2015
- Boys & Girls Restrooms-100% complete
- Men & Women Staff Restrooms-95% complete and 100% completed by May 15, 2015
- Punch Walk scheduled for May 15, 2015
- Project is within budget

#### Kindergarten Restrooms (Kidango)

Mr. Luis Rojas reported that Del Terra was directed to assess the scope of work and budget to ensure that all the kindergarten classrooms have a proper number of working safe restrooms. He also reported that Del Terra was 90% complete with the remaining school site assessments and the sites include the following:

Aptitud at Goss	Meyer	Cureton	Hubbard
Linda Vista	San Antonio	LUCHA	Meyer
Painter	Ryan		

#### Multi-Purpose Facility Building

Mr. Luis Rojas reported that several team program meetings had been held with District administration and site personnel to incorporate the necessary educational and administrative requirements. For instance, District personnel had visited other school districts for examples of the 21<sup>st</sup> Century classrooms and inspections of other kitchen facilities. He reported that these tours and inspections have offered a valuable “lessons learned” knowledge base. Many other projects have had successes and challenges. Mr. Luis Rojas stated that Del Terra and the District’s intent was to incorporate the best results with consideration for barriers to success. He stated that such elements are a ‘smart approach to 21<sup>st</sup> school classrooms, appropriate size, and functionality of kitchen and space utilization. He also reported the meetings had been helpful to ensure the best use of the site area, tax dollars, and highest-best use of district resources.

**8. BOND/FACILITIES** *(continued)*

**8.01 Presentation and/or Update on the Bond/Facilities**

Clerk Khanh Tran commented that when the District goes to bid, to please consider local contractors.

**9. SUPERINTENDENT/BOARD BUSINESS**

**9.01 Amend Board Bylaw 9322 Provision Entitled 'Agenda Preparation'**

Clerk Khanh Tran spoke on this agenda item and asked about this bylaw. President Esau Ruiz Herrera reported that the Bylaw was adopted to satisfy the Education Code and this item was at the Board's discretion. The resolution was to correct the language to make it clearer and not be held liable. Clerk Khanh Tran would like to ask for a motion tonight and, if that occurs, we than can act on the motion after 5 days and have it on the next agenda.

Member Andrés Quintero suggested that the District follow the model by the County Board of Supervisors and each board member can put an item on the board agenda for discussion or for action.

Member Karen Martinez asked what was the actual board policy and what needed to happen if the Board wanted to update the policy?

Legal Counsel Luis Saenz responded it was Board Bylaw 9342 and that Board members could make a request to update the policy; however, it would be up to the Board President and the Superintendent to decide if the agenda item request was appropriate for Open or Closed Session.

Clerk Khanh Tran commented there was a conflict between 9322 and 54954.2

Vice-President Dolores Marquez-Frausto stated that she would not be supporting changing the Bylaw.

President Esau Ruiz Herrera gave a brief background history and commented that this Bylaw was not intended for preventing Board members from adding agenda items to the board agendas; but rather to keep an orderly process.

The Board had additional dialogue on this agenda item.

**MOTION #20-01 by Member Karen Martinez to extend the board meeting until 11:30 p.m. to finish board business. MOTION #20-01 was seconded by Clerk Khanh Tran.**

***MOTION #20-01 by Board consensus passed unanimously to extend the board meeting to 11:30 p.m.***

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.01 Amend Board Bylaw 9322 Provision Entitled 'Agenda Preparation'**

**MOTION #20-02 by Clerk Khanh Tran to place this agenda item at the next scheduled board meeting for First Reading and for action. MOTION #20-02 was seconded by Member Andrés Quintero.**

*MOTION #20-02 passed by consensus to place Agenda Item 9.01 on the next board meeting for First Reading and for action.*

**6. COMMENTS AND COMMUNICATION**

**6.01 Teamsters**

There were no representatives from Teamsters at this time.

**6.02 CSEA**

There were no representatives from CSEA at this time.

**6.03 Alum Rock Administrator's Association (ARAA)**

There were no representatives from ARAA at this time.

**6.04 Alum Rock Educator's Association (AREA)**

There were no representatives from AREA at this time.

**6.05 Superintendent**

Superintendent Hilaria Bauer acknowledged the George parents. She commented they did a great job representing the District.

**6.06 Board of Trustees**

Vice-President Dolores Marquez-Frausto reported that she met with teachers at different school sites and heard from parents.

Member Andrés Quintero reported that he had recently attended a water-drought summit and that the District really needed to be more aware of conserving water.

**6. COMMENTS AND COMMUNICATION** *(continued)*

**6.06 Board of Trustees**

President Esau Ruiz Herrera commented that we had to recognize Principal Doug Kleinhenz and Principal Olga Martinez, at a future board meeting, for recognition for the Administrator of the Year. He reported that Superintendent Hilaria Bauer had recently received the 'Champion of Student Success' Award. Congratulations Superintendent Hilaria Bauer!

**7. PUBLIC HEARING**

*President Esau Ruiz Herrera combined and opened the 3 Public Hearings at the 11:12 p.m.*

**7.01 District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150, regarding 2015-2016 Reopeners**

Mr. Doug Paganelli, Human Resources Director, gave a brief summary on this agenda item.

Public Comment:

1. Female speaker *(no name given)*: Speaker stated that she would like to add soccer and baseball for the LCAP considerations.

*President Esau Ruiz Herrera closed this Public Hearing at 11:16 p.m.*

**7.02 Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District, regarding 2015-2016 Reopeners**

There were no public comments from the audience at this time.

*President Esau Ruiz Herrera closed this Public Hearing at 11:22 p.m.*

**7.03 Disclosure of Major Provisions of Proposed Tentative Agreement with California School Employees Association, 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**

There were no public comments from the audience at this time.

*President Esau Ruiz Herrera closed this Public Hearing at 11:24 p.m.*

**9. SUPERINTENDENT/BOARD BUSINESS**

**9.03 Board Created Ad Hoc Committees**

Vice-President Dolores Marquez-Frausto announced the next Bond, Finance, and Facilities Committee Meeting would be held on May 21, 2015 at 10:00 a.m. at the District Office.

President Esau Ruiz Herrera announced that the next Curriculum/Technology Committee Meeting will be on June 3, 2015 at 4:00 p.m. at the District Office.

**10. HUMAN RESOURCES**

**10.01 Information Regarding Resignations**

The Board was in consensus to accept the Resignations as presented.

**10.02 Adopt the District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150 for 2015-2016 Reopeners**

**MOTION #20-03 by Vice-President Dolores Marquez-Frausto to accept and adopt the Initial Bargaining Proposal with Teamsters Local 150 for 2015-2016 Reopeners. MOTION #20-03 was seconded by President Esau Ruiz Herrera.**

*MOTION #20-3 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**10.03 Accept Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations for 2015-2016 Reopeners with the Alum Rock Union Elementary School District**

**MOTION #20-04 by Vice-President Dolores Marquez-Frausto to accept Teamsters Local 150 Initial Bargaining Proposal for 2015-2016 Reopeners as presented. MOTION #20-04 was seconded President Esau Ruiz Herrera.**

*MOTION #20-4 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**10.04 Approval and Ratification of Collective Bargaining Agreement Between the Alum Rock Union Elementary School District and CSEA Chapter #305 for the Period of July 1, 2014-June 30, 2017, Pending Ratification of Tentative District/CSEA Agreement by CSEA Unit Membership**

**10. HUMAN RESOURCES** *(continued)*

**10.04 Approval and Ratification of Collective Bargaining Agreement Between the Alum Rock Union Elementary School District and CSEA Chapter #305 for the Period of July 1, 2014-June 30, 2017, Pending Ratification of Tentative District/CSEA Agreement by CSEA Unit Membership**

**MOTION #20-05 by Vice-President Dolores Marquez-Frausto to accept, approve and ratify the Bargaining Agreement Between the District and CSEA Chapter #305 for the Period of July 1, 2014-June 30, 2017, Pending the Ratification of Tentative CSEA/District Agreement by CSEA Unit Membership. MOTION #20-05 was seconded by President Esau Ruiz Herrera.**

*MOTION #20-05 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**11. INSTRUCTIONAL SERVICES**

**11.01 Board Policy 5126, 2<sup>nd</sup> Reading-Students**

**MOTION #20-06 by Member Andrés Quintero to accept and adopt Board Policy 5126, 2<sup>nd</sup> Reading-Students as presented. MOTION #20-06 was seconded by President Esau Ruiz Herrera.**

*MOTION #20-06 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**11.02 Math Textbook Adoption-Middle School**

**MOTION #20-07 by Vice-President Dolores Marquez-Frausto to accept and approve the Math Textbook Adoption-Middle School as presented. MOTION #20-07 was seconded by Clerk Khanh Tran.**

Board Comment: Karen Martinez

*MOTION #20-07 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**11.03 Math Textbook Adoption-Elementary School**

**MOTION #20-08 by Vice-President Dolores Marquez-Frausto to accept and approve the Math Textbook Adoption-Elementary as presented. MOTION #20-08 was seconded by Member Andrés Quintero.**

*MOTION #20-08 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**11. INSTRUCTIONAL SERVICES (continued)**

**11.04 Obsolete Materials: Pearson Prentice Hall Math; California Math; and Glencoe Math Triumphs**

**MOTION #20-09 by Vice-President Dolores Marquez-Frausto to accept and approve Obsolete Materials: Pearson Prentice Hall Math; California Math; and Glencoe Math Triumphs as presented. MOTION #20-09 was seconded by Member Karen Martinez.**

*MOTION #20-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**12. CONTRACTS OVER \$100,000**

**12.01 Citizen Schools, \$430,348, State & Federal Programs**

**MOTION #20-10 by Member Andrés Quintero to accept and approve the Citizen Schools Contract as presented. MOTION #20-10 was seconded by Member Karen Martinez.**

*MOTION #20-10 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**12.02 YMCA Silicon Valley-East Valley Branch, \$107,572, State & Federal Programs**

**MOTION #20-11 by Member Karen Martinez to accept and approve the contract with YMCA Silicon Valley-East Valley Branch as presented. MOTION #20-11 was seconded by President Esau Ruiz Herrera.**

*MOTION #20-11 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**12.03 Think Together, \$702,071, State & Federal Programs**

**MOTION #20-12 by Vice-President Dolores Marquez-Frausto to accept and approve the Think Together contract as presented. MOTION #20-12 was seconded by Member Karen Martinez.**

*MOTION #20-12 carried a vote of 5 in favor; no opposition; no absent; and no abstention.*

**13. CONSENT CALENDAR**

**MOTION #20-13 by Vice-President Dolores Marquez-Frausto to accept and approve the Consent Calendar as presented. MOTION #20-13 was seconded by Member Karen Martinez.**

*MOTION #20-13 carried a vote of 5 in favor; no opposition; no absent; and no abstention.*

**The Board was in consensus to extend the Board Meeting until no later than midnight so that they could finish Board Business.**

**RECONVENE TO CLOSED SESSION**

The Board reconvened to Closed Session at 11:33 p.m.

**RECONVENE TO OPEN SESSION**

The Board reconvened to Open Session at 12:10 a.m. and President Esau Ruiz Herrera reported that there was nothing to report from Closed Session at this time.

**14. ADJOURNMENT**

**14.01 President Adjourns the Meeting**

President Esau Ruiz Herrera adjourned the meeting at 12:10 a.m.

Respectfully submitted,

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Dolores Marquez-Frausto  
Board Clerk

HB/pt

**DRAFT 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, November 9, 2017, 5:30 p.m. at the Alum Rock Union School  
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127  
Meeting #09-17/18**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

President Esau Herrera welcomed everyone in the audience. President Esau Herrera called the Board Meeting to order at 5:31 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Andrés Quintero	Vice-President
Dolores Marquez-Frausto	Clerk
Khanh Tran	Member
Karen Martinez	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Kolvira Chheng	Assistant Superintendent, Business Services
Jess Serna	Interim Assistant Superintendent, Human Resources
Angel Rodriguez	Executive Assistant/Communications Support
April Ramirez	Executive Assistant, Human Resources
Patricia Tovar	Executive Assistant, Business Services

Support Staff Absent:

Marie C. Sanchez	Sr. Executive Assistant, Superintendent's Office
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**1. OPEN SESSION** *(continued)*

**1.02 Announcement and Public Comment Regarding Items to be Discussed in Closed Session**

President Esau Ruiz Herrera announced the items that would be discussed in Closed Session.

President Esau Ruiz Herrera asked if there were any public comments regarding the items to be discussed in closed session.

There were no public comments at this time.

**1.03 The Board Will Adjourn to Closed Session**

The Board recessed to Closed Session at 5:32 p.m. President Esau Ruiz Herrera announced the Board would reconvene in approximately one hour.

**3. RECONVENE TO OPEN SESSION**

**3.01 Call to Order / Pledge of Allegiance**

The Board reconvened to Open Session at 6:50 p.m. President Esau Ruiz Herrera welcomed everyone in the audience and asked the Veterans present to stand so they could be recognized and applauded for their service to our country.

**3.02 Report of Action Taken in Closed Session**

Superintendent Hilaria Bauer reported that under *Agenda Item 2.03, the Board took action to appoint Ms. Jacqueline Guevara as Executive Assistant in the Superintendent's Office, effective November 13, 2017. The vote carried with 3 in favor; 2 in opposition; no absent; and no abstention.*

*The Board took action to appoint Ms. Annya Artigas as Coordinator of Student Services, effective as soon as someone is found to replace her. The vote carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

*Luis Saenz, Legal Counsel, reported that under Agenda Item 2.01, Conference with Legal Counsel—Anticipated Litigation, the Board took action by a vote of 3 in favor; 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); no absent; and no abstention, to waive the District Attorney Client Privilege related to the document of the Santa Clara County District Attorney's Office pursuant to the matter of search warrant 51590.*

**3. RECONVENE TO OPEN SESSION** *(continued)*

**3.02 Report of Action Taken in Closed Session**

*Luis Saenz reported that in addition, regarding the same Closed Session item, and the same potential case, by a vote of 3 in favor, 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto), no absent; and no abstention, the Board took action to waive the District Attorney Client Privilege regarding the report dated May 26, 2017, prepared by Legal Counsel, Rogelio Ruiz, to the Board Officers regarding CTG and the Mathson school repairs.*

Luis Saenz, Legal Counsel, stated that he advised the Board against waiving their privilege in this matter.

**3.03 Discussion and/or Modifications to the Agenda**

Member Karen Martinez requested that *Agenda Items 8.02 be moved before 6.01; 7.07, 7.08, and 7.10 be moved prior to 7.01; 7.09 be moved prior to 6.01.* These agenda items include the following:

**6.01** *Update on the Bond/Facilities*

**7.01** *Program Management Agreement for Measure I. Terminate Contract between ARUSD and Del Terra Real Estate Services from Program Management of the ARUSD Bond Program*

**7.07** *FCMAT Update*

**7.08** *Approve Contract for e-Discovery Consultant Services to Assist in Response to Securities and Exchange Commission (SEC) Subpoena*

**7.09** *Board Policy First Reading BP9323 Board Bylaws Amendment*

**7.10** *Update on Conditional Approval Letter from Santa Clara County Office of Education (SCCOE)*

**8.02** *Staff will provide a summary of After School Programs and Services*

There were no objections by the Board regarding the amendments to the agenda. President Esau Ruiz Herrera deems agenda amended as indicated.

**4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

**4.01 Public Members who wish to Address the Board**

President Esau Ruiz Herrera stated that public comments would be limited to three minutes per speaker.

- 1) Ray Mueller – COC Chair, spoke about the ‘disrespect’ the board shows to the committee. He stated that he was not able to attend the special board meeting that was set up at 7:30 p.m. on a Friday night and when people chose to be there, the Board did not let them speak. He asked that the discussion of the Citizen’s Oversight

**4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD** *(continued)*

**4.01 Public Members who wish to Address the Board**

Committee Meeting times be added to the next agenda. He also asked that the Board hold their closed session the night before.

- 2) Maimona Afzal Berta, Special Education teacher at Fischer – stated that on Monday, September 11 of this school year, she arrived to school to find her classroom targeted with hateful words of terrorism because of the scarf, the hijab, she chooses to wear as part of her religious belief. She stated that there have been 15 incidents this school year and that she is being targeted. She commented that she also has a right to be safe here. She asked that these instances be addressed in a reasonable manner. She stated that nobody should be put through what she has had to endure. She stated that the community will be ‘carefully watching’ to see how the Board responds to hate.
- 3) Sandra Kunze, teacher, Hubbard Media Arts Academy - stated that Hubbard is currently one of the largest schools in the Alum Rock School District. She commented that the school is currently transitioning to a TK through 8th grade school and she was advocating for the help needed for their students. She commented that the school currently has 614 students and 27 classes. She stated that the school needs an 8 hour office assistant. She commented that they have a part time assistant principal, a 4 hours health aide and a part time librarian. She also commented that they have not seen the librarian in 11 weeks because she is doing work at the district office. She stated that they need more help.
- 4) Female speaker *(no name given)* - stated she was concerned with the way the Board has been treating the parents within the last few months. She commented that they want to contribute but feel that the Board is discriminating against them and that is the reason why they seek the support from SOMOS Mayfair and the public advocates. She commented that as parents, they want to remain informed and they understand that they have rights under the Brown Act. She stated that parents have a right to a short description of every item in the board agenda 72 hours before translated in their language and stated the description is needed so parents can decide how to participate in the meetings. She also commented that parents have the right to give public comments, the right to all the documentation and interpretation in the meetings based on state and federal laws. She commented that if the district doesn't provide simultaneous interpretation that would mean the parents that are giving a testimony in another language would have a right to have double the time. She also stated that parents have a right to public comment. She stated that in the recent meeting she felt members of the Board and the representatives violated these rights by not allowing the public to speak about items on the agenda.
- 5) Jacqueline Franco – continued the letter from the previous speaker. She stated they are also concerned with the Board calling the police during meetings and that it causes fear and discourages parents from participating in the meetings. She asked the audience to stand if they were in agreement with the letter.

4. **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD** *(continued)*

**4.01 Public Members who wish to Address the Board**

- 6) Martha Ramirez, parent volunteer at Linda Vista, stated she listened to all the parents talk about the disrespect by the Board. She stated that some of the principals have managed to take the Roberts rules and bend them. She commented that respect is one of the most important things that must be pushed and if we want to receive respect, we must give it in return. She stated that one of her questions was about one of the parent volunteers getting fingerprinted. She commented that she asked if the District would disclose the information to ICE. She stated that the District discloses the information to the federal government but cannot guarantee that the federal government does not release that information to ICE. She stated that the District asks parents to get fingerprinted but cannot guarantee their safety.
- 7) Flor DeLeon, community member, stated 'we are here for our kids and our schools' and 'we are going to be here because we care about our own schools'. She commented that she still hears about other schools complaining about not getting basic needs and said that it is time for the Board to start listening to their suggestions. She commented that she wanted to point out on ***Agenda Item 7.02 Program Management Agreement for Measure J, Terminate Contract between ARUSD and Del Terra from Program Management of ARUSD Bond Program*** and wanted the Board to focus on what is most important in our school. She stated that we need more restorative justice programs at our schools. She also stated that parent university should have classes to educate people on being racist because we are all the same.
- 8) Berta Razo, community member, stated she would be speaking in Spanish because she was representing other parents who spoke Spanish. She stated that she believes that the more she attended the board meetings, she has come to understand that we as a community have the obligation to question the Board and hold them accountable for their actions. She commented that one board member has been here for years. She commented that she is not seeing a positive contribution. She stated that they are tired of seeing so much manipulation and so much fighting amongst the Board. She commented that they want the Board to work collaboratively and the Board shouldn't waste their time trying to blame the staff at Alum Rock because many times they work 24 hours a day. She commented that, as a country, we are going through rough times and that the only thing that will change Alum Rock is a positive attitude. She stated that they are unhappy and don't appreciate the Board's intentions of trying to fire personnel. She commented that they don't want the school district to be shaken up with so many scandals and want more transparency and better performance. She stated that Del Terra needs to leave Alum Rock. She commented that there hasn't been transparency. She stated that she doesn't approve any further construction in our schools until they clarify any kind of fraud. She commented that according to the investigation, they have been taking money away from our students. She asked the Board to please value our community and that's the only interest we should have to have a healthy environment for our children.

4. **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD** *(continued)*

**4.01 Public Members who wish to Address the Board**

- 9) Alma Pajardo, community member, stated it bothers her a lot when she comes to the meetings and the Board has her waiting for a long time. She commented that many of them work the night shift and they have to leave their kids. She also commented that she believes the Board should have their meetings before or after they speak with the public.
- 10) Speaker *(no name given)* stated they think we have gone backward instead of going forward. Commented that there are several papers out there and only a portion of them are translated. They commented that the Board talks a lot about parent engagement and asked that Roberts Rule of Order be reinstated because we need them. They asked the Board not to 'fall back any more' but to 'keep going forward'.

5. **COMMENTS AND COMMUNICATION**

**5.01 Teamsters**

There were no representatives from Teamsters at this time.

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

There were no representatives from CSEA at this time.

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

Dr. Sandra Sarmiento, ARAA President, reported the last week was a very busy week with parent teacher conferences. She commented that it's always a nice way to connect with the parents and communities. She stated that she was reminded by one of our parents about one of the parent universities and wanted to thank the parents and the community for coming to the event.

Jackie Montejano, Sheppard principal, shared that her school has been working hard on reclassifying a lot of her EL's (English Learners) and that Sheppard is in the first year of new tech.

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

Jocelyn Merz, AREA President, stated she would like to personally thank the Board for the opportunity they have provided to participate in the Harvard Negotiators course. She commented that there was a team of four AREA members along with Superintendent Hilaria Bauer; Assistant Superintendent of Human Resources, Jess Serna; Assistant Superintendent of Business Services, Kolvira Chheng; and the Director Human Resources, Carlos Moran.

## **5. COMMENTS AND COMMUNICATION *(continued)***

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

Jocelyn Merz commented that staff were particularly grateful to share this experience and she left there feeling confident. She gave thanks again to the Board for their support.

Interim Assistant Superintendent Jess Serna stood at the podium with Jocelyn Merz, AREA President, and gave her special thanks and commented that it was truly a very positive experience.

### **5.05 Superintendent**

Superintendent Hilaria Bauer stated she just wanted to give thanks to all the veterans for the contributions they have made. She said she wanted to share a story of when they were in our house of worship and heard the news of the shootings. She commented that it made her think of the important things in life and how we need to honor each other. She stated that it has been a week for a lot of reflection. She thanked the Board for making a tremendous effort.

Superintendent Hilaria Bauer stated that she knows there are many different opinions. She commented that she hears the need for translation and that she is going to work on translating the board agenda into Spanish and Vietnamese. She also thanked Lisa Carrell, a teacher at Ocala, who received an award last night. She also commented that when the Fischer teacher spoke about her 'hate' experience, we don't want any of our teachers to go through this experience.

### **5.06 Board of Trustees**

Vice-President Andrés Quintero reported that last week, he had the opportunity to drop by and see Google at Dorsa. He commented that it was great to see them and that the mayor was there. He stated that we really appreciate Google. He spoke to the parent in Spanish. He stated to the parents that they were there to look at the policies. He commented that he appreciates the criticism and gave thanks to the parents for coming out.

Member Khanh Tran commented to the Superintendent that he hopes that the hate-related messages will be a priority. He stated that for anyone who missed it, when the Board got out of Closed Session, the majority of the Board had waived the attorney client privilege. He also commented that the recent newspapers said the District has some accounting woes. He stated that he doesn't blame the Superintendent and that he doesn't want to know about the accounting woes through the newspapers. He also commented that the District is moving in the right direction. He thanked the county for approving the budget and commented that hopefully the County will be stepping in. He also asked that the next Board Meeting be moved to December 7<sup>th</sup>.

## 5. COMMENTS AND COMMUNICATION *(continued)*

### 5.06 Board of Trustees

Member Karen Martinez stated she is the proud daughter of a Vietnam veteran and that her father suffers from PTSD severely. She commented that it saddens her tremendously and it is appalling to know that this can happen in our community when we ourselves and herself, as a woman of color, has been discriminated against. She commented that she personally wanted to apologize for the ignorance of whoever made that comment. She commented that she does believe that racism is taught and that it is corrected with education. She stated that we need to start having these conversations early and that she is ashamed that this happened in our district. She commented that she is hoping we can develop a policy where it doesn't happen again and that she is committed to put it on the following agenda so we can work to resolve this ignorance. She also commented that with regards to board meetings, she has said that they should work to have two board meetings. She also stated that before she was elected in her current seat, she was just a parent and she spent so many meetings on the opposite side of the seat. She commented that she had her kids with her so she understands, but she hopes that people don't just come for the issues. She asked that the audience does not stop coming and stated that their voice does matter and she feels privileged enough to serve them in her seat.

Clerk Dolores Marquez-Frausto stated she is saddened by what the teacher said. She commented that she would personally like to tell her that this one board member would like to look into putting a policy in place. She stated that as leaders they are supposed to be preventing those things from happening. She commented that she is looking forward to the VAPA show and hopes that everyone will be able to attend on December 12 from 6:00-7:30 p.m. at Mexican Heritage Plaza Theater.

President Esau Ruiz Herrera commented that it was heartbreaking to hear one of our teachers talk about what happened. He stated that he expects that administration will have a swift response. He stated that if it was a youngster, it should be turned into a teachable moment and if he was an adult, it will not be tolerated in Alum Rock. He stated that he would stand with the teacher in opposition because if they stand together, then their message will get out. He reported that he recently attended a ceremony at the Fairmont Hotel where an Ocala STEAM Academy teacher was recognized and he commented that the community was proud of that teacher. He gave special thanks to Ms. Leathers for her strong leadership at Ocala. He commented that as a personal rule, he does not like special board meetings. He stated that any time there is a special board meeting, it is only because of time constraints and only when it's necessary. He also commented that there was some suggestion that the December meeting be moved and stated that if there was interest from the Board, they needed to comment! There was some dialogue from Board Members about the possibility of changing the December 14 board meeting to December 7.

President Esau Ruiz Herrera stated he was hearing that there was some support of calling a meeting on December 7<sup>th</sup>; however, he reported that they would have to treat this meeting as a special board meeting for technical reasons in the law and not have it as regular board meeting.

7. SUPERINTENDENT/BOARD BUSINESS *(continued)*

**7.09 Board Policy 1<sup>st</sup> Reading BP9323 Board Bylaws Amendment. The Board will consider amending the current bylaw to reinstate Robert's Rules of Order as the procedure for the board meetings.**

President Esau Ruiz Herrera reported that, currently, the board meetings do not have Roberts Rule of Order and that the proposal is to reinstate as the procedure for the board meetings.

Member Karen Martinez stated she thought it would be helpful to educate our public on the pros and cons.

President Esau Ruiz Herrera stated there are parents and members of the public that ask for a response, expect a response, and then get frustrated because they don't receive a response. He stated that it's not that the Board Members do not want to respond, but there are rules that prohibit a member of the board to engage in conversation, so the Board will refer it to the Superintendent's Office. He commented that Robert's Rules of Order are a universally recognized rules of order and are designed to give predictability to the running of meetings.

**MOTION #09-01 by Vice-President Andrés Quintero to accept and adopt Board Policy, 1<sup>st</sup> Reading, BP 9323 Board Bylaws Amendment as submitted. MOTION #09-01 was seconded by President Esau Ruiz Herrera.**

Public Comments:

- 1) Ray Mueller, community member, stated he is hoping that one of the Board members was around when it was removed and could comment on why it was removed.
- 2) Speaker *(no name given)*, community member, stated that Robert's Rules of Order has been around for over 100 years to help the interaction of boards such as the District's.

Board Comments:

Member Khanh Tran asked if there was evidence that Robert's Rules of Order was removed.

Board President Esau Ruiz Herrera replied 'yes'.

Member Khanh Tran asked Board President Esau Ruiz Herrera if he personally verified this.

President Esau Ruiz Herrera stated that an item was referred to Robert's Rules of Order and Legal Counsel stated that Robert's Rules of Order did not apply.

Member Khanh Tran asked that the Superintendent go back and verify that it was removed.

7. **SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**7.09 Board Policy 1<sup>st</sup> Reading BP9323 Board Bylaws Amendment. The Board will consider amending the current bylaw to reinstate Robert's Rules of Order as the procedure for the board meetings.**

Vice-President Andrés Quintero stated he understood Ray Mueller's concern. He commented that he thinks it's good to have something in place because someone will claim Roberts Rules of Order when it's convenient then other times ignore it.

***MOTION #09-01 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

Member Khanh Tran again asked that the Superintendent find out that Robert's Rules of Order was indeed removed.

6. **BOND/FACILITIES**

**6.01 Presentation and/or Update on the Bond/Facilities**

Luis Rojas, CEO, Del Terra, presented a two-page report and stated that from last month until now, not a lot had happened because they were in a dormant stage due to funding. He stated that the contract has not been signed for the Fischer project and that the District is in possession of the contract. He commented that on November 6, the District was informed that the project was being postponed until further notice. He stated that the Fischer project was presented at the October 12<sup>th</sup> board meeting. He presented options based on site being on fault line and stated that for now, the project is ready to be submitted to DSA. Luis Rojas reported that there are four fault lines and some intersect.

Luis Rojas commented on the bond documentation follow-up and the presumption of lack of documentation. He stated that they wanted to clarify for the record what does exist and has existed. He stated that there is a filing system, systems that have been used over and over again and have been audited and tested. He reported that the District has had a turnover of Chief Business Officials (CBO's) for a number of years. He stated that their company keeps electronic copies of documents and some of the documents should be held by the owner.

Luis Rojas commented that documentation has been given to the District and presents a matrix that he states shows all the projects they have managed in the past 5 years. He commented that there are document receipts showing the documents were given to the District, submittal logs, change orders, warranties and guarantees. He commented that this matrix is for every single project that they have done.

## 6. BOND/FACILITIES *(continued)*

### 6.01 Presentation and/or Update on the Bond/Facilities

Luis Rojas reported they have transmittals since 2014 showing they have submitted documents and comments that Kolvira Chheng stated that he did not receive documents. He stated that these are all in the files with the District and said some documents were signed by Dr. Hilaria Bauer, some were signed by Linda Latasa, and some were signed by Maria Martinez. He commented that Dan Flores, Louie Moran, and Dana Taylor had also received documents. Luis Rojas stated that this is now a public record for anyone to view, including the District Attorney.

Member Karen Martinez asked if they are able to have a special board meeting to dive into it because she wanted to have an open dialogue. She stated that she wanted to get the information when they bring it to the Board, in public and not in another realm. She stated that it has been a challenge to decipher what is real and what isn't. She stated she believes they need time to dive into this.

President Esau Ruiz Herrera stated that he doesn't mean to minimize because he has some of the same questions and commented that they may need to have a special board meeting. He stated that they also need to be mindful that once they take that approach, they need to focus on what the community has asked them.

Member Karen Martinez stated she wanted to have a very transparent conversation so she can make the right decisions based on the information she has.

Member Khanh Tran stated that there is a Del Terra investigation. He commented the District had documentation with signatures from District staff. He stated that he doesn't see any fraud that points to Del Terra. He commented that the District's books are off and asked that if previous administration and the current can't have their books in order, how can they find the Del Terra documentation? He stated he would like to call for a forensic to make sure there isn't any wrong doing. He stated that he thinks the county will do a good job in auditing and that he thinks FCMAT dropped the ball.

Member Karen Martinez commented to Assistant Superintendent of Business Services, Kolvira Chheng, that she is grateful and thankful that he comes in every day.

Superintendent Hilaria Bauer commented that she wanted to remind the Board they have been bringing the FCMAT update to them on a monthly basis, but there is no way they can bring everything because 5 hours it is never enough time. She respectfully asked the Board to allow them to continue the process professionally.

Luis Rojas allowed the Del Terra attorney to speak about the allegations.

Del Terra attorney discussed some of the items outlined in the FCMAT report.

## 6. BOND/FACILITIES *(continued)*

### 6.01 Presentation and/or Update on the Bond/Facilities

Member Karen Martinez stated it was a lot of information to take in and reiterates the need to dedicate a special board meeting to discuss all this.

Member Khanh Tran stated that he disagrees with Trustee Martinez because they are televised and it's not fair to them and Del Terra. He stated he doesn't want to pull this into a special meeting into a box somewhere that nobody knows anything about.

Clerk Dolores Marquez-Frausto stated that she also concurs and would like the report to be finished and stated that she thinks they need to just continue.

President Esau Ruiz Herrera commented that they are trying to get to the end of it.

Luis Rojas commented on an article that came out by the San Jose Mercury News related to the CTG about the 'secret deal'. He stated that the article came out on a memo from the District's attorney, Rogelio Ruiz. He commented that he showed Mr. Ruiz the article and the specific quotes in the article. He stated that the deal was fully known by everyone in that room. He commented that they talked about it because the project had to be rebid. He commented that it goes back to credibility and that his company, that he built with his family, is being tarnished based on allegations. He commented that he will fight this to clear their name. He stated that everyone knew the District has had seven CBO's which he stated was unusual. He commented that he is more than willing to talk to the Board and to the community to answer any questions.

Member Khanh Tran commented that he didn't want the District to be sued by Del Terra. He stated that he is all about fairness and has said that if there is any evidence of fraud from Del Terra that he will be the first one to cancel their contract but stated that he has not seen this. He commented that everything is based on the rule of law and the facts and that he will not act until he sees facts.

Del Terra Attorney stated that their focus in the last several minutes was trying to correct the record. He commented that the issues that may have existed in the past are in the past and that Del Terra looks forward to continuing the relationship with the District. He stated that we shouldn't lose our focus in terms of what is going on, but that they have no choice but to defend themselves because they've been hearing all sorts of allegations.

Public comments:

- 1) Female speaker (no name given) stated they took a long time to defend themselves and that if they have a chance to defend themselves they should have brought all the things that was asked of them to provide. She commented that members of the board have received contributions from Del Terra. She stated that the District should terminate the contract with Del Terra and hire someone else.

## 6. BOND/FACILITIES *(continued)*

### 6.01 Presentation and/or Update on the Bond/Facilities

- 2) Ray Mueller, Chair of Citizen's Oversight Committee, stated that he was going to again request that Del Terra provide the original planned amount of the project, actual amount and amount of the change orders when they come to the meetings.
- 3) Female speaker *(no name given)*, stated that agenda item 6.01 was supposed to present an update on the bond facilities and instead they got a bid on a project that hasn't happened. The speaker asked for details and stated that they expected to see what was going on.
- 4) Male Speaker *(no name given)* stated that as of 2017, the District still does not have what was requested by Del Terra. The speaker stated that it was unclear what percentage of the documents were actually produced.

Vice-President Andrés Quintero stated he appreciated the fact that the documents were coming up because the District pays a lot of money to the company to be able to keep those documents. He commented that people should be surprised at the fact that they are being produced now. He stated that he is glad that they are poking about because it was going to force things to be done right. He commented that the Board has received memos from staff that say they have been requesting documentation over the years.

Member Khanh Tran stated that a lot of people out there have been advocating over the past year about the fraud that was happening. He commented that the District should do audits and that 'the books are off'. He commented that the audience should not be unfair to Del Terra. He asked who would do the work if the District were to get rid of Del Terra. He asked for forensic all the way back to 2010 and stated that if anyone did wrong doing, they would have to 'own it'.

President Esau Ruiz Herrera commented that he would offer an opinion that Del Terra has been wrongly accused. He commented that the District still had air conditioning. He stated that a community center will be a situation where the kids and the kids' kids will be engaging in something that is positive. He commented that Del Terra has been doing things on time and under budget. He stated that he will be looking forward to an updated regular report on what it is being done.

### 6.02 Approve (9) New Portable Installations and New Parking Area for Hubbard Elementary School Final Change Order

Assistant Superintendent Kolvira Chheng reported that staff was requesting approval of nine new portable installations and new parking for Hubbard Elementary School final change order.

6. **BOND/FACILITIES** *(continued)*

**6.01 Approve (9) New Portable Installations and New Parking Area for Hubbard Elementary School Final Change Order**

**MOTION #09-02 by Clerk Dolores Marquez-Frausto to accept and approve (9) New Portable Installations and New Parking Area for Hubbard Elementary School Final Change Order as presented. MOTION #09-02 was seconded by Member Karen Martinez.**

Member Khanh Tran stated that there were three portables that were there before. He recalls back in February or March there was a design put to DSA to overlap these portables. He asked if these 9 portables include the three or if they will be replacing the portables.

Assistant Superintendent Kolvira Chheng reported that the three portables that were put there before were only temporary portables.

Vice-President Andrés Quintero asked if the portables were the ones that were at Fischer and moved over to Hubbard. He also asked if they were refurbished.

President Esau Ruiz Herrera suggested that administration get that information to the Board offline.

***MOTION #09-02 carried with a vote of 4 in favor; no opposition; 1 temporary absent (Clerk Dolores Marquez-Frausto stepped out of the room); and no abstention.***

**6.03 Approve the HVAC Upgrades Project at Dorsa Elementary Final Change Order**

**MOTION #09-03 by Member Karen Martinez to approve the HVAC Upgrades Project at Dorsa Elementary Final Change Order as presented. MOTION #09-03 was seconded by Clerk Dolores Marquez-Frausto.**

***MOTION #09-03 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6.04 Approve HVAC Upgrades Projects at LUCHA Elementary School Final Change Order**

**MOTION #09-04 by Member Karen Martinez to approve the HVAC Upgrades Projects at LUCHA Elementary School Final Change Order as presented. MOTION #09-04 was seconded by Clerk Dolores Marquez-Frausto.**

**6. BOND/FACILITIES** *(continued)*

**6.04 Approve HVAC Upgrades Projects at LUCHA Elementary School Final Change Order**

Clerk Dolores Marquez-Frausto asked if this item was already added to the Bond budget.

Assistant Superintendent Kolvira Chheng confirmed all of the items are from the Bonds budget.

***MOTION #09-04 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6.05 Approve Restroom Access Upgrade Project at Mathson Middle School Final Change Order.**

**MOTION #09-05 by Clerk Dolores Marquez-Frausto to accept and approve Restroom Access Upgrade Project at Mathson Middle School Final Change Order as presented. MOTION #09-05 was seconded by Member Karen Martinez.**

***MOTION #09-05 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6.06 Approve DSA Project Inspector for (9) New Portables, New Parking Area and Shade Structure for O.S. Hubbard Elementary School Change Order No. 2**

**MOTION #09-06 by Member Karen Martinez to accept and approve DSA Project Inspector for (9) New Portables, New Parking Area and Shade Structure for O.S. Hubbard Elementary School Change Order No. 2. MOTION #09-06 was seconded by Clerk Dolores Marquez-Frausto.**

***MOTION #09-06 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6.07 Amend Measure I, Phase 1 Project List to include HVAC Projects at Ryan and Russo/McEntee Schools**

**MOTION #09-07 by Clerk Dolores Marquez-Frausto to approve to Amend Measure I, Phase 1 Project List to include HVAC Projects at Ryan and Russo/McEntee Schools as presented. MOTION #09-07 was seconded by Member Karen Martinez.**

***MOTION # 09-07 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6. BOND/FACILITIES** *(continued)*

**6.08 Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project**

Assistant Superintendent Kolvira Chheng reported that due to insufficient Bond funds, the District has not been able to issue a notice to proceed.

Clerk Dolores Marquez-Frausto asked how much money the District was going to end up losing. Assistant Superintendent Kolvira Chheng stated he did not have the exact figure and that he would get back to Clerk Dolores Marquez-Frausto.

Member Khanh Tran stated that last year the District approved the Bond refinance and it cost the District \$2 million. He stated that the false allegations messed up the District's bonds. He commented that he wanted to move forward and stated that the kids on the East Side deserve a gym.

Clerk Dolores Marquez-Frausto stated that in one of the Bond meetings, they discussed the amount the District would be losing and that she recalled that it was about \$4 million. Assistant Superintendent Kolvira Chheng stated that the District had spent approximately \$800k. Clerk Dolores Marquez-Frausto stated that she knew it was a big number and commented that the committee members said the District needed to keep moving forward.

Assistant Superintendent Kolvira Chheng reported that as noted in the memo, the District does not have sufficient funds to complete the project.

Vice-President Andrés Quintero stated that from previous presentations given by project managers, he asked if the postponement is a complete loss. He commented that the District can still move forward once it gets its 'stuff together'. He stated that if Joseph George is not safe due to fault lines, then maybe the District needs to build a new school that can withstand an earthquake instead of building multi-purpose rooms.

**Public Comment:**

- 1) Ray Mueller, Chair, COC, stated that if this item didn't move forward, then it should free up some funds. He also stated that the District should have better security at its schools. He commented that in light of what is going on, he thought the District needed a different tact on security.
- 2) Male Speaker *(no name given)*, stated they didn't understand how the Board can proceed with bonds when they are fiscally in a bad position. Speaker commented that the Board needs to wait until the audits are completed before they go out and try to spend money.

**6. BOND/FACILITIES** *(continued)*

**6.08 Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project**

Member Khanh Tran stated that the kids need a gym and they will work it out.

President Esau Ruiz Herrera stated that just yesterday, the County Superintendent issued a letter regarding the budget being approved. He commented that this meant that the District had a better grip on its finances according to the County Superintendent. He stated that he was opposed to postponing a gym because it's more than just a building. He commented that by moving forward with the Fischer multi-purpose building, the District can move forward with its own events without having to worry about rental rates. He commented that it would be a place where District parents could have ESL classes, where students could have a homework facility. He stated that he would rather have administration tell the Board how to move forward and how they were going to do it.

Superintendent Hilaria Bauer commented that nobody wants the dream more than what she wants for the students. She stated that the District cannot do a lot if they do not have the money. She commented that they are not going to postpone forever, only for a couple of months. She commented that the District was working with a financial advisor and that the project was going to negatively affect the District's budget.

Assistant Superintendent Kolvira Chheng reported that the postponement was on the contractor.

Member Karen Martinez asked if the District could confirm that they could wait 10 days, and stated that the Board should be able to give direction to staff.

Clerk Dolores Marquez-Frausto stated that it would have been a good idea for District administration to have a financial advisor at the Board meeting. She commented that she has heard the committee say, every time they meet, that there is a postponement. She stated that she was going to support moving forward.

Member Khanh Tran stated that when the S&P downgraded the District, it was the District's fault. He stated that he was going to support the project moving forward. He stated he was not going to listen to the District, but instead, his silent majority.

Vice President Andrés Quintero asked if the financial advisor collected a fee. Assistant Superintendent Kolvira Chheng commented that the District financial advisors were consultants and they do charge a fee.

6. **BOND/FACILITIES** *(continued)*

**6.08 Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project**

Vice-President Andrés Quintero stated that he would feel more comfortable if they were paying them a flat fee.

President Esau Herrera stated that this was an action item but that the District was asking the board to support or validate after the fact.

President Esau Ruiz Herrera assists Member Khanh Tran with clarifying his motion.

**MOTION #09-08 by Khanh Tran to direct administration to recall the Notice of Postponement and move forward. MOTION #09-08 was seconded by Dolores Marquez-Frausto.**

*No vote was taken on MOTION #09-08.*

Vice-President Andrés Quintero commented that he'd like to express his opposition to the motion and pleaded with the Board to consider the recommendation.

Clerk Dolores Marquez-Frausto asked if her colleagues would accept a friendly amendment because she didn't know how they could recall a letter back.

Public Comments:

- 1) Ray Mueller, Chair, COC, stated that the Board was talking about moving forward on a project they do not have the money to even pay for.
- 2) Woman speaker (no name given), stated that she agreed with Ray. She commented that it was incredibly irresponsible to move forward with something that the District can't pay for.
- 3) Speaker *(no name given)*, stated that for the future, it's a great idea; however, the District does not have the money at this time.
- 4) Female speaker *(no name given)*, stated that this shows how irresponsible the Board was being for wanting to make a decision without talking to the people with expertise. She stated that the Board wasn't listening.
- 5) Speaker *(no name given)*, stated there were new action items being taken and there was no interpretation because they ended at 10:00 p.m.

**MOTION #09-09 by Vice President Andrés Quintero to extend the board meeting until 11:30 p.m. MOTION was seconded by Member Khanh Tran.**

*MOTION #09-09 was carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

6. **BOND/FACILITIES** *(continued)*

**6.08 Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project**

Clerk Dolores Marquez Frausto stated she was going to ask Mr. Rojas if he had in his possession what the balance was with the Bonds but he stepped out.

Assistant Superintendent Kolvira Chheng stated that at the moment, the District had approximately \$7 million left in the Bond program. He commented that the District had about \$1 million that hadn't been paid and that the approximate cost was \$12 million, so the District was going to be in deficit. He stated that if they continued, they would risk some of the other projects.

Clerk Dolores Marquez-Frausto stated that if the financial advisor was present, she would ask some questions. She directed additional questions to Luis Rojas regarding a shortfall of funding during construction.

Luis Rojas reported that not all money is spent up front but commented that the issue was in the likelihood of getting additional Bond funds, which is where a financial advisor comes in. He commented that \$5 million will go very quickly.

Member Khanh Tran commented that a week ago the District couldn't sell Bonds, but that now they could.

Member Khanh Tran stated the District has an approved budget, so they can sell bonds. He commented that if the District doesn't have the money, that there is nothing stopping them from selling bonds. He stated that he'd like to move forward on the project.

Member Karen Martinez stated the reason why she's not going to vote to approve this is because she's been at the school sites and wants to ensure the District has safety for the children.

Vice-President Andrés Quintero urged the Board to hold off.

President Esau Ruiz Herrera stated that he doesn't want to wait either, but thinks they have to. He commented that he wanted to hear administration provide information, so they can see how to address safety, A/C, and HVAC issues and still build the dream. He asked that administration come back and see how we can make that happen.

**MOTION #09-10 by Member Khanh Tran to Table Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project. MOTION #09-10 was seconded by Member Dolores Marquez-Frausto.**

***MOTION #09-10 carried with a vote of 3 in favor; 2 in opposition (Vice-President Andrés Quintero and Member Karen Martinez); no absent; and no abstentions.***

**6. BOND/FACILITIES** *(continued)*

**6.08 Postponement on Issuing the Notice of Proceed to Contractor for the New Fischer Multi-purpose Building Project**

President Esau Herrera stated that they will probably want to have the financial advisors in attendance.

**6.09 Approve DSA Project Inspector for HVAC Upgrades at Dorsa School and LUCHA Elementary School Change Order No. 1**

**MOTION # 09-11 by Clerk Dolores Marquez-Frausto to accept and approve DSA Project Inspector for HVAC Upgrades at Dorsa Elementary School and LUCHA Elementary School Change Order No. 1. MOTION #09-11 was seconded by Member Karen Martinez.**

*MOTION #09-11 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**8. INSTRUCTIONAL SERVICES**

**8.03 Staff will provide an update of the progress on Local Performance Indicators related to LCAP**

Assistant Superintendent Rene Sanchez introduced Sandra Garcia, Director of State & Federal Programs. Sandra Garcia showed a PowerPoint presentation regarding the progress on Local Performance Indicators related to LCAP.

**7. SUPERINTENDENT/BOARD BUSINESS**

**7.07 FCMAT Update.**

Assistant Superintendent Kolvira Chheng, read a prepared memo regarding the FCMAT Report.

**7.08 Approve Contract for e-Discovery Consultant Services to Assist in Response to Securities and Exchange Commission (SEC) Subpoena**

Superintendent Hilaria Bauer stated that they are not ready to present this item. Member Khanh Tran stated that the District should engage the County and pay them instead of e-Discovery Consultant Services.

No action was taken.

7. **SUPERINTENDENT/BOARD BUSINESS** (continued)

**7.10 Update on Conditional Approval Letter from Santa Clara County Office of Education (SCCOE)**

Superintendent Hilaria Bauer stated that she had sent a copy of the letter to the Board Members electronically. She recommended that the Board accept the letter and the recommendations made in the letter.

President Esau Ruiz Herrera asked administration to provide a summary for the public.

Assistant Superintendent of Business Kolvira Chheng stated that the County office (SCCOE) notified the District that it will approve the budget. He summarized the letter from the Santa Clara County Office of Education (SCCOE). He stated that the County would be assigning a fiscal advisor effective January 2018.

**MOTION #09-12 by Member Karen Martinez to accept and adopt the letter from the Santa Clara County Office of Education (SCCOE) and all the recommendations. Motion # 09-12 was seconded by Vice-President Andrés Quintero.**

Clerk Dolores Marquez-Frausto stated that there was a concern about the \$7 million and asked if the District was going to challenge or accept it. Superintendent Hilaria Bauer answered that that was not part of the recommendation.

Vice-President Andrés Quintero inquired about the authority the fiscal advisor would have over the District. He asked what role they would play and if they will focus on solely what was in the letter or go beyond.

Assistant Superintendent Kolvira Chheng stated that the role of the fiscal expert was still vague at this time and he would be getting clarification from the Santa Clara County Office of Education (SCCOE).

***MOTION #09-12 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**7.01 Program Management Agreement for Measure I. Terminate Contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Management of the ARUSD Bond Program**

Member Karen Martinez stated the reason she submitted this item was because with the FCMAT report, her thought was that maybe the District's rating would go up. She stated that she would like to get some information from staff as to what that would look like. Vice-President Andrés Quintero stated there is language that states the District can terminate for cause and he felt it was the right thing to do.

7. SUPERINTENDENT/BOARD BUSINESS (continued)

**7.01 Program Management Agreement for Measure I. Terminate Contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Management of the ARUSD Bond Program**

Member Khanh Tran asked that he be shown the evidence of fraud and that he would vote for it. He commented that with the information they saw today, it was definitely political!

Clerk Dolores Marquez-Frausto stated that she would not be supporting this item or the motion. She commented that what she saw during the evening, was something she hadn't seen before. She commented that the company has been a good partner to the District and very supportive to the community. She stated that she is not seeing evidence of anything and that it was all allegations.

Public Comments:

- 1) Ray Mueller, Chair, COC, stated that the District needed to separate the two topics.
- 2) Speaker (*no name given*), stated that a lot of people do feel that it is best to have the two positions separate and that there is so much negativity in the news.

Member Karen Martinez stated her reasoning was so that the District would be able to sell future bonds and continue the work. He asked if the District could have another set of eyes to continue the transparency. She commented that there was no political motivation for her.

President Esau Ruiz Herrera stated that he believed the motion was misdirected. He stated that he was still mindful there were classrooms that needed air conditioning and classrooms that needed to be addressed. He commented that the real question was if it was a wise decision and stated that he thought it was not. He stated that he was not going to be supporting the motion. He commented that the Board was going to be counting on the monthly and weekly reports from the Superintendent.

Member Khanh Tran stated he agreed that construction and program management should be separate but that the District had a contract.

Vice-President Andrés Quintero stated the decision can be based on best practices. He commented that East Side Union High School District keeps it separate. He stated that the separation of program management and contract management is a good idea and commented that it is best practice.

Member Karen Martinez stated that she did not want to spend more time on this item. She stated that she would rather vote. She commented that she wanted to have another meeting so the Board could have dialogue and stated that she was proposing a special board meeting so they could discuss this item.

**7. SUPERINTENDENT/BOARD BUSINESS (continued)**

**7.01 Program Management Agreement for Measure I. Terminate Contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Management of the ARUSD Bond Program**

**MOTION #09-13 by Vice-President Andrés Quintero to Terminate the Contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Management of the ARUSD Bond Program. Motion #09-13 was seconded by Member Karen Martinez.**

*MOTION #09-13 dies with a vote of 2 in favor; 3 in opposition (Clerk Dolores Marquez-Frausto, Member Khanh Tran, and President Esau Ruiz Herrera); no absent; and no abstention.*

**7.02 Program Management Agreement for Measure J. Terminate Contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Mangement fo the ARUSD Bond Program**

**MOTION #09-14 by Vice-President Andrés Quintero to terminate the contract Between Alum Rock Union Elementary School District (ARUSD) and Del Terra Real Estate Services, Inc., dba Del Terra Group from Program Mangement fo the ARUSD Bond Program. MOTION # 09-14 was seconded by Member Karen Martinez.**

*MOTION #09-14 dies with a vote of 2 in favor; 3 in opposition (Clerk Dolores Marquez-Frausto, Member Khanh Tran, and President Esau Ruiz Herrera); no absent; and no abstention.*

**7.05 Staff will provide update on Legal Services Contracts**

Assistant Superintendent Kolvira Chheng stated that the District issued the RFP to CSBA and firms directly and they are anticipating proposals on November 22. He asked the Board what should be the District's evaluation criteria and asked the Board how many firms they would want to see.

Member Khanh Tran commented that the District needs an attorney in December and reported that he would not be voting for the two attorneys the District currently has.

Vice-President Andrés Quintero stated that he understood that it was very fluid when they went through process, but from what he understood, there would not be one Board member funneling through the proposals.

President Esau Ruiz Herrera stated that whatever came in would not be retained by one individual, but would be distributed to everybody.

7. SUPERINTENDENT/BOARD BUSINESS *(continued)*

7.05 Staff will provide update on Legal Services Contracts

Superintendent Hilaria Bauer stated that if the District moved the board meeting to December 7, then it would be a very short turnaround. She commented that it was only about 2 weeks.

President Esau Ruiz Herrera stated the challenge is to be in a position to make a decision at the December meeting. He suggested that the Board receive everything, review it and make their decision publicly. He commented that they may not make a decision there and they may have to do a January or a special meeting.

10. CONSENT CALENDAR

President Esau Ruiz Herrera amended the Consent Calendar by removing *Agenda Item 10.08 Approval of Easement Agreement between ARUSD (Grantor) and the City of San Jose (Grantee) to allow Grantee permission to install an underground public sanitary sewer line and related underground sanitary sewer activities which includes construction maintenance, operation, repair and replacement at the Horace Cureton School.*

**MOTION #09-15 by Vice-President Andrés Quintero to adopt the consent calendar as amended. Motion # 09-15 was seconded by Member Karen Martinez.**

*MOTION #09-15 was carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**MOTION #09-16 by Vice-President Andrés Quintero to approve the following Agenda Items as presented:**

- 8.04 Adopt the Second Reading of Amended Administrative Regulation 5145.3(a)**
- 8.05 Adopt the Second Reading of Amended Board Policy 5145.3(a) Nondiscrimination/Harassment-Students**
- 8.06 Adopt the Second Reading of New Board Policy 5146(a) Married/Pregnant/Parenting Students**

Speaker *(no name given)* stated that they would like to see some board policies on nondiscrimination for all, not just students.

*MOTION #09-16 was carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

President Esau Herrera stated that items that have not been discussed will be brought back to a future meeting.

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

**1.03 Adjournment to Closed Session**

The Board reconvened back to Closed Session at 11:31 p.m.

**3. RECONVENE TO OPEN SESSION**

The Board reconvened back to Open Session at 12:11 a.m.

**3.02 Report of Action Taken in Closed Session**

Luis Saenz, Legal Counsel, reported that under *Agenda Item 2.02, Conference with Legal Counsel—Existing Litigation, by a vote of 3 in favor; 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); no absent; and no abstention, the Board took action to waive the District Attorney Client Privilege related to report. He stated that as the Board’s Legal Counsel, he advised against it.*

President Esau Ruiz Herrera reported that under *Agenda Item 2.01, Conference with Legal Counsel—Anticipated Litigation, by a vote of 3 in favor, 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); no absent; and no abstention, the Board took action to waive the District’s attorney client privilege regarding the legal memorandum dated 11/8/17 in connection with Del Terra Construction Company (then Luis Saenz, Legal Counsel speaks) written by Attorney Rogelio Ruiz regarding Analysis of Conflict of Interest issues relating to Program Management and Construction Management Services.*

Luis Saenz, the Board’s Legal Counsel stated that he advised against it.

President Esau Ruiz Herrera stated that the rest was editorial commentary.

**11. FUTURE BOARD AGENDA REQUESTS**

**11.01 Requests from Board of Trustees and/or from the Public**

There were no agenda items at this time.

## **12. ADJOURNMENT**

### **12.01 President Adjourns the Meeting**

President Esau Ruiz Herrera adjourned the meeting at 12:12 a.m.

Respectfully submitted,

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Dolores Marquez-Frausto  
Board Clerk

HB/mcs

**DRAFT 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, January 18, 2018, 5:30 p.m. at the Alum Rock Union School**  
**District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127**  
**Meeting #13-17/18**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

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

Board Members Present:

Andrés Quintero	President
Karen Martinez	Vice-President ( <i>arrived late at 5:36 p.m.</i> )
Esau Ruiz Herrera	Clerk

Board Members Absent:

Khanh Tran	Member
Dolores Marquez-Frausto	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Kolvira Chheng	Assistant Superintendent, Business Services
Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support
Jackie Guevara	Executive Assistant, Superintendent's Office

Administrative Staff Member Absent:

Jess Serna	Interim Assistant Superintendent, Human Resources
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1. **OPEN SESSION** *(continued)*

**1.02 Announcement and Public Comments Regarding Items to be Discussed In Closed Session**

Public Comments:

- 1) Violeta Perez Castillo – Parent with a 1<sup>st</sup> grade student, commented on the following:
  - Board has lack of transparency with numerous investigations and inexplicable support for contractors who are known to have bad reputations
  - Lost the support and the trust of the community you were elected to serve
  - Requested that Esau Ruiz Herrera, Dolores Marquez-Frausto, and Khanh Tran resign their seat because it will take years to rebuild this district—if you care a bit, move on so that we can start to rebuild
- 2) Valerie *(last name not given)* – Parent that commented on the following:
  - Message is for the “Alum Rock 3” which includes Esau Ruiz Herrera, Dolores Marquez-Frausto, and Khanh Tran. Time was taken away from my child’s time tonight coming to these board meetings. Shame on you 3 for hijacking my child’s education, for stealing the community’s time from our kids
  - Board Member Herrera has mastered the art of ingenuity—the cameras are rolling and the eyes are watching. The nature of your actions behind closed doors and in the public paint a completely different picture
  - Board Member Tran—you have stated that you do not represent us and again you are not here—have also called us “goons” and have attacked parents—take a look into this audience which consists of different demographics and levels of education!
- 3) Rita Minster – McCollam teacher that commented on the following:
  - Everyone supports our Superintendent. In the last 2 years, the district has done so much to let teachers teach teachers; middle schools have never been better—I’m mad right now because I should be in the classroom working on report cards and doing the work that matters
  - Millions of dollars have been paid to Del Terra and they have not done their work and then you get a lawyer who is corrupt!
  - The district needs to stay with our current lawyer
  - The Alum Rock 3 need to resign!
- 4) Martha Ramirez – Linda Vista parent that addressed Agenda Item 2.04 Public Employee Discipline/Dismissal/Release and requested that it be removed especially since the Board Members that are trying to discuss this are not even at this meeting. She requested to “stop this circus” because it is creating a big distraction for our students and teachers and even the district staff are not able to do any work. Learning has stopped because we are all focused on being at these meetings

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

**1.02 Announcement and Public Comments Regarding Items to be Discussed In Closed Session**

- 5) Tanya Freudenberger – Previous board member, commented that she stands in this room with an aching heart. The Board is supposed to work with the Superintendent involving the community and ensuring accountability to the public. Board should be providing community leadership and advocacy building support with the community. She then reads out the Board Bylaws listed on our own website. She stated that it was evident that the Board majority refuses to adhere to their own policy and refuses to involve the community. The Board should have self-respect and should provide the Superintendent more support and especially more respect. She commented that it was so appalling—the disrespectful behavior of the Trustees with flagrant disregard and unintelligible comments believing in their own supremacy way too much!
- 6) Camille Llanes-Fontanilla – Somos Director, commented that the public is demanding a public hearing on the Superintendent’s performance. She asked that the Del Terra contract be suspended and stated they had lots of leaders standing behind them. She starts to read a letter out loud that was delivered to the trustees from Public Advocates
- 7) Ray Mueller – COC Chair, continues to read the letter from the Public Advocates. He reported that the COC now has a vice-president and a secretary but are still looking for two additional members
- 8) Catalina Nichols—Community member, directed her comments to Clerk Esau Ruiz Herrera. Commented that they grew up in the same neighborhood just around the block and she was saddened that you have not been respecting our community. She does her best and always has the students as her priority. She commented that she thinks he had good intentions at the beginning of his term, but now has forgotten them—she is ashamed, saddened, and heartbroken! A family that has done alot, has broken peace. She asked him to resign and let someone else move for the students—please listen to my advice.
- 9) Alma Fajardo – Parent with students at Painter and Mathson commented on the following:
  - She is here representing all the parents and families that are here tonight as she is expressing their wishes and seeking a better education and better schools
  - Parents have 3 demands: (1) Request for a public process for the Superintendent’s evaluation and the reason is, would give them a voice and trust in the board members; (2) Terminate the contract with Del Terra, they want transparency and accountability. Del Terra does not prioritize children but only their own benefits; and (3) Terminate the contract with the new legal counsel, they want benefits for the students and not for the vendors. As parents, we are united and committed to pursuing the fight for the education of our children and we will not give up!

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

### **1.02 Announcement and Public Comments Regarding Items to be Discussed In Closed Session**

- 10) Flor DeLeon – Parent and community member, stated she is upset that we are still looping around to the same old thing, making business with Del Terra. She attends the board meetings and the Alum Rock 3 always get what they want. You are wasting our time—we need someone that really cares about the education of our students—you 3 need to resign and do not run for the November elections!
- 11) Rubi Solis – Community Liaison at LUCHA, commented that she supports our superintendent and our schools need a lot of help. LUCHA has no air conditioning and that is unacceptable!
- 12) Olivia (no last name given) – Parent that commented that she supports our superintendent. She came to this district 3 years ago and cares what happens to this district—she believes in the importance of working together with the community. We need a board that has passion to work for our students—if not, then you need to give up your seat to someone who does!
- 13) Dilza Gonzalez – Parent that asked the Board how would they be discussing Closed Session items without legal counsel on record? Lastly, she stated that we are here to support Superintendent Hilaria Bauer who is showing us what a true latina leader looks like!

President Andrés Quintero announced the items that would be discussed in Closed Session.

### **1.03 The Board will Adjourn to Closed Session at Approximately 5:30 p.m.**

The Board recessed to Closed Session at 6:13 p.m. and President Andrés Quintero announced that the Board would reconvene to Open Session at approximately 6:40 p.m.

## **3. RECONVENE TO OPEN SESSION**

### **3.01 Call to Order / Pledge of Allegiance**

The Board reconvened to Open Session at 6:35 p.m. President Andrés Quintero welcomed everyone in the audience and led the Pledge of Allegiance.

### **3.02 Report of Action Taken in Closed Session**

President Andrés Quintero reported that there was nothing to report from Closed Session at this time.

**3. RECONVENE TO OPEN SESSION** *(continued)*

**3.03 Agenda Review and Adoption**

Vice-President Karen Martinez asked to move *Agenda Item 8.01 Bond/Facilities Update* after *Agenda Item 6.02 ASES Program Presentation*. President Andrés Quintero asked to move *Agenda Item 6.01 Early Learning Strategic Plan* right after *Agenda Item 3.03 Modification of the Agenda*. The Board was in consensus with these modifications to the agenda.

**6. SPECIAL PRESENTATION**

**6.01 Early Learning Strategic Plan**

Superintendent Hilaria Bauer commented that this has been a dream for the past 3 years and now a reality.

Superintendent Hilaria Bauer introduced Dr. Dianna Ballesteros, Director of Early Learning, who reported that one of her main objectives has been to address parent needs. She spent a month before coming on board with community groups, people in parks and in their homes. She discovered the biggest need was early learning and access to preschool. She wanted to integrate students into the education process earlier to make sure children were on grade level by 3<sup>rd</sup> grade. Dr. Dianna Ballesteros gave thanks to the following Alum Rock partners:

Applied Survey Research	Families in the District	First 5 Santa Clara
Grail Family Services	Healthier Kids Foundation	Kidango
San Juan Bautista	Santa Clara County Office of Education	SOMOS Mayfair
Other partners		

Dr. Dianna Ballesteros commented that she was very much inspired by the story of a particular parent, Carina, which was her driver to get to where we are now. Carina told her story of how difficult it was for her. When her daughter was 3, she learned about being an educated parent and received her training from SOMOS. When she first went to the enrollment center, she was informed she did not qualify for universal preschool nor TK because she was not low income. The cost to get her daughter enrolled was \$700 that she did not have at the time. She continued with her story and explained the long process that took months.

Dr. Dianna Ballesteros gave a PowerPoint presentation along with other partners. Ms. Wendi Mahaney-Gurahoo, Deputy Chief of Early Learning of FIRST 5, stated that she was here on behalf of Ms. Jolene Smith and spoke about the mission which was to work in partnership with families to build an inclusive, equitable and universal system that closes the opportunity, readiness and achievement gaps, ensuring all children in Alum Rock are succeeding in school by the end of 3<sup>rd</sup> grade.

6. SPECIAL PRESENTATION *(continued)*

6.01 Early Learning Strategic Plan

Ms. Mahaney-Gurahoo also reported on the Vision of Success which asserts that all children of Alum Rock are healthy, thriving, and on the path to reaching their full potential in school and in life. Ms. Mahaney-Gurahoo gave special thanks to Superintendent Hilaria Bauer for her vision of this project.

Dr. Mary Ann Dewan, Interim County Superintendent of Schools, confirmed her support of this pilot project and stated that she believes it will have the impact that is necessary.

Ms. Veronica Goei, Executive Director of Grail Services, stated that she has provided services to families for the past 18 years and this project is a true example of a partnership. She gave special thanks to Dr. Hilaria Bauer for her vision of this program.

Mr. Scott Moore, Executive Director of Kidango, thanked Dr. Hilaria Bauer and Dr. Dianna Ballesteros for their leadership and stated that the most important thing for a child is the foundation from pregnancy to 3<sup>rd</sup> grade—the social development of the child.

Mr. Adolfo Pando, SCCOE Head Start Manager, Planning and Support, reported that he has been with the Santa Clara Office of Education for the past 35 years and has been helping the neediest families. He reported that Head Start is fully invested in creating futures for Alum Rock in conjunction with county social services and other resources to help these families succeed. He commented that this project is very important and is blessed to be working under the leadership of Superintendent Hilaria Bauer and her staff.

Cecilia Rodriguez, SOMOS Mayfair representative, commented that she has learned a lot from sitting in these meetings. She also commented that this program is actually setting up our children for success.

Superintendent Hilaria Bauer reported that not too long ago, she brought to the Board \$300K from the county to be used for socio-emotional support to every elementary school in Alum Rock. In addition, she reported that we have tripled the number of T4 students and are at capacity at all our centers.

**MOTION #13-01 by Vice-President Karen Martinez to accept and adopt the Early Learning Strategic Plan as presented. MOTION #13-01 was seconded by Clerk Esau Ruiz Herrera.**

Board Comments: Karen Martinez and Andrés Quintero.

***MOTION #13-01 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstension.***

#### **4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

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

There were no public comments at this time.

#### **5. COMMENTS AND COMMUNICATION**

##### **5.01 Teamsters**

There were no representatives from Teamsters at this time.

##### **5.02 CSEA**

There were no representatives from CSEA at this time.

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

Dr. Sandra Sarmiento, Cassell Principal and President of ARAA, reported that teachers throughout the District are preparing for their Professional Development day on January 29 and gave a reminder to parents that there will be no school on this day. She reported that this will be the first time that they are able to do a mid-year planning session that normally only happens for a few hours at the beginning or at the end of school. She reported that a group of students from Ocala Middle have been chosen for a Google internship that students created an application to communicate at various sites. Lastly, she reported that it was very exciting that counseling interns are going to be deployed at elementary sites.

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

There were no representatives from AREA at this time.

##### **5.05 Superintendent**

Superintendent Hilaria Bauer gave thanks to all those that spoke on her behalf and for their kind words. She asked the Board to have her evaluation process done in open session at a special board meeting at some point. She stated she understands there are some requirements we need to agree on with regards to her contract, but she is willing to waive her confidentiality so that this is a public and open transparent process.

##### **5.06 Board of Trustees**

Vice-President Karen Martinez gave thanks to all those partners believing in Alum Rock, in our kids—it starts there! She commented that what we are doing with the Early Learning Strategic Plan is helping us move in the right direction, thanks to Superintendent Hilaria Bauer.

## 5. COMMENTS AND COMMUNICATION *(continued)*

### 5.06 Board of Trustees

Vice-President Karen Martinez spoke about the recent talks of recalls and having been asked if she was planning to step down. She apologized for the fact that she appears to be frustrated but she is not planning to step down or resign and give up her seat. She commented that she has been to the podium many times as a mother and as a parent—and our voice does matter! We can make it happen and she is a living testimony. She commented that she wants to be transparent and it would be nice to schedule two board meetings monthly; a regular and a special. The special meetings could be used to discuss special items as needed.

President Andrés Quintero stated that he wanted to give Member Khanh Tran credit who had foresight to show that the District does have the best interest of the students by setting aside funds in preparation and is here to support them regardless of immigration status. He commented that he will personally stand with the students so he will not have to worry about them getting deported. He encouraged those folks that were present to reconsider coming back to a process that really analyzes the proposal of an attorney and at the end of the day, we can all say we were aware—let's go through the process and determine the pros and cons. Lastly, he urged his colleagues to reconsider the legal counsel search process.

## 6. SPECIAL PRESENTATION *(continued)*

### 6.02 After School Education and Safety Program (ASES)

Assistant Superintendent Rene Sanchez introduced Mr. Josh Felix, Director of Operations, and Ms. Jessica Baker, Quality Assurance Coach, from Think Together who gave a PowerPoint presentation. They presented on the following:

- 2016-17 Data Review
  - Fluency: Reading passages adapted from Reading A-Z which a research-based curriculum used to give students practice with sight words in context. Repeated guided reading allows students to develop important fluency and comprehension skills
  - Sight Words: Fry high frequency word lists are used because words are compiled and ranked based on their frequency in literature and the lists include all parts of speech. Rapid recognition of sight words is a key foundational skill that supports the development of reading fluency
  - Math Facts: Mad Minute Math curriculum is used to facilitate automaticity with students' recognition of grade-level appropriate math facts
- Think Program Updates
  - Alignment to Quality Standards
- LCAP Study and Think Alignment
- 2017-18 Strategic Planning

Board Comment: Karen Martinez.

## 6. SPECIAL PRESENTATION *(continued)*

### 6.02 After School Education and Safety Program (ASES)

Public Comment:

- 1) Alison Cingolani – COC representative that addressed both *Agenda Items 6.01 Presentation on the Early Learning Strategic Plan* and *6.02 Presentation on After School Education and Safety Program*. She commented that we are gathered here as a community with the Board whose primary focus is education. She said, “Thank you for talking about education and what’s going right under our Superintendent’s leadership.”

## 8. BOND / FACILITIES

### 8.01 Presentation/Update on Bond/Facilities

Assistant Superintendent Kolvira Chheng reported that Del Terra typically provides a monthly report but, unfortunately, we did not get any response from them this month.

Later during the discussion, Assistant Superintendent Kolvira Chheng reported that Del Terra did notify him via an email message that they would not be present at the meeting since there had not been any significant changes since the last report.

Assistant Superintendent Kolvira Chheng reported on the following:

- All summer projects have been completed
- Five remaining HVAC projects are in the design process for this coming summer
- We are trying to close out the final work change orders and project completion documents
- Del Terra has not responded to staff inquiries

Board Comments: Karen Martinez and Andrés Quintero.

Public Comments:

- 1) Ray Mueller – COC president, reported that for the past two Citizens Oversight Meetings (COC), the project manager has failed to attend or provide a report.
- 2) Female speaker (no name given) –Commented that from what she hears about Del Terra, they do not present, they only provide brief memos and not reports.
- 3) Dilza Gonzalez – SOMOS representative, commented that with Del Terra’s level of incompetency, they should be terminated ASAP.

## 10. BUSINESS

### 10.1 Fiscal Expert

Superintendent Hilaria Bauer welcomed Dr. Mary Ann Dewan, Interim County Superintendent of Schools, and some of her staff. Assistant Superintendent Kolvira Chheng reported that the SCCOE has contracted for a Fiscal Expert to be assigned to Alum Rock to monitor progress in each of the areas identified for action. Dr. Donald Zimring will be the primary person on-site County representative as part of a three-member team working with Alum Rock staff through the identified period of January-June, 2018. Assistant Superintendent Kolvira Chheng reported that the Fiscal Expert's role will be to monitor implementation and provide leadership in the following areas:

- Report quarterly the current status of planned action(s) for each recommendation of the FCMAT audit
- Clarify the budget assumptions that appear to be understated, or provide revisions
- Prepare the monthly cash reconciliation by each monthly due date and inform the District of the actions being taken to clear long-outstanding reconciling items
- Prepare a cash flow report for the current fiscal year that utilizes the ending cash balance from the June 30, 2017 monthly reconciliation as verified by a third party auditor retained by the District and approved by the SCCOE
- Prepare the debt service plan for non-voter approved debt that present the source of funds for the full repayment period along with any board resolutions necessary to move cash between funds

Dr. Mary Ann Dewan introduced the three-member team and gave a brief report of their curriculum vitae confirming that each individual had over 30 years of experience in the education sector.

- 1) Dr. Donald Zimring holds a doctorate in education administration—has been a superintendent in southern California and a consultant and trainer for the State of California with FCMAT
- 2) Mr. William (Bill) McGuire holds a master's degree—deputy superintendent. Involved with California Association serving in various capacities
- 3) Ms. Francie Helm holds a bachelor's in business administration in accounting

Dr. Mary Ann Dewan reported that the SCCOE will be covering all costs for the three-member team and have secured this team for the next six months.

Dr. Donald Zimring stated that his intent was to provide monthly updates to the County Superintendent of Schools. He will be meeting with Assistant Superintendent Kolvira Chheng along with some of the business staff on a weekly basis to ensure that his team is continuing to support the district and staff.

Public Comments: Hilaria Bauer, Kolvira Chheng, Donald Zimring, and Mary Ann Dewan.

Board Comments: Esau Ruiz Herrera, Andrés Quintero, and Karen Martinez.

## 7. CONTRACTS OVER \$100,000

### 7.01 Approve Contract for Facilities Condition Assessment Report with EMG Corporation, Business Services, \$131,778.20

Assistant Superintendent Kolvira Chheng reported that the District issued an RFQ and had many inquiries with four firms submitting proposals. At the December 14, 2017 board meeting, we moved forward with EMG and asked the Board to authorize them to start negotiating contracts. He stated that a pilot program would begin in February and would be completed by the end of February. Once we have a pilot program, we can then go district-wide and the timeline for completion will be the end of May.

Public Comments: Kolvira Chheng, Cathy Erickson, and Jocelyn Merz.

Board Comments: Karen Martinez and Andrés Quintero.

**MOTION #13-02 by Vice-President Karen Martinez to accept and approve the Contract with EMG Corporation not to exceed \$131,778.20 as presented. MOTION #13-02 was seconded by Clerk Esau Ruiz Herrera.**

*MOTION #13-02 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstension.*

## 9. SUPERINTENDENT/BOARD BUSINESS

### 9.01 The Board will receive a Legal Opinion on the status of the position of Board President

Superintendent Hilaria Bauer stated that she had received a request from one of the Trustees to clarify this situation and she had checked with the Santa Clara County Office of Education and the Office of the County Counsel. Superintendent Hilaria Bauer reported that the Board needs to elect the Board President as soon as possible, and until this happens, the current Board President should continue as Board President.

Board Comment: Karen Martinez.

### 9.02 Board Retreat and Training, which may include a session on Board Self-Evaluation

Vice-President Karen Martinez stated that she was requesting to table this agenda item due to the fact that two Trustees were absent and all Trustees needed to be in attendance to have discussion and be able to set a date(s).

9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

**9.03 Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms**

Vice-President Karen Martinez asked her colleagues not to take any action on this agenda item at this time since not all the Board was in attendance and she was requesting this item be tabled for the February meeting. She suggested that we not take any action on these multi-purpose rooms until the facilities assessment is complete and that she is not ready to support this—we need to fix our schools first and postpone any other spending on these buildings at this time.

President Andrés Quintero commented that he was in agreement in holding off on spending any monies on these multi-purpose rooms and work on the schools themselves.

**MOTION #13-03 by Vice-President Karen Martinez to get approval from all the Board to postpone both George and Fischer Multi-Purpose Rooms at this time. MOTION #13-03 was seconded by President Andrés Quintero.**

Public Comments:

- 1) Ray Mueller – COC Chair, commented that we already own the MACSA building and money would be better spent on this building. He also commented that an air-conditioning unit for a school is about \$2.5M.
- 2) Flor DeLeon – Community member that commented that we should do an evaluation on where we need to spend the money.
- 3) Jocelyn Merz – AREA President, commented that she is happy to see a facilities assessment being done—no one is doubting that the multi-purpose rooms are great; however, this is not a priority at this time! She stated that we have the district office and three middle schools getting vandalized because we don't have any surveillance cameras.
- 4) Bertha Razo – Community member stated that she was part of the original committee for the planning of the George multi-purpose room.
- 5) Female speaker – Community member commented she agrees with Vice-President Karen Martinez to postpone the facilities but don't cancel them!

Clerk Esau Ruiz Herrera commented that he understands the concerns from his colleague Vice-President Karen Martinez; however, he felt all the Board needed to be present to be able to discuss this agenda item.

Additional Public Comment: Ray Mueller commented that we only have money for one multi-purpose room and not for two—do what was promised in 2008!

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.03 Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms**

After a long discussion, **Motion #13-03 by Vice-President Karen Martinez was withdrawn and President Andrés Quintero withdrew his Second.**

There was consensus from the Board to table this agenda item for a future meeting until all the Board was in attendance.

**9.04 Discussion around George Multi-Purpose Community Room that will Exclude the George Campus pertaining to the Earthquake Faultline**

The Board was in consensus to table this agenda item for a future meeting until all the Board was in attendance.

**9.05 Adopt the First Reading of the Amended Board Policy 2121, Superintendent's Contract, Administration**

**MOTION #13-04 by Vice-President Karen Martinez to accept and adopt the First Reading of the Amended Board Policy 2121, Superintendent's Contract, Administration as presented. MOTION #13-04 was seconded by Clerk Esau Ruiz Herrera.**

*MOTION #13-04 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

**9.06 Adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 4030, Nondiscrimination in Employment, Personnel**

**MOTION #13-05 by Vice-President Karen Martinez to accept and adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 4030, Nondiscrimination in Employment, Personnel as presented. MOTION #13-05 was seconded by Clerk Esau Ruiz Herrera.**

*MOTION #13-05 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

**9.07 Adopt the 2<sup>nd</sup> Reading of the Amended Administrative Regulation 4031, Nondiscrimination in Employment and complaints concerning discrimination in Employment, Personnel**

**MOTION#13-06 by Vice-President Karen Martinez to accept and approve the 2<sup>nd</sup> Reading of the Amended Administrative Regulation 4031, Nondiscrimination in Employment and complaints concerning discrimination in Employment, Personnel as presented. MOTION #13-06 was seconded by Clerk Esau Ruiz Herrera.**

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.07 Adopt the 2<sup>nd</sup> Reading of the Amended Administrative Regulation 4031, Nondiscrimination in Employment and complaints concerning discrimination in Employment, Personnel**

*MOTION #13-06 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

**9.08 Board Policy 9323, 2<sup>nd</sup> Reading Board Bylaws Amendment**

The Board had dialogue on this agenda item. There was an error discovered and then clarified that the agenda item was carried over from the November 9<sup>th</sup> agenda and that this was not a Board Policy but rather a Board Bylaw.

Public Comments: Marie Sanchez, Frank Chavez, Ernesto Bejarano, Jocelyn Merz, and Ray Mueller.

Board Comments: Karen Martinez, Andrés Quintero, and Esau Ruiz Herrera.

**MOTION #13-07 by Clerk Esau Ruiz Herrera to adopt the Board Bylaw Amendment to reinstate the concept of Robert's Rules of Order as rules of procedures for board meetings. MOTION #13-07 was seconded by Vice-President Karen Martinez.**

*MOTION #13-07 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

**9.09 Board Created Standing Committees** *(the merits of the committees)*

The Board was in consensus to Table this agenda item for the next board meeting.

**9.10 Board Created Standing Committees**

President Andrés Quintero commented that there was nothing to report at this time.

**11. HUMAN RESOURCES**

**11.01 Information Regarding Resignations**

There was consensus from the Board to accept the Resignations as presented.

## 12. CONSENT CALENDAR

Clerk Esau Ruiz Herrera asked to pull the following agenda items for separate discussion:

### **Agenda Item 12.04**

- 1) Atkinson, Andelson, Loya, Ruud & Romo, Human Resources, 8/4/17-8/31/17, \$2,500
- 2) Atkinson, Andelson, Loya, Ruud & Romo, Human Resources, 8/4/17-8/31/17, \$2,500
- 3) Lozano Smith, Special Education, 7/1/17-6/30/18, \$75,000

Vice-President Karen Martinez asked to pull *Agenda Item 12.09 Resolution No. 19-17/18; African American History Month* for separate discussion.

**MOTION #13-08 by Clerk Esau Ruiz Herrera to approve the Consent Calendar as Amended. MOTION #13-08 was seconded by Vice-President Karen Martinez.**

*MOTION #13-08 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

### **12.04 Contracts for Professional Services-Firms**

The Board had dialogue on this agenda item.

**MOTION #13-09 by Clerk Esau Ruiz Herrera to accept and approve Agenda Item 12.04 Contracts for Professional Services-Firms with the exception of the three items listed above. MOTION #13-09 was seconded by Vice-President Karen Martinez for the sake of discussion.**

Clerk Esau Ruiz Herrera stated that he pulled these agenda items since the Board has just contracted with the new general legal counsel and that legal counsel should now review and assign all legal service contracts.

Public Comments:

- 1) Camille Llanes-Fontanilla – Community member, stated that these legal firms give legal support to our students and this amount of money is very minimal
- 2) Jocelyn Merz – AREA President, stated that she dittos Camille’s statement; Maribel Medina does not yet have a contract at this point
- 3) Ray Mueller – COC Chair, asked the Board how were these firms vetted? He believes there is a process to follow
- 4) Female speaker (no name given) – Community member, asked the Board why was there litigation with Special Education?

Assistant Superintendent Rene Sanchez stated that we need to approve the extension for the Lozano Smith contract since we have maxed out this contract which serves special education students and their needs.

12. **CONSENT CALENDAR** *(continued)*

**12.04 Contracts for Professional Services-Firms**

Board Comment: Andrés Quintero.

***MOTION #13-09 failed with a vote of 1 in favor (Clerk Esau Ruiz Herrera); 2 in opposition (President Andrés Quintero and Vice-President Karen Martinez); 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.***

The Board had additional dialogue on this agenda item.

**MOTION #13-10 by Vice-President Karen Martinez to approve Agenda Item 12.04 Contracts for Professional Services-Firms, as presented. MOTION #13-10 was seconded by President Andrés Quintero.**

***MOTION #13-10 failed with a vote of 2 in favor (President Andrés Quintero and Vice-President Karen Martinez); 1 in opposition (Clerk Esau Ruiz Herrera); 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.***

The Board had additional discussion on this agenda item.

Superintendent Hilaria Bauer asked the Board to please reconsider their vote with this agenda item.

**MOTION #13-11 by Vice-President Karen Martinez to approve Agenda Item 12.04 Contracts for Professional Services-Firms minus the two contracts (1) Atkinson, Andelson, Loya, Ruud & Romo, Human Resources, 8/4/17-8/31/17, \$2,500; and (2) Atkinson, Andelson, Loya, Ruud & Romo, Human Resources, 8/4/17-8/31/17, \$2,500. MOTION #13-11 was seconded by Clerk Esau Ruiz Herrera.**

Board Comments: Esau Ruiz Herrera and Andrés Quintero.

Public Comment:

- 1) Jocelyn Merz – AREA President, stated that she was so appalled with Clerk Esau Ruiz Herrera and his total manipulation and also for not looking out for the best interest of the students. She commented, “you totally manipulated the vote here...I am shocked ... we have worked together, but I never expected you to do something like this!”
- 2) Diltza Gonzales – Parent stated she was very disappointed with this action.

***MOTION #13-11 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.***

**12. CONSENT CALENDAR** *(continued)*

**12.09 Resolution No. 19-17/18; African American History Month**

The Board had dialogue on this agenda item.

**MOTION #13-12 by Vice-President Karen Martinez to accept and approve Resolution No. 19-17/18; African American History Month as presented. MOTION #13-12 was seconded by Clerk Esau Ruiz Herrera.**

*MOTION #13-12 carried with a vote of 3 in favor; no opposition; 2 absent (Members Khanh Tran and Dolores Marquez-Frausto); and no abstention.*

**13. FUTURE BOARD AGENDA REQUESTS**

**13.01 Requests from Board of Trustees and/or from the Public**

Vice-President Karen Martinez asked to put the following items on the next agenda:

- 1) Public Advocates to present to the Board
- 2) Schedule a special board meeting only for Del Terra Contract and the Superintendent's Evaluation
- 3) Hold regular board meetings on a rotational basis at the middle school sites
- 4) Bring back *Agenda Items 9.03 Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms* and *9.04 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Faultline* for discussion and action

Ray Mueller, Chair, COC, requested to have the Citizen's Oversight Committee Update as a standardized agenda item like the unions on all future agendas.

Jocelyn Merz – AREA President, asked to bring the following:

- 1) The cost to hold a Special Board Meeting.
- 2) Policy or Bylaw regarding the absences of a Board Member at regular scheduled board meetings.

**14. ADJOURNMENT**

**14.01 President Adjourns the Meeting**

**MOTION #13-13 by Vice-President Karen Martinez to adjourn the meeting.  
MOTION #13-13 was seconded by Clerk Esau Ruiz Herrera.**

President Andrés Quintero adjourned the meeting at 9:58 p.m.

Respectfully submitted,

---

Esau Ruiz Herrera  
Board Clerk

---

Date

HB/mcs

**DRAFT 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, February 8, 2018, 5:30 p.m. at the Alum Rock Union School**  
**District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127**  
**Meeting #15-17/18**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

President Andrés Quintero welcomed everyone in the audience and called the Board Meeting to order at 5:33 p.m. followed by Roll Call.

Board Members Present:

Andrés Quintero	President
Karen Martinez	Vice-President
Esau Ruiz Herrera	Clerk
Dolores Marquez-Frausto	Member
Khanh Tran	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Kolvira Chheng	Assistant Superintendent, Business Services
Jess Serna	Interim Assistant Superintendent, Human Resources
Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support
Jackie Guevara	Executive Assistant, Superintendent's Office

President Andrés Quintero stated that he wanted to give Member Khanh Tran credit where credit was due for setting aside some money, earlier this year, for immigration issues. He gave special thanks to Member Khanh Tran.

President Andrés Quintero announced that there was consensus from the Board to move up **Agenda Item 9.12 Board President, Nomination and Election** to follow **Agenda Item 1.01 Call to Order/Roll Call**.

## 9. SUPERINTENDENT / BOARD BUSINESS

### 9.12 Board President, Nomination and Election

Member Dolores Marquez-Frausto nominated Clerk Esau Ruiz Herrera for President. Clerk Esau Ruiz Herrera accepted the nomination.

*Nomination carried with a vote of 3 in favor (Member Khanh Tran, Clerk Esau Ruiz Herrera, and Member Dolores Marquez-Frausto); 2 in opposition (Vice-President Karen Martinez and President Andrés Quintero); no absent; and no abstention.*

Vice-President Karen Martinez nominated President Andrés Quintero for President. President Andrés Quintero accepted the nomination.

*Nomination failed with a vote of 2 in favor (President Andrés Quintero, and Vice-President Karen Martinez); 3 in opposition (Member Khanh Tran, Clerk Esau Ruiz Herrera, and Member Dolores Marquez-Frausto); no absent; and no abstention.*

**The new Board President now is Esau Ruiz Herrera.**

## 1. OPEN SESSION *(continued)*

### 1.02 Public Members Who Wish to Address the Board

Public Comments:

- 1) Natalie Balm – Community member, spoke on behalf of Mr. Ray Mueller, COC Chair, and read a short memo asking the Board to reconsider approving the proposed legal contract to Maribel Medina. The public is very uncomfortable with this contract; however, if the Board approves such a contract, please consider having the terms terminate by December 1, 2018, and to make sure there was a clause for buying out the contract.
- 2) Alison Cingolani – COC representative, read a paragraph from the contract indicating that the firm does not specialize in construction, procurement, and school finance, which are areas that we do in fact need.
- 3) Jocelyn Merz – AREA president, asked the Board to reconsider taking action on this contract with Leal & Trejo. She stated that the District is under investigation by the District Attorney's Office and also the SEC—why would we contract with a legal services firm who has crafted favorable contracts with Del Terra? She commented that there are other local legal firms that do not bring with them all this unwanted questionable baggage and perceived favoritism for this firm causes concern!

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

**1.03 Legal Services Contract**

Board Comments:

Member Khanh Tran commented that he has heard the public state, “this firm is this, and this firm is that.” In his book, the firm is credentialed by the California Bar Association. Leal & Trejo has worked for the Santa Clara County Office of Education. Member Khanh Tran stated that if the books are out of order or we are missing money, we need to get to the bottom of this. He commented that we can’t build our buildings at Fischer—it was supposed to cost \$8M and now it is costing us \$12M. He stated that he supports Maribel Medina and her law firm.

Member Andrés Quintero stated that he wanted to reiterate his position. When he read out information from the papers of record from Southern California laying out significant concerns about the work of Del Terra, all this was not his personal issue or his own opinion—it was for advocating for the people of East San Jose! Our taxpayers deserve the best. He commented that he was stepping up and affirming his discontent with Leal & Trejo.

Member Dolores Marquez-Frausto reported that she will be supporting this contract because when they first started receiving letters from the Santa Clara County Office of Education (SCCOE), the Board was going in an area of having no knowledge of a FCMAT report; inconsistent financial services leadership; and administration’s lack of records. Member Dolores Marquez-Frausto commented that we need someone who knows what the county office is all about – this is the kind of person she wants to come and help the District. The SCCOE has no authority to tell us what legal counsel or Superintendent to hire—they do not dictate who to hire or what process should be used. She commented that she welcomes Maribel Medina and her legal firm Leal & Trejo.

Member Khanh Tran stated that he dittos Member Dolores Marquez-Frausto’s comments above. He asked Member Andrés Quintero if he was alleging that some of the Board had been bought by some firm just because they were not in agreement with him—this is very disrespectful. He stated that he could not be bought because only his company could afford him!

There were additional comments made by the Board.

**MOTION #15-01 by Member Dolores Marquez-Frausto to accept and adopt the Legal Services Contract with Leal & Trejo, as presented. MOTION #15-01 was seconded by Member Khanh Tran.**

***MOTION #15-01 carried with a vote of 3 in favor (Members Khanh Tran, Dolores Marquez-Frausto, and President Esau Ruiz Herrera); 2 in opposition (Vice-President Karen Martinez and Member Andrés Quintero); no absent; and no abstention.***

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

**1.03 Announcement and Public Comments Regarding Items to be Discussed in Closed Session**

President Esau Ruiz Herrera announced the items that would be discussed in Closed Session.

Public Comment:

- 1) Jeff Markham – Community member that encouraged the District to proceed with *Agenda Items 2.02 Conference with Labor Negotiators, Employee Organization: AREA* and *2.03 Conference with Labor Negotiators, Employee Organization: CSEA* and to enter into negotiations with a good heart and get this done quickly since we have enough turmoil in the District.

**1.04 The Board will Adjourn to Closed Session at Approximately 5:30 p.m.**

The Board recessed to Closed Session at 6:03 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session at approximately 6:45 p.m.

**3. RECONVENE TO OPEN SESSION**

**3.01 Call to Order / Pledge of Allegiance**

The Board reconvened to Open Session at 6:50 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call in which all Board Members were present. President Esau Ruiz Herrera led the Pledge of Allegiance.

**3.02 Report of Action Taken in Closed Session**

President Esau Ruiz Herrera asked Attorney Maribel Medina to report the action taken in Closed Session.

Attorney Maribel Medina reported out on the following:

**2.01** *The Board voted to waive the attorney-client privilege pursuant to Search Warrant No. 51590 with a vote of 4 in favor and 1 opposition (Member Dolores Marquez-Frausto); no absent; and no abstention.*

**2.07** *The Board voted unanimously to accept the resignation of one certificated teacher.*

Attorney Maribel Medina stated that there was no other action to report at this time.

### 3. RECONVENE TO OPEN SESSION *(continued)*

#### 3.03 Agenda Review and Adoption

Superintendent Hilaria Bauer asked to combine and move *Agenda Item 10.03 Approval for a Lease Agreement between the City of San Jose, Presley Center Bridge Branch Library at Chavez* and *Agenda Item 7.01 Presentation for San Jose Public Library Agreement* before *Agenda Item 6 Public Hearing*.

Member Andrés Quintero asked to move the following agenda items to follow after *Agenda Item 7.01 Presentation for San Jose Public Library Agreement* and *10.03 Approval for a Lease Agreement between the City of San Jose, Presley Center Bridge Branch Library at Chavez*:

- *9.06 Public Advocates will provide the Board with a brief presentation*
- *9.10 Board-Created Standing Committees (sunshining)*
- *9.11 Board-Created Standing Committees (reports)*

Vice-President Karen Martinez asked to move *Agenda Item 10.02 FCMAT Update* to follow the other items.

### 4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

#### 4.01 Requests to Address the Board

Public Comments:

- 1) Alison Cingolani – COC representative, read a quote from the National School Board Handbook about the role of the Board of Trustees. She commented that the school board represents the community's voice and what the community wants—the board is answerable to the community. She also commented that on our school board's website, the contact information for Member Dolores Marquez-Frausto, the phone number listed goes straight to the district. She reported that she has never received a response from her—it is important that you respond back to your phone messages and update your contact information.
- 2) Ernesto Bejarano – Sheppard community member, reported that he was offended by comments made from certain members of the board—and he is not easily offended. When comments are made that degrade or question his community—he takes offense. When you see the same faces in this crowd—we hope that you know that we are representative of the political and social community when we attend these meetings, we are not speaking on our own personal behalf—these faces represent a larger community, and I feel that we deserve respect as individuals.
- 3) Ray Mueller – COC Chair, addressed the issue of board members not using the ARUSD domain for their email addresses, but rather their own personal addresses.

## **5. COMMENTS AND COMMUNICATION**

### **5.01 Teamsters**

There were no representatives from Teamsters at this time.

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

There were no representatives from CSEA at this time.

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

Vince Iwasaki – Past President, reported that Dr. Sandra Sarmiento was absent due to illness. He reported that over the past month, in conjunction with ARAA, a Professional Development day was negotiated. Certificated staff would be onsite working, but students would not be present. He reported that the Instructional Leadership team had recently met at the SCCOE and was working on school plans for the remainder of the year which is a huge testament to the teachers. Lastly, he reported that he was hosting the March Madness event in March.

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

Jocelyn Merz – AREA President, addressed her comment to President Esau Ruiz Herrera, extending her sincere sympathies for the recent passing of his brother J.R. Herrera. She commented that sometimes we must perform tasks that are not pleasant. She reported that AREA had endorsed and supported candidates for the Board because, at the time, they believed that they derived their trust; however, things have now changed. She stated that on behalf of the AREA Executive Board and AREA, for the sake of the district, they were asking for the immediate resignation from Trustees Esau Ruiz Herrera, Khanh Tran, and Dolores Marquez-Frausto for their lack of judgment and disrespect of our community. She stated that AREA was asking that the Board make the right decision by removing themselves from the Alum Rock School Board so that the District could refocus on the work of educating the children.

### **5.05 Superintendent**

Superintendent Hilaria Bauer reported that two of our students were competing in the county-wide spelling bee and placed 6<sup>th</sup> and 9<sup>th</sup> – a big congratulations! She also reported that she wanted to highlight the item coming up with the partnership with San Jose Public Library – this was such an amazing accomplishment from all the teams.

## 5. COMMENTS AND COMMUNICATION *(continued)*

### 5.06 Board of Trustees

Member Andrés Quintero reported that last month he attended an event for SOMOS Mayfair held at Evergreen College. He also asked the Board for support in adjourning this meeting in memory of Mr. Carlos Fernandez, a long-time city employee and a Vietnam War Veteran who had recently passed away.

Member Dolores Marquez-Frausto stated that she was very disappointed about what she had just heard from AREA's comments—to take this meeting and make it political. She stated that she understood the people in the room were not her constituents. She then gave a brief history of her campaign and reported that she really did not even need to campaign her first time around and did not even spend a penny. She did not have the money to campaign at the time except to pay her \$1,800 to place her statement with the Registrar of Voters in order to run. She stated that the second time around, the AREA union found her and gave her support and she came in with the highest amount of votes. The third time around, AREA did not want to endorse her and ran a young man against her, and he did not even come close to her votes. She came in with over 12K votes because the community that knows her voted her in. Member Dolores Marquez-Frausto gave thanks to the people out in TV land for putting her in 'this chair' and for taking care of this community and letting her help run the District.

Member Khanh Tran reported that in 2014, AREA endorsed him and gave him some money to be used for his campaign. He stated that last year he fought for 600 teachers and their contract. He even walked alongside the teachers in the picket line fighting for salary increases. He commented that we are giving raises to AREA and our books are not even balanced and they are saying that everything is fine! During his tenure here, the Board has approved raises to all employees. He asked the AREA President, "Why don't you teach and go back into the classroom?" He commented that if he did not care about the District, why would he have set aside funds for those most vulnerable? Member Khanh Tran commented that the rest of the Board acts on emotion and not on logic. He also commented that Del Terra is delivering—they are on time and on budget and he is still waiting for proof that they have done something wrong.

Vice-President Karen Martinez reported that initially she was not going to make any comments; however, she is now going to make at least 4. She commented that it is unfortunate that some Board members choose to use public time for their political agendas. She stated that at some time, when she speaks, that she indicates that her comments are on behalf of just one Trustee, and not on behalf of the entire Board. She wanted to ask her colleagues to do the same. She stated that she will continue to show you who she is by how she votes. She stated that in regards to campaign endorsements, regardless of any endorsements, no one owns her and she only reports to her husband and her children—she does not owe anything to anyone.

## **5. COMMENTS AND COMMUNICATION *(continued)***

### **5.06 Board of Trustees**

Vice-President Karen Martinez briefly spoke about the I9 audits that have been occurring in the community and how they are impacting the children, parents, teachers, and the entire community. She gave thanks to Superintendent Hilaria Bauer and staff for coming together to ensure that the socio-emotional impact on the students would be managed. Lastly, she gave thanks to all the folks that attend these board meetings because their voices do matter! She commented that she was once on the other side sitting in their seat.

President Esau Ruiz Herrera reported that he was a proud graduate of Alum Rock schools and a proud parent of two teachers. He stated he will continue to support our teachers in our schools and in our community regardless of political opinion. He commented he is very much appreciative of the people that attend the board meetings. Clerk Esau Ruiz Herrera reported that City Year was present and thanked them for what they did every day at our schools—this speaks highly of City Year! Lastly, he reported that the 4<sup>th</sup> Annual March Madness family event was quickly approaching, March 1-3, 2018, at William C. Overfelt High School.

## **7. SPECIAL PRESENTATION AND/OR RECOGNITION**

### **7.01 San Jose Public Library Agreement**

Superintendent Hilaria Bauer reported that she has been working diligently with San Jose Public Library to utilize the Presley Center that will serve our students at Chavez and Mathson Schools. She reported that one emphasis would be in youth resources in a program that was coming through a grant from the library sought for on our behalf. She commented that this was a 3-year pilot program. She said that every family would have access to it, but because of proximity, Chavez and Mathson would benefit the most.

### **10.03 Approval for a Lease Agreement between the City of San Jose, Presley Center Bridge Branch Library at Chavez**

**MOTION #15-02 by Member Andrés Quintero to accept and approve the Lease Agreement between the City of San Jose, Presley Center Bridge Branch Library at Chavez as presented. MOTION #15-02 was seconded by Member Dolores Marquez-Frausto.**

7. **SPECIAL PRESENTATION AND/OR RECOGNITION** *(continued)*

**10.03 Approval for a Lease Agreement between the City of San Jose, Presley Center Bridge Branch Library at Chavez**

Public Comments:

- 1) Saul (no last name given) – SOMOS representative that read from a memo presented to the Board.
- 2) Jasselia Rizo – Community parent that stated that about a year ago, Superintendent Hilaria Bauer and Mr. Rene Sanchez along with personnel from the public library, went to see that open space—with a vision of a library that could contain books of our culture and identity, in addition to having dialogue about having computers accessible to parents and the middle schools. She commented that this could be like a tricycle mobile library.
- 3) Dr. Julio Villalobos – Chavez principal, stated that this would have a huge impact at Chavez for the teachers and students—this is a key component to having access to a library that is close to the schools and could provide a place for homework and research.
- 4) Vince Iwasaki – Mathson principal, commented he is excited for this opportunity—the worlds that it opens to students! He encouraged the Board to support this effort.
- 5) Ernesto Bejarano – Sheppard parent, shared with the audience that he was privileged to be a public servant with social services. He stated that this community is near and dear to him. He encouraged the Board to support this project and commented that any opportunity to support access to resources, especially when we can leverage partnerships, especially in this neighborhood, is a very good thing.

Board Comments:

Vice-President Karen Martinez gave thanks to SOMOS Mayfair for their support and partnership in working with parents to ensure we bring the services that our community deserves.

Member Andrés Quintero commented that he was very excited about this partnership and its becoming a reality—these things don't just happen. They require a lot of work and good teachers. He shared that every once in a while, people from the community will say good things about programs at Alum Rock, despite all the things being said by the media.

President Esau Ruiz Herrera commented that developing and strengthening literacy is one of the good things happening in Alum Rock; however, check to see if this makes the news. You probably won't see or hear about it. He commented that access to books is critical!

***MOTION #15-02 carried with a vote of 4 in favor; no opposition; 1 temporarily absent (Member Dolores Marquez-Frausto); and no abstention.***

## 9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

### 9.06 Public Advocates

Superintendent Hilaria Bauer reported that a written report had been given to the Board on the services that Public Advocates has provided to the District since 2014.

### 9.10 Board-Created Standing Committees. The Board will discuss the merits of these committees.

#### Public Comments:

- 1) Ray Mueller – COC Chair, asked why are these committees still active if some of these committees are not active? He stated that he questioned the validity of these committees. He also stated that per the Board's own bylaws, the Board is suppose to be the one that sets meeting times and the committees should reflect a diversity of the community.
- 2) Ernesto Bejarano – Sheppard parent, reported that he listened to the Bond Committee Meeting online and encouraged the Board to look into the practice of asking those people entering a public meeting who they are and who they represent.
- 3) Jeff Markham – Community member, stated he had two issues with the Bond Committee Meeting that he recently attended. First, the second Board Member was unable to attend; and second, he asked that these committees be held at a reasonable time when community members can attend.
- 4) Maria D. Martinez – Community member, stated that as a mom, she would like to know more about these committees, especially the parent engagement committee.
- 5) Cureton parent (*no name given*) – Parent spoke about wanting safer schools and requested from the Board the purchase of cameras for security purposes (this issue was out-of-order but allowed by President Esau Ruiz Herrera).
- 6) Pilar Navarrette – Parent also spoke on the issue of student safety at the schools. She stated that she appreciates the Board's support, but was worried about the students and their safety. She encouraged the Board to focus more on the security for the students and said we need safe schools with the support of cameras.

#### Board Comments:

Member Dolores Marquez-Frausto briefly explained how the committees were formed and gave a little history of how her committee came to meet at the noon hour. She used the following example: Damien Trujillo has come to the Bond Committee Meeting several times during his lunch hour to advocate and he is a really busy man....if he was able to make this meeting during his lunch hour a priority, so could everyone else!

Vice-President Karen Martinez stated that if the Board had had a Board Retreat, they could now work together and be more engaged. She reported that the Board did not vote on who was going to do what in December 2017, and if the Board followed their committee bylaws, the last meeting would be void because it happened after December and they had not yet

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.10 Board-Created Standing Committees. The Board will discuss the merits of these committees

voted on anything. She asked the Board to vote on who is going to be on what committee and move forward.

Member Khanh Tran agreed with Vice-President Karen Martinez since the committees were not sunset in December 2017, at this point, we just need to be stabilized because we have folks that are not accountable.

Member Dolores Marquez-Frausto commented that she was not in agreement with this and refused to restart and reconstitute committees because her committee members work well with her and it was inappropriate to not think about her committee members.

**MOTION #15-03 by Member Dolores Marquez-Frausto to continue with the existing committees. There was no second made to MOTION #15-03.**

President Esau Ruiz Herrera stated that the Board is not directed or obligated to take any action on board standing committees...it is an opportunity to do so...but we are not required to do. The meetings that have occurred are as valid as any committee meetings we have had. It is also true that Board has taken on constituting or re-constituting our committees. The ad hoc committees will have their schedules set by the Board...the standing committees may set their own meeting times.

The Board had additional dialogue on this agenda item.

Attorney Maribel Medina reported that in reviewing Board Bylaw 9130, we have three different types of committees. There is no end date to a subcommittee unless the jurisdiction you have assigned to has been completed. Standing committees can go on from year to year and the ad hoc committees seem to be valid.

**MOTION #15-04 by Member Khanh Tran to keep all existing committees as is for 2018. MOTION #15-04 was seconded by Member Dolores Marquez-Frausto.**

***MOTION #15-04 failed with a vote of 2 in favor (Members Khanh Tran and Dolores Marquez-Frausto); 2 in opposition (Vice-President Karen Martinez and Member Andrés Quintero); no absent; and 1 abstention (President Esau Ruiz Herrera).***

President Esau Ruiz Herrera stated that he would be bringing this agenda item back for the March meeting.

## **9. SUPERINTENDENT / BOARD BUSINESS** *(continued)*

### **9.11 Board-Created Standing Committees. The Board will report on committees**

There were no reports from the Board Members at this time.

Public Comment:

- 1) Ray Mueller – COC Chair, asked, “What’s the purpose of holding these meetings if you never report back?”

## **10. BUSINESS**

### **10.02 FCMAT Update**

Assistant Superintendent Kolvira Chheng reported that on July 27, 2017, the Board authorized a formal written response to the FCMAT Extraordinary Audit. The District sent Del Terra six separate letters on August 4, 2017, requesting deliverables, documents and records under the agreements between Del Terra and the District as follows:

- 1) Agreement for additional services, DSA Close-out Certification Services, Exhibit A
- 2) Documents and Records pursuant to Program and Construction Management Agreement for Measure I, dated November 10, 2016, Exhibit B
- 3) Documents and Records pursuant to Program Management Agreement for Measure J, dated November 10, 2016, Exhibit C
- 4) Documents and Records pursuant to Construction Management Agreement for Measure J, dated November 10, 2016, Exhibit D
- 5) Documents and Records pursuant to Program Management Agreement for Measure J, dated May 9, 2013, Exhibit E
- 6) Documents and Records pursuant to Construction Management Agreement for Measure J, dated October 1, 2013, Exhibit F

Assistant Superintendent Kolvira Chheng gave a brief executive summary regarding DSA close-out certification services from the October 12, November 9, December 14, 2017 and February 8, 2018 Board Meetings.

Assistant Superintendent Kolvira Chheng provided a written report to the Board with more detailed information. He stated that the District is continuing to review the documents; however, it has been a challenge for the District staff to reconcile documents from the hard drive to the matrix.

## **6. PUBLIC HEARING**

President Esau Ruiz Herrera announced that he would be combining the two Public Hearings listed below:

**6.01 District's Initial Bargaining Proposal to Open Negotiations with Alum Rock Educator's Association (AREA) for the period of July 1, 2018-June 30, 2021**

**6.02 The Alum Rock Educator's Association (AREA) Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District for the period of July 1, 2018-June 30, 2021**

**President Esau Ruiz Herrera opened the two Public Hearings at 9:15 p.m.**

## **7. SPECIAL PRESENTATION AND/OR RECOGNITION**

### **7.02 Immigration Information for Families**

Norma Flores, Director for Student Services, gave a presentation on Immigration. She reported that Community Liaisons had been trained on updated resources and practices and that agencies had provided information to the families on "Know Your Rights". She also reported that Superintendent Hilaria Bauer had met with stakeholders around the growing concerns and had sent out information on the steps to take and what to do. In addition, a district-wide flow chart had also been created for possible parent deportation.

Public Comments:

- 1) Jeff Markham – Community member, reported that Vice-Mayor Magdalena Carrasco was conducting a rapid response training in the community.
- 2) Maria D. Martinez – Parent, stated she would like information for the parents to see; wants the schools to prepare a drill for immigration in the building; provide training for the parents on how to prepare; and some kind of code sent out.

## **8. BOND / FACILITIES**

### **8.01 Presentation and/or Update on the Bond/Facilities**

Assistant Superintendent Kolvira Chheng stated that Mr. Luis Rojas, CEO, Del Terra, was not present at this meeting.

Assistant Superintendent Kolvira Chheng distributed, to the Board, a written report with Bond Program updates.

## 8. BOND / FACILITIES *(continued)*

### 8.01 Presentation and/or Update on the Bond/Facilities

Member Andrés Quintero asked about the status of the bonds in line with the law. He commented that Del Terra is the fiduciary and asked, “What is the status of the change order and what are we doing to make sure we are not going against the law?” He also asked how we could make sure that we obtain the requested documents mentioned earlier in the meeting.

Member Khanh Tran commented that he had heard that the CBO had been involved in the change order process and that he was not playing the ‘blame game’ any longer and requested that legal counsel review the process along with the roles and responsibilities so that all the “I’s” were dotted!

Member Dolores Marquez-Frausto asked Assistant Superintendent Kolvira Chheng for clarification if he was involved and aware of the work orders and that they had gone over and above the allowed legal limit.

President Esau Ruiz Herrera suggested that this conversation should be focused toward the Superintendent and administration as some of this dealt with personnel issues in Closed Session.

Member Andrés Quintero commented that *we need to stop blaming the staff* while the others are getting bond money due to the fact that Del Terra is the fiduciary, they should be overseeing this raised concern.

#### Public Comments:

- 1) Ray Mueller – COC Chair, reported that Del Terra had not attended the Citizen’s Oversight Committee Meeting and that the man admitted that he had not attended because he had not been paid.
- 2) Jeff Markham – Community member, read something from a document from the Santa Clara County Office of Education.

### 8.02 Citizen’s Bond Oversight Committee (CBOC)

Superintendent Hilaria Bauer reported that Mr. Ray Mueller, COC Chair, had requested that this item be placed on the agendas as a regular agenda item.

Ray Mueller reported that elections were held at the last CBOC meeting and the outcome was as follows:

- President: Ray Mueller
- Vice-President: Alison Cingolani
- Secretary: Frank Chavez

## 8. BOND / FACILITIES *(continued)*

### 8.02 Citizen's Bond Oversight Committee (CBOC)

Ray Mueller reported that two committees had been established. One of the committees will be visiting school sites to see what is going on. Many times they do not see what is going on until the end of the project or event and then come the audits. The 2<sup>nd</sup> committee is a sub-committee. Ray Mueller asked staff when the audits would be completed.

### 8.03 Citizen's Bond Oversight Committee (CBOC) Appointment

Ray Mueller reported that the CBOC Committee currently has two vacant positions and one application had been submitted for one of the two positions. He reported that Monica Francine Brissey has recently moved into the area, works at East Side Union High School District, and has a student that will eventually attend a school in Alum Rock. Ray Mueller reported that Ms. Brissey will fill the vacancy of Community-at-Large.

**MOTION #15-05 by Vice-President Karen Martinez to accept and approve the appointment of Monica Francine Brissey to the Citizen's Bond Oversight Committee as presented. MOTION #15-05 was seconded by Member Khanh Tran.**

Vice-President Karen Martinez asked staff to explain the process for this individual to participate in the CBOC and asked how would they know if committee members attend these meetings.

Assistant Superintendent Kolvira Chheng briefly explained the process and reported that the CBOC Chair would take note and report committee members' attendance in the minutes.

***MOTION #15-05 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## 9. SUPERINTENDENT/BOARD BUSINESS

### 9.01 Public Employee Performance Evaluation for the Superintendent

The Board had discussion on this agenda item. Vice-President Karen Martinez requested to hold a Special Board Meeting with only this agenda item. She commented that Superintendent Hilaria Bauer had indicated that she was willing to waive her evaluation to be discussed during a public session vs. in closed session for the sake of transparency.

Member Dolores Marquez-Frausto stated that even though it was her right to request a public meeting, what was the Board's legal right? She commented that she did not know of any District that evaluates a Superintendent in public and requested that she would like legal counsel to look into this and inform them of what this means to them as a District.

9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

**9.01 Public Employee Performance Evaluation for the Superintendent**

President Esau Ruiz Herrera also asked about our legal obligations—is it unilateral or bilateral?

Member Khanh Tran commented that he agrees and supports Vice-President Karen Martinez with the idea of holding a special board meeting just for this one agenda item and the sooner the better. He suggested Thursday, February 15. He stated that, in his opinion, there has never been any evaluation thus far.

**There was consensus from Members Andrés Quintero and Khanh Tran and Vice-President Karen Martinez to hold a special board meeting on Tuesday, February 27, 2018, 6 p.m. with only one agenda item—the evaluation of the Superintendent.**

**9.02 Renewal Contract for Continued Representation of Legal Services for Negotiations with the Law Office of Rehon & Roberts, until April 30, 2018**

Superintendent Hilaria Bauer asked the Board for their support on this agenda item.

Member Khanh Tran stated that the District already has a new legal counsel and a second law firm is not needed; he does not see the value of hiring another attorney. He will not be supporting this renewal with the Law Office of Rehon and Roberts.

Member Andrés Quintero stated that we do not want to pay legal counsel some money to pass and hire a second attorney. He stated that he just wants to move forward!

President Esau Ruiz Herrera commented that he was not persuaded that an attorney needed to be in attendance in negotiations. He felt that administration could be the speaker for the Board and then present recommendations to the bargaining agent. He stated that he recognized the value in past knowledge, but as we talk about new days and a new era, let's make it that. He stated that this Board has appointed a new general legal counsel for anything that is needed and the Board has the final say on who works for them.

Member Dolores Marquez-Frausto reported that when she was Board President, she brought in Attorney Rogelio Ruiz to the table when the District had chaos. She commented that she agrees that the budget will be helped by not having an attorney at the bargaining table.

**MOTION #15-06 by Member Andrés Quintero to accept and approve the Renewal Contract for Continued Representation of Legal Services for Negotiations with the Law Office of Rehon & Roberts, until April 30, 2018. MOTION #15-06 was seconded by Vice-President Karen Martinez.**

9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

9.02 **Renewal Contract for Continued Representation of Legal Services for Negotiations with the Law Office of Rehon & Roberts, until April 30, 2018**

*MOTION #15-06 failed by a vote of 2 in favor (Vice-President Karen Martinez and Member Andrés Quintero); 3 in opposition (President Esau Ruiz Herrera, Members Khanh Tran and Dolores Marquez-Frausto); no absent; and no abstention.*

9.03 **Adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 2121, Superintendent's Contract, Administration**

**MOTION #15-07 by Member Andrés Quintero to accept and adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 2121, Superintendent's Contract, Administration as presented. MOTION #15-07 was seconded by Vice-President Karen Martinez.**

Member Dolores Marquez-Frausto stated that she wanted this agenda item to be moved to the next board meeting because she had not had time to review this item yet with the new laws coming out.

Member Khanh Tran stated that since we had recently hired a new general legal counsel, he would like to request that they provide recommendations to the Board adopting or denying this policy.

Member Andrés Quintero stated that this agenda item has been on the agenda for several months already. He commented that this policy has a positive piece with regards to the buyout clause in the event it was needed.

President Esau Ruiz Herrera stated that this was a second reading and it was a move to adopt the reading.

**There was no vote taken on MOTION #15-07.**

Public Comment:

- 1) Alison Cingolani – Community member, commented that members of the Board should come prepared to the meetings so that we can move through the agenda more quickly and get back to our families.

Vice-President Karen Martinez stated that when the Trustees are calling legal counsel, she assumes that we are being charged. She asked for clarification on the protocol on how this works because costs seem to be building up.

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.03 Adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 2121,  
Superintendent's Contract, Administration**

**MOTION #15-08 by Member Dolores Marquez-Frausto to Table this agenda item until the next meeting. MOTION #15-08 was seconded by Member Khanh Tran.**

***MOTION #15-08 carried with a vote of 4 in favor; 1 in opposition; no absent; and no abstention.***

**9.04 The Cost of Special Board Meetings**

Superintendent Hilaria Bauer reported that a member from the public had requested the costs of holding special board meetings and a handout was distributed.

Public Comments:

- 1) Ray Mueller – COC Chair, reported that the cost for a special board meeting was \$1,600 for a three-hour meeting and so far the District had held at least 5-8 and we are not even close to the end of the school year!
- 2) Diltza Gonzales – Parent that stated that she was amazed the we were wasting \$1,600 on these meetings when there were parents contributing donations for field trips because they could not afford the cost for a bus. She asked the Board to please reconsider when scheduling the special board meetings.

Member Khanh Tran stated that he wanted to put things in perspective and said that he felt the January special board meeting was not a legal meeting and should have never been called. He said the 3<sup>rd</sup> Trustee had not communicated to the entire Board that she would be able to join the meeting.

Vice-President Karen Martinez stated that she did not recall that this is how the story went but it was late now and she was not going to elaborate on this. She asked Member Khanh Tran to please think about what he says before he says it because it is a reflection of the entire Board. She commented that she is nothing like Member Khanh Tran!

Member Andrés Quintero commented that was not right! He reported that he did have three members that had confirmed their attendance for the special board meeting and he went ahead and moved their directive. He commented that he felt Member Khanh Tran needed to 'man up' and admit what really happened and not try to make it look like he did something wrong. Let's get away from this twilight zone!

President Esau Ruiz Herrera stated that he wants to make sure the special board meetings are purposeful and not just being held for whatever reason. He also stated, if and when a board retreat is scheduled, the Board will set a protocol for holding special board meetings.

9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

9.05 Board Bylaw 9250, Remuneration, Reimbursement and Other Benefits

Superintendent Hilaria Bauer reported that this agenda item was requested by a community member.

Public Comments:

- 1) Ray Mueller – COC Chair, asked the Board if they had received a raise?
- 2) Ernesto Bejarano – Sheppard parent, commented that every person feels strongly about a few items. He asked the Board if they could take a step back and draw back from their objectiveness and be more open.

Member Khanh Tran replied, ‘Did we get a raise’ but then President Esau Ruiz Herrera commented that after tax dollars, they would only see a small increase in their pockets.

9.07 Board Retreat and Training, which may include a session on Board Self-Evaluation

The Board had discussion on this agenda item and went back-and-forth on agreeing on a meeting date.

President Esau Ruiz Herrera reported that he had lots of experience providing these kinds of training sessions; however, Member Andrés Quintero commented that he wanted someone to facilitate this retreat with no connection or history to any of the board members or any of their family members. He wanted someone that would be impartial; otherwise, he would not be participating in the retreat.

President Esau Ruiz Herrera confirmed that the Board would give staff the responsibility of finding a facilitator—somebody that does not know any of the Board.

**MOTION #15-09 by Vice-President Karen Martinez to set and conduct a Board Retreat and Training on Saturday, March 10, 2018, 9-3 p.m. MOTION #15-09 was seconded by President Esau Ruiz Herrera.**

Public Comment:

- 1) Ray Mueller – COC Chair, requested that if this board retreat does indeed happen, to please post the agenda as early as possible for the sake of notifying the community.

***There was no vote taken on MOTION #15-09; however, the Board was in consensus to accept the MOTION as stated.***

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**MOTION #15-10** by Vice-President Karen Martinez to extend the Board Meeting until 11:00 p.m. to finish Board business. **MOTION #15-10** was seconded by Member Andrés Quintero.

*MOTION #15-10 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**MOTION #15-11** by Vice-President Karen Martinez to Table and combine the two agenda items listed below for the next board meeting and to put them at the beginning of the agenda. **MOTION #15-11** was seconded by Member Andrés Quintero.

**9.08** *Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms*

**9.09** *Discussion around George Multi-Purpose Community Room, excluding the George campus pertaining to the Earthquake Fault line*

*MOTION #15-11 carried with a vote of 4 in favor; no opposition; no absent; and 1 abstention (Member Khanh Tran).*

**10. BUSINESS**

**10.1 Fiscal Expert Update**

Assistant Superintendent Kolvira Chheng reported that at the December 14, 2017, Organizational Board Meeting, the Board accepted and approved a resolution to work cooperatively with the Fiscal Expert appointed by the SCCOE. He reported that staff has been working with the expert reviewing documents and answering questions. He stated that the District was waiting on the audit report because the auditors had requested an extension and we should have it no later than February 28, 2018.

Member Dolores Marquez-Frausto asked Assistant Superintendent Kolvira Chheng if the District was \$8M in the hole – that she remembered hearing this.

Assistant Superintendent Kolvira Chheng replied that he did not know what \$8M she was referring to.

Superintendent Hilaria Bauer clarified that the District needed to reduce the budget by approximately \$8M because of declining enrollment; however, the District was not missing money. It is the plan that the District is moving forward with SCCOE.

## 11. HUMAN RESOURCES

### 11.01 Information Regarding Resignations

There was consensus from the Board to accept the resignations as presented.

There was consensus from the Board to combine and take action on *Agenda Items 11.02 and 11.03* listed below.

### 11.02 Adopt the District's Initial Bargaining Proposal to Open Negotiations with Alum Rock Educator's Association (AREA) for the period of July 1, 2018-June 30, 2021

### 11.03 Accept the Alum Rock Educator's Association (AREA) Initial Bargaining Proposal to Open Negotiations for the period of July 1, 2018-June 30, 2021 with the Alum Rock Union Elementary School District

President Esau Ruiz Herrera closed the two Public Hearings at 10:37 p.m.

**MOTION #15-12 by Member Andrés Quintero to accept and adopt both Agenda Items 11.02 and 11.03 as presented and listed above. MOTION #15-12 was seconded by Vice-President Karen Martinez.**

Member Khanh Tran commented that if the books are not aligned, how do we know that our numbers are accurate to engage in negotiations?

Superintendent Hilaria Bauer reported that we are currently transferring banks and the SCCOE is working with us and they will get a full report. At this point, they just need sanction of our numbers.

Assistant Superintendent Kolvira Chheng reported that the District is still reviewing 44 items with Bank of America.

President Esau Ruiz Herrera commented that all we are doing here is accepting the initial proposal to open negotiations.

***MOTION #15-12 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## 12. CONSENT CALENDAR

Member Dolores Marquez-Frausto asked to pull *Agenda Item 12.01 Approval of Minutes for August 10, 2017, January 11, 2018, and January 17, 2018* and *12.03 Approval of Contracts for Professional Services-Firms* to be discussed separately.

**MOTION #15-13 by Member Andrés Quintero to accept and approve the Consent Calendar as amended. MOTION #15-13 was seconded by Member Dolores Marquez-Frausto and President Esau Ruiz Herrera.**

*MOTION #15-13 carried with a vote of 4 in favor; no opposition; 1 temporarily absent (Vice-President Karen Martinez); and no abstention.*

### **12.01 Approval of Minutes for August 10, 2017, January 11, 2018, and January 17, 2018**

Member Dolores Marquez-Frausto asked why were the August 10, 2017 minutes barely being approved? She asked what happened to the September, October, and November minutes and why were these minutes left out and not included on this agenda?

President Esau Ruiz Herrera asked the Superintendent for a response in a Friday memo report explaining the reason why.

**MOTION #15-14 by Member Dolores Marquez-Frausto to accept and approve the Minutes for August 10, 2017, January 11, 2018, and January 17, 2018 as presented. MOTION #15-14 was seconded by Member Andrés Quintero.**

*MOTION #15-14 carried with a vote of 4 in favor; no opposition; no absent; and 1 abstention (Vice-President Karen Martinez temporarily stepped out of meeting and could not vote).*

### **12.03 Approve Contracts for Professional Services-Firms**

Member Dolores Marquez-Frausto stated that the contract for Atkinson, Andelson, Loya, Ruud & Romo was empty. She stated that she would not be supporting this contract. She asked for the scope of work and for the services this firm would be providing.

Superintendent Hilaria Bauer reported that this contract was before the time that Interim Assistant Superintendent Jess Serna was employed at Alum Rock and the scope of work was around providing services on student use of technology. The Board had brief dialogue on change orders. The Board was in consensus to receive a copy of the original contract originated in 2016 with the scope of work for the contract for Atkinson, Andelson, Loya, Ruud & Romo.

**12. CONSENT CALENDAR** *(continued)*

**12.03 Approve Contracts for Professional Services - Firms**

**MOTION #15-15 by Vice-President Karen Martinez to accept and adopt Agenda Item 12.03 Contracts for Professional Services-Firms with the exception of the contract for Atkinson, Andelson, Loya, Ruud & Romo as presented. MOTION #15-15 was seconded by Member Andrés Quintero.**

***MOTION #15-15 carried with a vote of 4 in favor; 1 opposition (Member Dolores Marquez-Frausto); no absent; and no abstention.***

The Board had separate discussion on the Contract for Atkinson, Andelson, Loya, Ruud & Romo, Purchase Order / Contract Adjustment

Interim Assistant Superintendent Jess Serna reported that this contract was before his tenure as Interim Assistant Superintendent and that it was just a contract adjustment to the original contract that was board approved on August, 2016 for legal advice and policy review on student use of technology. He reported that this contract adjustment was only for the amount of \$2,300 with a contract total of \$29,700.

**MOTION #15-16 by Member Andrés Quintero to accept and approve the contract adjustment with Atkinson, Andelson, Loya, Ruud & Romo in the amount of \$2,300. MOTION #15-16 was seconded by Vice-President Karen Martinez.**

***MOTION #15-16 carried with a vote of 4 in favor; no opposition; no absent; and 1 abstention (Member Dolores Marquez-Frausto).***

**13. FUTURE BOARD AGENDA REQUESTS**

**13.01 Requests from Board of Trustees and/or from the Public**

Vice-President Karen Martinez asked to put the following items on the agenda for the March meeting:

- 1) Agenda Item 9.08 Discussion around Next steps pertaining to the George/ Fischer Multi-Purpose Room (was tabled)***
- 2) Agenda Item 9.09 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Faultline (was tabled)***
- 3) MACSA Youth Center Update and place as an Action Plan***
- 4) Safety at School Sites and the measures taken with Vandalism***
- 5) Beauty-A-Day. Will reach out to this organization to see if they can support us during the day and help with our buildings at no cost***

### **13. FUTURE BOARD AGENDA REQUESTS**

#### **13.01 Requests from Board of Trustees and/or from the Public**

Ray Mueller also asked to put the following items on the agenda:

- 1) The MACSA Youth Center Update (is in agreement with Vice-President Karen Martinez)*
- 2) Promoting or having a different school site present on a monthly basis for their successes*

Member Andrés Quintero gave credit to President Esau Ruiz Herrera for running a good meeting.

### **14. ADJOURNMENT**

#### **14.01 President Adjourns the Meeting**

Member Andrés Quintero asked if this meeting could be adjourned in memory and honor of Mr. Ricardo Hernandez, a Vietnam Vet from Texas who had passed. In addition, Member Dolores Marquez-Frausto also asked if they could also adjourn in memory of Mr. David Serna, another Vietnam Vet who had recently passed.

President Esau Ruiz Herrera adjourned the meeting at 10:56 p.m.

Respectfully submitted,

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Esau Ruiz Herrera *(in lieu of no Board Clerk)*  
Board President

HB/mcs

**DRAFT 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, March 8, 2018, 5:30 p.m. at the Alum Rock Union School  
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127  
Meeting #17-17/18**

**1. OPEN SESSION**

**1.01 Call to Order / Roll Call**

President Esau Ruiz Herrera welcomed everyone in the audience. President Esau Ruiz Herrera called the Board Meeting to order at 5:39 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Karen Martinez	Vice-President
Dolores Marquez-Frausto	Member
Khanh Tran	Member
Andrés Quintero	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Jess Serna	Interim Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Marie Sanchez	Executive Assistant, Superintendent's Office
Jackie Guevara	Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support, Superintendent's Office

President Esau Ruiz Herrera announced that the Board would be changing some of the order of the agenda. First, by the request of administration, **Agenda Items 7.03 Award of Contract for #B1617-Bond008 Environmental Consultant Services** and **11.05 Approval of Easement Agreement between ARUSD and the City of San Jose** would be deleted from this agenda. He shared that these two items would be returning to a later agenda.

## 1. OPEN SESSION *(continued)*

### 1.01 Call to Order / Roll Call

President Esau Ruiz Herrera reported that *Agenda Items 11.01 Fiscal Expert Update* would be moved after *11.03 Approve 2016-17 Annual Audit Extension Amendment* and the final change would be to move *Agenda Items 6.01 Santa Clara County Spelling Bee, 6.02 Ryan STEAM Academy and 6.03 March Madness Basketball Tournament* to the first items of the agenda before recess to Closed Session.

## 6. SPECIAL PRESENTATION AND/OR RECOGNITION

### 6.01 Santa Clara County Spelling Bee

The 3<sup>rd</sup> Annual Santa Clara County Spelling Bee was held on Saturday, February 3, 2018. Student competitors from grades 4-6 participated throughout the county. The winners will advance to the state competition in San Joaquin County on Saturday, May 12.

President Esau Ruiz Herrera introduced students Venezia Mejia of Renaissance at Mathson and Kevin Tran of Chavez Elementary for their top ten finish in the Santa Clara County Spelling Bee and invited them to come up to the podium along with their families and teachers to be recognized and receive certificates. The group took pictures along with the Board, Superintendent, and Assistant Superintendent Rene Sanchez.

### 6.02 Ryan STEAM Academy

President Esau Ruiz Herrera introduced the Glenn Hoffmann Awards as a segue to Ryan STEAM Academy award recipient. Ryan principal Raquel Katz came to the podium and introduced herself and acknowledged the audience. Principal Raquel Katz explained the criteria of the Hoffman Awards and how Ryan STEAM Academy received the honorable award because of their exemplary STEAM program. She along with the two 5<sup>th</sup> grade students, Sabrina Dao and Joshua Diaz, shared the presentation.

#### Ryan STEAM Academy

- STEAM stands for science, technology, engineering, arts and mathematics
- Students work on multiple, creative projects and build skills such as collaboration with others, problem solving, and critical thinking
- Parents are a huge part of the STEAM community and are highly involved including attending field trips and workshops

Ms. Leona Pelagrino, Instructional Coach at Ryan STEAM Academy, commented the academic language enriches their embedded growth mindset. She has seen the impact that this has had when they persevere when they view their mistakes as part of their learning.

6. **SPECIAL PRESENTATION AND/OR RECOGNITION** *(continued)*

**6.03 March Madness Basketball Tournament**

President Esau Ruiz Herrera introduced the March Madness Basketball Tournament. He recognized 3 teams who received trophies and a pizza party certificate. President Esau Ruiz Herrera reported that Joseph George Middle School Lady Winners placed themselves as champions of the 2018 March Madness. He also announced that the 3<sup>rd</sup> place winners were Fischer Middle School Lady Saints and Joseph George Middle School Lady Winners received the Spirit Award. Congratulations to all the winners!

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

**1.03 Announcement and Public Comments Regarding Items to be Discussed in Closed Session**

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

**1.04 Adjournment to Closed Session**

The Board recessed to Closed Session at 6:05 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session at approximately 7:05 p.m.

3. **RECONVENE TO OPEN SESSION**

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

President Esau Ruiz Herrera called the meeting to order at 7:06 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call in which all Board Members were present. President Esau Ruiz Herrera led the Pledge of Allegiance.

**3.02 Report of Action Taken in Closed Session**

Attorney Maribel Medina reported that there was nothing to report from Closed Session at this time.

**3.03 Discussion and/or Modification(s) of the Agenda**

Vice-President Karen Martinez asked to *Table Agenda Item 9.05 Beauty A Day* to a future meeting because the presentation was not quite ready. She also requested that *Agenda Items 9.01-9.04 (listed on next page)* be moved after *Agenda Item 6.04 ASES Program-City Year Presentation*.

### **3. RECONVENE TO OPEN SESSION** *(continued)*

#### **3.03 Agenda Review and Adoption**

Agenda Items:

- **9.01 – School Safety**
- **9.02 – Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms**
- **9.03 – Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault Line**
- **9.04 – Mathson Community Center Update**

The Board was in consensus to accept the amended agenda as presented.

### **1. OPEN SESSION**

#### **1.02 Nomination and Election of Board Clerk**

President Esau Ruiz Herrera reported that this agenda item was accidentally overlooked and would be addressed now. However, when he called for nominations from the Board, there were no nominations made at this time. President Esau Ruiz Herrera announced that he would be tabling this agenda item to a later time during this agenda.

### **4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

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

Public Comments:

- 1) Four Students – Students commented that MACSA is a space where the community should have it as a student learning center. Students could go there and utilize the computer room. The center space can also be used for sports like soccer and basketball.
- 2) Community member – Stated that MACSA can be used where the community can have abundant resources for learning
- 3) Cindy (no last name given) – Ocala student that commented that she supports Superintendent Hilaria Bauer because of all the things she has done for the community. She is very grateful for the support she gave with the iPads that will enhance their learning
- 4) Victoria (*no last name given*) – Student that commented she is in support of Superintendent Hilaria Bauer for all the great things she has done for Alum Rock. She has helped with new ideas, iPads, and with supporting the Spanish-speaking parents
- 5) Olivia (*no last name given*) – Parent who expressed disappointment with some of the Board Members who threatened to take space from the community during the community march

#### 4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD *(continued)*

##### 4.01 Requests to Address the Board

###### Public Comments:

- 6) Olga Ramos – Chavez parent that commented on the upcoming Chavez March and requested that Chavez school walk first during the march
- 7) Pilar Navarette and Claudia *(no last name given)* – Cureton parents that commented on school safety and requested that security cameras be placed at all school sites
- 8) Parent *(no name given)* – Parent that commented on student safety at the school sites after the Twitter threat incident
- 9) Bertha Razo – Parent and community member that commented that we are all here to serve the students of Alum Rock and not for our own political agendas. We have quality people here with the same ideas. Bertha Razo made several reminders and comments to individual board members either praising them or providing reminders
- 10) Maria Duarte – Parent with children at Cureton and George that requested repairs be done to bathrooms, AC, heating, and that safety measures be added to the school sites to ensure student safety
- 11) Guadalupe Artiga – Parent with children at Cureton and George that commented on student safety requesting safety measures be added to sites to ensure student safety. Ms. Artiga also requested that Superintendent Bauer’s evaluation be made public
- 12) James Monzello – Ocala parent and community member that stated he had just moved into the District a year ago. He gave special thanks to Superintendent Hilaria Bauer for her actions during the Twitter threat incident but shared his safety concerns and requested adding actions for safety measures to the school sites
- 13) Alison Cingolani – COC representative who read a blurb from a newspaper article with a political quote from President Esau Ruiz Herrera. She urged for the Board to listen to the community or to resign if their best interests were not for the students and the community
- 14) Andrea Chong or Truong *(unable to make name out)* – Lifelong East Side resident and community member who stated that she is in support of Superintendent Hilaria Bauer for her commitment to the Alum Rock community. She reported that she continues to visit Cureton and see the same facilities and the same classrooms in the same bad conditions as when she was a student at Cureton. She requested that the majority 3 board members step down from their seat, or face the consequences!
- 15) Grandmother *(no name given)* – Fischer grandparent that shared her concerns of her grandchildren being bullied and expressed discontent with school sites needing major improvements
- 16) Dilza Gonzales – SOMOS Mayfair community member that commented on the positive intent of the student walkout demonstration without politics on their part. She stated that Member Khanh Tran threatened their Mayfair Community where their students go to get their books and where the mothers leave their children to have it better. She requested that board members ensure that they have their facts straight before threatening their community!

#### 4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD *(continued)*

##### 4.01 Requests to Address the Board

- 17) Lorena *(no last name given)* – Parent and community member, commented on the positive intent of the student walkout and requested termination of the Del Terra contract
- 18) Flor DeLeon – Parent that commented that she was proud of what the youth did during the student walkout
- 19) Female parent *(no name given)* – Hubbard parent, commented on stakeholder engagement and student safety. She also stated that she was very much in support of Superintendent Hilaria Bauer and what she was doing for the Alum Rock community. Lastly, she expressed discontent with the Board
- 20) Ray Mueller – COC chair and community member, gave thanks to all those that helped organize, stood up, and fought for the student walkout demonstration. He reported that he was unable to attend because of work; however, he saw the videos and they were incredible. He stated that this was the community that will stand up on November 6 and give certain board members their walking papers. He said that Alum Rock is doing incredible things but the good things are being overshadowed by the politics. He commented that Alum Rock needs change because everyone in this district deserves better. He stated that our own Board demonstrates how to bully and we should not be imitators!
- 21) Jaime Alvarado – Lifelong resident of East Side, commented that it is so clear that we live in a racist society and now we find ourselves fighting with the Board. He commented on his discontent with the Board. He asked certain board members to step down from their seat and stated their time was up. He gave special thanks to Superintendent Hilaria Bauer for her work throughout the Alum Rock community. He stated that he was proud of the student walkout and the importance of the community and district relationship
- 22) Richard Alvarez – Grandparent and community member that expressed concern about the student walkout. He also mentioned his concern about the student safety on school campuses
- 23) Alejandro Aguilar – Community member, commented on student safety and expressed satisfaction with the student walkout demonstration. He commented that good leadership is making decisions based on facts and not on opinions. He also expressed discontent for particular board members running in politics. He stated that we need people who will do what is legally and morally correct, a better sense of communication, things are not done by one person, it is better to be united instead of being divided!
- 24) Camille Llanes-Fontanilla – SOMOS Mayfair Director, commented that she has a shared responsibility to the community to support the students and her motives are not political. Civil disobedience innately includes risk and all of us here have something at stake—our most prized possession. She stated that SOMOS Mayfair has been built by the community and their mission is to support the children, uplifting their dreams. She reported that SOMOS Mayfair has leveraged millions of dollars for this district and will not tolerate direct threats made—you can't uneducate the person who learns to read!

#### **4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD** *(continued)*

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

- 25) Ernesto Bejarano – Sheppard parent that commented on the pride of his community and reminded his community of the November elections coming up as he expressed his discontent for the Board, but looks forward to the future of the District

#### **5. COMMENTS AND COMMUNICATION**

##### **5.01 Teamsters**

There were no representatives from Teamsters at this time.

##### **5.02 CSEA**

There were no representatives from CSEA at this time.

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

Dr. Sandra Sarmiento, ARAA President, shared that we have had 40 wonderful school days, with a good indication of how the rest of the school year will end. She shared the College and Career Pathways that parents got to participate in and the MESA Competition at San Jose State University in which 4 Alum Rock teams took 1<sup>st</sup> place; 3 teams took 2<sup>nd</sup> place; and 2 teams took 3<sup>rd</sup> place. In the national competition, George Middle School placed 2<sup>nd</sup> and is moving on to the regionals. Finally, on Women's Day, 300 female students participated along with 5,000 other students. Dr. Sandra Sarmiento gave special thanks to Superintendent Hilaria Bauer for affecting the lives of the Sheppard students. A brief presentation was shared with the audience.

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

Jocelyn Merz, AREA President, gave thanks to Dr. Sandra Sarmiento for her brief presentation. She commented that today was a special day, International Women's Day. In 1920, on this day, her mother was born, and she is such an amazing woman. She gave special thanks to SOMOS Mayfair for organizing the student walkout demonstration, ensuring safety of the students, and educating them on their rights to speak up. She also gave thanks to the District's Bargaining Team for 3 days of good discussions. She reported that they managed to come to some easy agreements and commented that it helps when rational people work together and hopes that it continues.

##### **5.05 Superintendent**

Superintendent Hilaria Bauer made a public statement on the Twitter threat incident and apologized for not handling the situation perfectly, but was relieved that nothing fatal happened.

## 5. COMMENTS AND COMMUNICATION *(continued)*

### 5.05 Superintendent

Superintendent Hilaria Bauer politely reminded the audience that she serves over 10,295 students and 2,000 district employees in the grand scheme of things and apologized if her efforts came up short and kindly asked for the community to forgive her and to remember that the District tries their best. She also commented on the shortcomings of technology and the robocall misinterpretation and the steps that followed to rectify the situation. Superintendent Hilaria Bauer gave special thanks to Vice-President Karen Martinez and Member Dolores Marquez-Frausto who were part of the decision-making to hire her, thus giving her the amazing opportunity to be Superintendent of Alum Rock Union Elementary School District.

### 5.06 Board of Trustees

Vice-President Karen Martinez stated that in light of International Women's Day, she gave thanks to Cindy Avitia who encouraged her to run to be on the Alum Rock School Board. Cindy served as her mentor and also asked that she serve on the school board to be an advocate for the students. Vice-President Karen Martinez shared her reluctance of becoming a board member due to inexperience and her dyslexia to be educated enough to serve on the school board. Vice-President Karen Martinez also paid tribute to her grandmother who gave her advice on motherhood and to have patience with others.

Member Khanh Tran acknowledged the audience and his supporters in "TV Land" and commented on the violence. He spoke about the specific safety measures including increasing police presence, teachers wearing bulletproof jackets, and indoor locks. He also shared his concern for the student walkout demonstration and the student safety. He stated that he felt that SOMOS Mayfair caused a huge liability for the district by taking the student off campus during school hours and bypassing parental approval. Member Khanh Tran stated that he would no longer be supporting SOMOS Mayfair as an organization that partners with Alum Rock.

**President Esau Ruiz Herrera adjourned Open Session for a quick recess at 8:34 p.m.**

**The Board reconvened to Open Session at 8:39 p.m.**

Member Dolores Marquez-Frausto commented that she thinks of her mother everyday but she especially wanted to recall her memory on this Day of the Woman. She stated that she sits here at the meeting silently and she does not receive any respect from anyone. As far as the walkout—we are an elementary school district and not a college. It was sad that the students were not sitting in the classroom and that the parents were wanting to take them out of school. She reported that we had a community member enter a school site and yell at the students to walk out ...and this is unacceptable. She was very surprised on how our staff was being treated! She spoke more in detail about her disappointment towards the student walkout. She also commented that she was very surprised that the audience has confidential information about the discussions held in Closed Session and obviously someone is leaking this out.

## **5. COMMENTS AND COMMUNICATION *(continued)***

### **5.6 Board of Trustees**

She commented that the District is in turmoil but to sit here and know that the government has given us more money and we are \$8M in cuts is terrible. She was not supposed to worry about this until 3 years from now. She commented that when she talks to the audience, people should listen to what she is saying. She has no reason to lie. She will continue to represent the people as long as they continue to vote for her.

Member Andrés Quintero commented that there was a lot he had to say. Today is International Women's Day and he wanted to remember his aunt. She was not a CEO or a politician, but someone very important in his life. He wanted to thank her for raising him and the extreme efforts that took. He stated that in regards to school safety, it was a very personal thing for him because anything that happens in the district, affects his children. He gave personal thanks to Superintendent Hilaria Bauer for her communication related to the Twitter threat incident. He commented that he had brought forward a reevaluation of the Bond Program and it was dismissed. Looking at what our priorities are, one of these priorities has to be safety and before any multipurpose room, safety needs to come first. This is the reason why he is demanding that we put safety at the top of the list. Member Andrés Quintero thanked all the folks that participated in the student walkout but gave special thanks to Mayor Sam Liccardo for his participation and his comment that the students learned more of a civics lesson during this event than in any classroom. Member Andrés Quintero stated that he would like to follow up with a formal demand, and he was asking this Board, as a Board Member, that they take actions to remedy what happened at the last special board meeting. He stated that the Board, in an unlawful manner, took away his ability. He reported that he submitted his scores in the manner he was asked to. Other scores were taken into account, and his scores were dismissed. He stated that he truly believes this action was orchestrated to take away his voice and ultimately remove his support in order to deflate Superintendent Hilaria Bauer's evaluation. Lastly, he reported that he had the privilege to go to a legislative briefing and the State Board of Education stood up and spoke about a lot of issues. He gave special thanks to a member, Claudia Rossi.

President Esau Ruiz Herrera stated that he had recently been attending award ceremonies for our schools and there were several successes and achievements all around such as academic excellence, Glenn Hoffman, Santa Clara County Spelling Bee, and MESA. He stated that education is happening, and it is working in this district. This is a democracy at a high level. He commented this is his community and he is proud to be a graduate of Alum Rock, William Overfelt High School, and then Santa Clara University.

## **6. SPECIAL PRESENTATION AND/OR RECOGNITION**

### **6.01 After School Education and Safety Program (ASES)**

Superintendent Hilaria Bauer introduced City Year San Jose/Silicon Valley representatives, Mr. Pete Settlemayor, Vice-President Executive Director, and Ms. Kathryn Velasquez,

**6. SPECIAL PRESENTATION AND/OR RECOGNITION (continued)**

**6.01 After School Education and Safety Program (ASES)**

Managing Director, Impact. Ms. Kathryn Velasquez reported that the Alum Rock continuum of care consists of the following:

Alum Rock Schools:

Elementary

Aptitud	Arbuckle	Cassell
Chavez	Cureton	Dorsa
Meyer	Ryan	San Antonio

Middle

Fischer	Ocala	Mathson
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East Side Union High School:

William Overfelt High School	
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A continuum of support means providing an integrated system of student services that follows students over time. Students that reach 10<sup>th</sup> grade on track and on time are 4X more likely to graduate.

City Year provided a PowerPoint presentation that included some of the following highlights:

<b>THE GAP</b>		
<p>Between what the schools are designed to provide .....</p> <p>Adversity:</p> <ul style="list-style-type: none"> <li>Students in high-need communities are more likely to face adversity that interferes with their readiness to learn</li> </ul>	<b>AND</b>	<p>What the students need to succeed .....</p> <p>Relationships &amp; Supports:</p> <ul style="list-style-type: none"> <li>Students need additional supports, grounded in developmental relationships, to thrive</li> </ul>

**6. SPECIAL PRESENTATION AND/OR RECOGNITION** *(continued)*

**6.01 After School Education and Safety Program (ASES)**

City Year’s Holistic Approach

- Additional capacity in the classroom
- One-on-one and small group academic and social-emotional support
- Use of data to monitor student progress
- Extended-day activities
- Whole school activities that improve learning, engage families, and inspire civic engagement
- Small group social-emotional skill building sessions
- Campus Beautification Projects

City Year Sponsors and Partners

Team Sponsors	Program Sponsors	Curriculum Partners
Applied Materials	Adobe Foundation	Alum Rock Educational Foundation
BainCapital	Bank of America	Art in Action
Forty-Niners Foundation	CISCO Foundation	Bristlebots, LLC
Microsoft	COMERICA	CODE for Fun
NVIDIA	Deloitte	Edison
Red Nose Day	Google	RAFT for Teaching
SAP	Honda	TINKERING Labs
SYNOPSIS	Leo M. Shortino Foundation	
Werner Family Foundation	SOBRATO Foundation	
	Silicon Valley Foundation	
	TIPPING POINT	
	UNITED	
	Valley Transportation Authority	

Other City Year highlights include the following:

**After-School Enrollment**

City Year has consistently served on average a 5<sup>th</sup> of the total student enrollment at our partner schools every day after school. City Year runs Monday through Friday, until 6 pm, from the start of school until the last day of school.

**SBAC Improvement**

For the 12 Alum Rock schools, students who received City Year tutoring are 43% more likely to move up one performing band in SBAC than students who received no tutoring. In total, 156 City Year tutoring students moved up one proficiency level compared to the year before.

## 6. SPECIAL PRESENTATION AND/OR RECOGNITION *(continued)*

### 6.01 After School Education and Safety Program (ASES)

#### Academic Support

After receiving City Year tutoring support during the school day, 75% of students receiving support in math finished the past semester with a C or higher and 81% of students receiving literacy support finished the semester with a C or higher in English Language Arts.

#### Key Stats: Current School Year

- 86% of partner teachers believe City Year helps them foster a positive learning environment
- City Year has provided 110 hours of STEAM instruction so far this year to each student
- 45% of the Corps is interested in becoming a teacher in the future
- After school extends instructional time by the equivalent of 90 days
- City Year has provided 11,127 hours of academic tutoring
- 36 after school showcases are put on each year for families

Member Dolores Marquez-Frausto gave thanks to City Year and commented that the support that City Year gives to our schools is invaluable and said that if the District had more money, she would surely give to City Year. She asked City Year where their data comes from and City Year responded that they receive real-time data from the District.

Vice-President Karen Martinez thanked City Year for all their hard work and support of our students. She commented that when she runs into City Year staff at Starbucks, she feels so much safer when she knows they are around – and if she feels this way as an adult, just imagine how the students feel!

Member Khanh Tran commented that he was not aware that Cisco was a City Year program sponsor and that this was a great partnership for the public as well as for the private sector. He stated that he used to work for Cisco. He reported that if he moves to a higher power, he will definitely support City Year even more; either way, he will continue to give his support.

Member Andrés Quintero gave thanks to City Year for their support of our students.

President Esau Ruiz Herrera gave thanks to City Year for their dedication, reaching out to the students, and especially for pushing them!

## 7. BOND/FACILITIES

### 7.01 Presentation/Update on Bond/Facilities

The Board did not address this agenda item due to lack of time.

**7. BOND/FACILITIES** *(continued)*

**7.02 Presentation/Update on Citizen's Bond Oversight Committee (CBOC)**

The Board did not address this agenda item due to lack of time.

**7.03 Award of Contract for #B1617-Bond008 Environmental Consultant Services**

President Esau Ruiz Herrera had announced at the beginning of the meeting that by the request of administration, this agenda item would be deleted from this agenda and he would be bringing this agenda item to a future board meeting.

**7.04 Resolution No. 32-17/18 Resolution of the Board of Trustees of ARUSD, Santa Clara County, California, Authorizing the Issuance of ARUSD, Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto**

This agenda item was addressed toward the end of this agenda and not at this order of the agenda.

**9. SUPERINTENDENT/BOARD BUSINESS**

**9.01 School Safety**

Member Khanh Tran stated that when he heard about the Florida shootings, he had some ideas to share. In terms of security for the grounds, he was hoping we could get some deadbolt locking from the inside out and possibly bulletproof backpacks. He also suggested the installation of security cameras at our schools. He commented that in these days, you do not know who is going to barge into our schools. He stated that ISIS and domestic terrorists are real threats. He commented that even with our differences, he was asking that we put our safety first and come together. He stated that he does not support teachers having guns!

Superintendent Hilaria Bauer stated that she is in alignment with some of the ideas of Member Khanh Tran. She reported that her staff had already assessed and researched a variety of security procedures including the double-lock doors and security cameras at every school. She will be bringing forth to the Board some options, hopefully by the end of April. She also spoke about establishing consistent board policies directing that all campuses be closed meaning all perimeter gates are locked during school hours. She said that with a closed campus policy, visitors would have to come to the front office and sign-in. Staff would need to wear name badges to identify themselves. Currently, people like to cross across campus. She reported that she has spoken to Mr. Avtar Gill, Director, Technology Support Services, about other ways to assist; perhaps using ipads.

## 9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

### 9.01 School Safety

Member Andrés Quintero commented that he appreciates the ideas and is supportive of them. He stated that he wants to make sure that administration takes into account the after-school hours. In addition, beyond this, he wants to factor in that schools are community assets because some community members do not have access to a park and walk around on our school sites. He reported that San Jose Unified School District opens up their campuses to the community once the students are not in school.

Member Dolores Marquez-Frausto stated that she was in agreement with Member Andrés Quintero about opening our schools to the community. She reported that she has always believed that schools belong to the community. She asked her colleagues and administration to consider this.

#### Public Comments:

- 1) Sandra Vera – Chavez kinder teacher, commented that everything is not unilateral district-wide. We need consistency across the district and to be able to get a master key of the classrooms and to be able to walk into any classroom if the need arose in case of an emergency.
- 2) Danielle Letts – Hubbard teacher, stated that she locks her classroom since the Sandy Hook Elementary School shooting incident. Her students know that their safety is her first responsibility. Teachers do not have keys to the gates. These are things that administration needs to think about.
- 3) Maimona Afzal Berta -- Fischer Special Education teacher reported that this past week was incredibly difficult to teach. There was lower attendance, she had to listen and talk to her students about their concerns for their safety. She had to keep the classroom door locked so that they could feel safe. She stated that the board policy has not been changed since 2014 and we need to take this more seriously in order to protect the students.
- 4) Male teacher *(no name given)* – Stated we need metal detectors and also retro-active bullet-proof backpacks. He stated that a gun is meant to protect. We need to go to having a closed campus.
- 5) Ernesto Bejarano – Sheppard parent stated that as the Board and administration is considering safety measures, to consider resources for identifying how the students are feeling. He stated that the District should be collaborating with the City of San Jose for a more collaborative partnership.
- 6) Male parent *(no name given)* – Parent stated that he is against teachers carrying firearms. Even when you are prepared, even if you take firearm training, mistakes are still made.
- 7) Ray Mueller – Community member and parent, asked the Board that this conversation result in the ‘next steps’. Instead of just talking about it—plan for a community meeting, discuss options, and do something!

## 9. SUPERINTENDENT/BOARD BUSINESS *(continued)*

### 9.01 School Safety

Vice-President Karen Martinez stated that she would hold off on her questions until the April board meeting when this agenda item is brought back for discussion and action. She stated that she would like to start and implement this process during the summer. She commented that Superintendent Hilaria Bauer had said that she would be working with a safety committee with different stakeholders.

Assistant Superintendent Kolvira Chheng stated he felt that the District would be ready to present some options at the next board meeting.

Member Khanh Tran once again commented that he would like to see bulletproof backpacks as an option and asked that administration inquire about the cost. Perhaps even a bulletproof room!

President Esau Ruiz Herrera stated that they have heard that there will be a community-based review starting as early as tomorrow. For the April agenda, hopefully they will hear some recommendations with a district-wide approach. He encouraged the community to call the Superintendent's Office if they had ideas. He stated that he considers the schools to be open after hours during the times that school is not in session and on weekends. He said that as taxpayers, the community finances these properties.

### 9.02 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms

### 9.03 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault line

President Esau Ruiz Herrera reported that the Board would be combining both *Agenda Items 9.02 and 9.03* (listed above) for discussion.

Member Karen Martinez reported that she would prefer to use monies for school safety and the basic school needs rather than for the two multi-purpose rooms at this time.

#### Public Comments:

- 1) Alison Cingolani – COC representative, suggested that we put off any ideas for the multi-purpose rooms and focus on school safety until we have a thorough plan in place. We won't know how much money we will have in our account until after this. She commented that we need to plan before we can move forward with the construction.
- 2) Loretta Tanner – George teacher commented that she appreciates the Board wanting to put George at the top of the list; however, if the Board was not going to build something now because of an earthquake fault line, what about the rest of the school needs?

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.02 Discussion around Next Steps pertaining to the George/Fischer Multi-Purpose Rooms**

**9.03 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault Line**

Loretta Tanner reported that last summer when they were going to put in the HVAC—they did the remodel and then they never finished putting in the HVAC or the heating—and people did not know this. She reported that the student drumline practices right outside her classroom door, but the band needs a room.

- 3) Ray Mueller – COC Chair, commented as he understood this, the two multi-purpose rooms are \$25M plus \$7.5M to renovate MACSA so that it is usable. The HVAC project is \$22M so this is \$54.5M. The District is about to sell \$35M in bonds and settle \$10M voter unapproved debt in two years, so this will still only leave us \$45M. He commented that the District needs to cut the budget!

Vice-President Karen Martinez reported that she recently visited George and thinks that we need to listen to the community. As far as MACSA, since we do not have students there, we could utilize some of the grants for MACSA. She wants to focus on the basic infrastructure for the schools. We need to work to get the schools up-to-date before building the multi-purpose rooms. She proposed putting these community centers on hold for now.

Member Andrés Quintero reported that they were quoted \$180K for an assessment of the fault line—did this happen, and if so, where is the report?

Member Khanh Tran proposed that the Board just move forward with the two community centers. He stated that waiting would only delay the process as the summer was quickly approaching and this would only create rising building costs and we had already missed one summer. He said to just move forward and approve this. He asked when could they break ground for Fischer?

President Esau Ruiz Herrera stated that the real issue is how are we going to finance the community centers. The Board has already voted on moving this matter forward, but we are waiting on administration to tell us how it can be done. He stated that the community has also supported the creation of the two community centers and he wants to know from administration when we can do this. He commented that he is getting frustrated that this is not happening and administration said they would bring forth more information at the April meeting.

Member Dolores Marquez-Frausto asked by what dollar amount are we already at Fischer? She commented that she was concerned because this Board has said to move forward with it but nothing has been done and it has already been two months and now everything has come to a hold because of the fault line.

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.02 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms**

**9.03 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault line**

Assistant Superintendent Kolvira Chheng replied that he did not recall the figure off the top of his head, but the reason why there was a hold and the project was not moving forward was because we only have \$5M available; and, until we get more funds, we cannot move forward on this project.

Member Dolores Marquez-Frausto had several questions and concerns with the cost of the Fischer Community Center regarding the educational plan and the city requirements. President Esau Ruiz Herrera reported that he would be asking Superintendent Hilaria Bauer to give the Board an executive summary on their Friday Board Memo related to this concern.

**MOTION #17-01 by Vice-President Karen Martinez to extend the board meeting until 11:30 p.m. to finish board business. MOTION #17-01 was seconded by Member Andrés Quintero.**

***MOTION #17-01 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**President Esau Ruiz Herrera reported that the Board would be reconvening back to Closed Session at the end of Open Session to finish their unfinished Closed Session business.**

**9.04 Mathson Community Center Update (Former MACSA Center)**

Vice-President Karen Martinez reported that she was trying to secure “Beautiful Day”, a non-profit organization, to invest in our MACSA building with no cost to the District so that we could invest \$7M back to our schools; however, unfortunately, their budget had already been closed so there was nothing they could do for us this year. She will continue to work with this community organization.

Member Andrés Quintero commented it was important to him to stop the rotting damage that was occurring on a daily basis to the building. We have two schools on that site and he would not entertain any ideas into giving access to the center to anyone other than to the Alum Rock students.

Member Dolores Marquez-Frausto commented that this building belongs to the children of Alum Rock and she has no desire to partner with anyone else. There had been discussion on a plan to utilize this. Currently, this building is rotting away and constantly being vandalized. After they receive a report on the Bonds, perhaps something can be done then.

**9. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**9.04 Mathson Community Center Update (Former MACSA Center)**

Public Comment:

- 1) Ray Mueller – COC Chair, commented that “Beautiful Day” (not Beauty a Day) is a church organization. He read a brief statement of their belief around same sex unions (marriage is between one man and one woman). He said that he was concerned about working with this organization.

Ray Mueller also commented that he agreed with Member Khanh Tran when he said that the Mathson Community Center could be a great place for graduations and basketball events. Ultimately, it is our responsibility that this center be inhabitable. No one wants to spend \$7M on a community center—this space belongs to the children in our district. He asked the Board to please move forward on this!

Superintendent Hilaria Bauer reported that Renaissance was a great part of this building and the Board had approved this.

**9.05 Beauty a Day**

The Board did not address this agenda item. It was tabled for the next meeting.

**9.06 Adopt the 2<sup>nd</sup> Reading of the Amended Board Policy 2121, Superintendent’s Contract, Administration**

The Board did not address this agenda item due to lack of time.

**9.07 2018 CSBA Delegate Assembly Election**

President Esau Ruiz Herrera reported there were no nominees at this time. No other action was taken.

**9.08 Board-Created Standing Committees** *(sunshining)*

The Board did not address this agenda item due to lack of time.

**9.09 Board-Created Standing Committees** *(reports)*

The Board did not address this agenda item due to lack of time.

## 11. BUSINESS

### 11.02 FCMAT Update

Assistant Superintendent Kolvira Chheng reported that District staff is still reviewing documents and hopes to get a full report by the next board meeting. A written report was provided, printed, and available in the board book.

### 11.03 Approve 2016-2017 Annual Audit Extension Amendment

Assistant Superintendent Kolvira Chheng reported that the date listed on the board cover in the board book was incorrect. The correct date should indicate March 31, 2018 and not March 15, 2018; therefore, the correct information should read as follows: *The District's external auditors, Crowe Horwath, LLP, are requesting to amend the audit extension from 2/28/18 to 3/31/18 in order to continue performing their due diligence in conducting additional risk assessments and procedures.* He stated that the District is requesting that the Board support the extension of time to file the audited financial statements until March 31, 2018.

**MOTION #17-02 by Vice-President Karen Martinez to accept and adopt the 2016-17 Annual Audit Extension Amendment as submitted with the noted correction date. MOTION #17-02 was seconded by Member Andrés Quintero.**

***MOTION #17-02 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

### 11.01 Fiscal Expert Update

Assistant Superintendent Kolvira Chheng read the District's response to the Board and the document was provided to the public. He reported that the District received the letter (Exhibit A) from the SCCOE dated February 23, 2018 to serve as a reminder of the following items remaining open from budget approval which require responses from the District by the Second Interim:

1. Report quarterly on the development and implementation of action plans for each recommended from the FCMAT audit report dated June 9, 2017.

District's Response: On October 27, 2017, the Board adopted all of the actions identified in the attached memo to the Board (see Exhibit B). Since then, the District has also taken the following actions consistent with FCMAT's recommendations:

- Hired a new legal firm, Leal Trejo APC, as its general counsel
- The Citizen's Bond Oversight Committee (CBOC) has approved its minutes from past meetings and posted the minutes on the District's website
- As reflected on the March 8, 2018 board meeting agenda item 7.04, the District is bringing forth a resolution that reflects a full repayment plan of the COP debt obligation for the Board to consider

11. BUSINESS (continued)

**11.01 Fiscal Expert Update**

Additionally, the District has been providing the Board with updates on the status of the request for documents from Del Terra as reflected on the March 8, 2018 board meeting agenda item 11.02. He also reported that the District will continue to work cooperatively with the Fiscal Expert Team to address remaining FCMAT recommendations.

2. Additional clarification of the budget assumption used in the fiscal year 2017-18 budget to validate both proposed future reductions as well as assumptions used for the MYP.

District's Response: District staff have discussed with the Fiscal Expert Team the various assumptions the District used for the development of the Second Interim report. Assumptions discussed include, but not limited to, the following: (a) enrollment projections; (b) LCFE calculation; (c) one-time discretionary funding; (d) PERS/STRS rates; and (e) staffing reductions and capital outlay expenditures.

3. Preparation of a cash flow report for fiscal year 2017-18 that utilizes the ending cash balance from June 30<sup>th</sup> monthly cash reconciliation as verified by a third party auditor retained by the District and approved by the SCCOE.

District's Response: With the support of the Fiscal Expert Team, the District has prepared a cash flow report as reflected in the chart below. The District noted the following variances between District Cash compared to Controllers Cash:

- July District cash overstated by \$3.9M
- August District cash overstated by \$6.3M
- September District cash understated by \$1.1M
- October District cash understated by \$164K
- November District cash understated by \$1.13M
- December District cash understated by \$714K
- January District cash understated by \$1.7M

Assistant Superintendent Kolvira Chheng reported that starting September 2017, the District began posting a large number of journal entries to correct problems dating back to 2014-15. Although the District has not met the criteria of having a cash flow worksheet with reconciled cash balances to the County Controller as verified by a third-part auditor, the District has made significant progress in getting closer to reconciling all cash balances. A handout of the 2017-18 Second Interim General Fund (Unrestricted and Restricted) Cash Flow was made available for the public.

11. **BUSINESS** *(continued)*

**11.01 Fiscal Expert Update**

1. Preparation of a debt service plan for non-voter approved debt that presents the source of funds for the full repayment period.

District's Response: A handout of the Taxable Certificates of Participation (COP) Chart was made available for the public.

Assistant Superintendent Kolvira Chheng reported that in addition to the remaining items from the budget approval, the SCCOE required the following items to be included in or provided before the Second Interim:

1. The District must submit a copy of the audit report and management letter to the SCCOE by the approved deadline date.

District's Response: The District's external auditors, Crowe Horwath, LLC, have requested to amend the audit extension from February 28, 2018 to March 31, 2018 in order to continue performing their due diligence in conducting additional risk assessments and procedures.

2. With the support of the Fiscal Expert Team, the District must prepare a schedule of total staffing costs, indicating each component of costs that tie to the totals displayed in object codes 1000 to 3000 for submission with the Second Interim package.

District's Response: District staff shared with the Fiscal Expert Team the excel workbook tool that the District used for calculating salaries and benefits. Additionally, District staff went over the tool with the Fiscal Expert Team to explain how it works and answer questions from them.

3. The District must prepare the monthly cash reconciliation by each monthly due date, with appropriate closure of long-outstanding reconciling items. In addition, a cash flow report for fiscal year 2017-18 that utilizes the ending cash balance from the June 30<sup>th</sup> monthly cash reconciliation must be prepared, submitted to the SCCOE, and verified by a third party auditor retained by the SCCOE, at the expense of the District.

District's Response: The District is current with its monthly cash reconciliation. The District initially had 199 items that were outstanding from prior periods. With the support of the Fiscal Expert Team and Ryland School Business Consulting, the District has cleared all of the 199 items. The District will continue to work with the Fiscal Expert Team and Ryland School Business Consulting to analyze various general ledger accounts to ensure their accuracy.

With regards to a cash flow report for Fiscal Year 2017-18 that utilizes the ending cash balance from the June 30<sup>th</sup> monthly cash reconciliation that must be prepared, submitted to the SCCOE, and verified by a third party auditor retained by the SCCOE, please refer to response to item #3 above.

## 11. BUSINESS (continued)

### 11.01 Fiscal Expert Update

4. Work with Fiscal Expert Team to demonstrate historic trends of attrition and in turn how staffing reduction will be accomplished prior to March 15, 2018.

District's Response: the District has shared data with the Fiscal Expert Team that identified number of resignations, retirements and temporary positions. The Fiscal Expert Team concurred that the projections are feasible if past trends continue.

Member Dolores Marquez-Frausto commented that it is unreal that the District had not reconciled the books in over 2.5 years and this was not acceptable. She asked Assistant Superintendent Kolvira Chheng if he was aware of this problem. She asked him what numbers were used at the table with negotiations with our unions if these books had not been reconciled? She commented that if this had been brought to her attention beforehand, she would not have let the business office go with 7 different CBO's!

Member Khanh Tran asked, "Why was this not noted in the FCMAT report?" He stated that FCMAT approved the budget yet they knew the books weren't balanced. He said that he was not going to blame the CBO entirely; however, the CBO knew these numbers were inaccurate and then the community is saying that the Board caused it! That is absurd! Member Khanh Tran said that what he was saying to the audience and administration is that there are some serious problems and gross negligence here but he was happy that the CBO was fixing them. He addressed the community that this Board only meets once a month and they do not do accounting or bookkeeping and they rely on the professionals and on the support systems. FCMAT said that administration did not provide the report they were looking for. He commented that he felt it was the fault of administration and that administration had refused to attend the meeting held with S&P. He asked that the audience and the TV Land community read the S&P report.

Assistant Superintendent Kolvira Chheng replied that he was aware that there were issues, but not to this magnitude. These issues were pre-existing prior to the start of this management.

#### Public Comments:

- 1) Alison Cingolani – COC representative, read some of the bulleted items from the ARUSD Board's Philosophy listed on the District's website. Alison commented to the Board that if you have a work environment that does not include finger-pointing and a revolving door of staff, then you shouldn't have any problems. She commented to let's work together to fix this and stop the finger-pointing! She also commented that the blame lies with the entire educational community and then ultimately the Board
- 2) James Monzello – Ocala parent, commented that he is an accountant and does the books for his company (\$10M) and his Board asks repeatedly for his financials and reconciliation all the time and he then asked the Board, "Do You?"
- 3) Kathy Erickson – She commented that the issue here is the big turnover and continuity in this critical position—she asked the Board to stop the turnover and stated that Kolvira Chheng is a great accountant

## 11. BUSINESS *(continued)*

### 11.01 Fiscal Expert Update

- 4) Ray Mueller – COC Chair, commented that this problem did not start on Kolvira's watch but rather in 2014-15 with Linda Latasa. He asked the Board to work as a team!
- 5) Vince Iwasaki – Mathson principal, stated that the issue that FCMAT highlighted was that these issues arise from rapid turnover of senior staff and lack of stable leadership. He continued to say that as he listened to the Board, it sounded like the Board was laying the groundwork to increase the turnover. He stated that these types of issues do not go away when you have a revolving door of leadership.

Member Andrés Quintero stated that he would like to elucidate the community. The District pays a lot of money to our attorneys to handle our Bonds. He reported and clarified that Superintendent Hilaria Bauer did not attend the meeting with S&P per the legal advice of our new legal counsel. Let's not give out selective pieces of information to attack administration.

Member Andrés Quintero stated that he wanted to commend and give special thanks to Kolvira Chheng for being here, because other people may have already walked away. He said that Kolvira Chheng was a very capable and competent CBO by cleaning up the books. He commented that this District has had a tough time retaining staff because of Board intimidation!

Member Dolores Marquez-Frausto commented that she had to sit here and listen to one of her principals attack her and talk to her in this manner and say that she was leading the discussion that the CBO was leaving. She stated that she had brought up this issue to educate the community on what is transpiring and not to criticize. She stated that her community in TV land trusts her and she trusted administration but when she has to read about these issues, yes, she is going to get upset. She said her intent was to hold people accountable and this level of work that is being done is not acceptable to her.

Member Khanh Tran stated that when he approved the extension of the Superintendent's contract, he said that he could still terminate the Superintendent's contract for any wrongdoing if the laws were broken. He commented that if laws are broken, he will fire them and send them to jail.

### 11.04 Second Interim Financial Report

Assistant Superintendent Kolvira Chheng reported that the Second Interim Financial Report is one measure designed to help the County and ultimately the State to monitor each school district's fiscal health. He reported that the District is presenting a Qualified Certification of its financial condition. This means that the District may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.

**MOTION #17-03 by Member Khanh Tran to accept and approve the Second Interim Financial Report as presented. MOTION #17-03 was seconded by Vice-President Karen Martinez.**

**11. BUSINESS** *(continued)*

**11.04 Second Interim Financial Report**

*MOTION #17-03 carried with a vote of 3 in favor; 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); no absent; and no abstention.*

The Board was in consensus to move and combine *Agenda Item 10.02 Resolution No. 31-17/18 Formally requesting Application to the Open Space Authority Grant* to the Consent Calendar.

**13. CONSENT CALENDAR**

**MOTION #17-04** by Member Andrés Quintero to accept and approve the Consent Calendar as amended. **MOTION #17-04** was seconded by Clerk Dolores Marquez-Frausto.

*MOTION #17-04 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

**12. HUMAN RESOURCES**

**12.01 Information Regarding Resignations**

The Board did not address this agenda item due to lack of time.

**12.02 Approve Resolution #30-17/18 Reduction of Particular Kinds of Service**

**MOTION #17-05** by Member Andrés Quintero to accept and approve Resolution #30-17/18 Reduction of Particular Kinds of Service as presented. **MOTION #17-05** was seconded by Clerk Dolores Marquez-Frausto.

*MOTION #17-05 carried with a vote of 4 in favor; 1 opposition (Member Khanh Tran); and no abstention.*

## 7. BOND/FACILITIES

### 7.04 Resolution No. 32-17/18 of the Board of Trustees of ARUSD, Santa Clara County, California, Authorizing the Issuance of ARUSD, Santa Clara County, California, Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

Assistant Superintendent Kolvira Chheng reported that an election was held in ARUSD on June 6, 2016 for the issuance and sale of general obligation bonds for various purposes in the maximum amount of \$139,999,671.60 (Measure I). The District now desires to authorize the issuance of the first series of bonds (the "Bonds") under Measure I in an amount of \$35,000,000. A copy of Resolution No. 32-17/18 was made available to the public.

Assistant Superintendent Kolvira Chheng stated the District's qualified interim financial report has forced us to restart the process and that the County Board of Supervisors must approve a resolution to sell bonds. He also stated that this resolution commits the Board to paying off the Certificate of Participations (COP's) from the next series of bonds.

Member Andrés Quintero stated that he will be opposing this resolution because we are under the SEC Investigation and this is a big deal. He commented that we need to give this the amount of time necessary and he does not want to be personally liable for the consequences of this action.

Member Khanh Tran stated that he wants to let the people in TV land know that he will be supporting this resolution because we need this money to do our bathrooms, ventilation, and our community centers.

Member Dolores Marquez-Frausto said that we just sat here and talked about the safety of our students; she will be supporting this resolution. Where are we going to get the money to take care of this if we do not issue the bonds?

#### Public Comments:

- 1) Ray Mueller – COC Chair, asked, "What does the self-insurance fund cover?" He was not saying that the community would sue the Board, but was asking if that is what the self-insurance covers. He commented to the Board that they were so worried about being sued that our students can't play on the grounds...but the Board wants to raid the self-insurance fund!
- 2) Male speaker (*no name given*) – Speaker said to the Board that if you want some respect, then show it. You can win when people believe you are listening to them and are serving them. Pointing to Kolvira Chheng, he said to the Board, "You want him to be accountable, but you, yourself, do not want to be accountable!"
- 3) Camille Llanes-Fontanilla – Community member, commented that she dittoed what the previous speaker had stated

Member Khanh Tran replied to the male speaker that he did not know who he was, but he was like a gun-loving, Donald Trump loving Republican!

7. **BOND/FACILITIES** *(continued)*

**7.04 Resolution No. 32-17/18 of the Board of Trustees of ARUSD, Santa Clara County, California, Authorizing the Issuance of ARUSD, Santa Clara County, California, Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto**

There was additional interruption from the audience and President Esau Ruiz Herrera had to intervene.

Member Andrés Quintero stated that he was in favor of student safety but he was also in favor of making sure our taxpayers were not put at risk.

**MOTION #17-06 by Member Khanh Tran to accept and adopt Resolution No. 32-17/18 as presented. MOTION #17-06 was seconded by Member Dolores Marquez-Frausto.**

*MOTION #17-06 carried with a vote of 3 in favor; 2 oppositions (Member Andrés Quintero and Vice-President Karen Martinez); no absent; and no abstention.*

1. **OPEN SESSION** *(continued from the beginning of the meeting)*

**1.02 NOMINATION AND ELECTION OF BOARD CLERK**

**Member Khanh Tran nominates Member Dolores Marquez-Frausto as the new Board Clerk. Member Dolores Marquez-Frausto accepts the nomination.**

*The nomination carried with a vote of 3 in favor (President Esau Ruiz Herrera, Members Khanh Tran and Dolores Marquez-Frausto); 1 opposition (Member Andrés Quintero); no absent; and 1 abstention (Vice-President Karen Martinez).*

There were no other nominations made by the Board at this time.

2. **RECONVENE TO CLOSED SESSION**

The Board reconvened back to Closed Session at 11:48 p.m.

3. **RECONVENE TO OPEN SESSION**

The Board reconvened back to Open Session at 12:24 a.m. President Esau Ruiz Herrera reported that there was no action to report from Closed Session.

**14. FUTURE BOARD AGENDA REQUESTS**

**14.01 Requests from Board of Trustees and/or from the Public**

There were no agenda items at this time.

**15. ADJOURNMENT**

**15.01 President Adjourns the Meeting**

President Esau Ruiz Herrera adjourned the meeting at 12:24 a.m.

Respectfully submitted,

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Dolores Marquez-Frausto  
Newly elected Board Clerk

HB/mcs

14.02

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

To the Board of Trustees:

Subject: CONTRACTS FOR PROFESSIONAL SERVICES – FIRMS/ORGANIZATIONS

Staff Analysis:

The following contracts for professional services are being presented to the Board of Trustees for review and approval.

Recommendation:

Staff recommends approval of the following contracts for professional services on the attached sheets. Contract details are on file in the Purchasing Office.

Prepared by: Maria Martinez *MM* Title: Procurement Manager

Approved by: Kolvira Chheng *KC* Title: Assistant Superintendent of Business Services

To the Board of Trustees:

Recommend Approval

*14.02*

Agenda Placement

Meeting: May 29, 2018

Special Board Meeting

*Hilario Bauer*  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

**Alum Rock Union Elementary School District  
May 29, 2018 Special Board Meeting**

**PROFESSIONAL CONSULTANT SERVICES – FIRMS/ORGANIZATIONS**

<u>DEPARTMENT</u>	<u>DATE OF SERVICE</u>	<u>CONSULTANT NAME</u>	<u>COST &amp; FUNDING</u>	<u>PURPOSE</u>
Dorsa Viviana C. Garcia	05/11/18- 06/14/18	Makers Of Tomorrow	No Cost	Non-profit organization providing STEM classes for 4 <sup>th</sup> & 5 <sup>th</sup> grade students Funding: N/A
George Tara Bickford	06/25/18- 07/20/18	The Audacity Performing Arts Project	\$5,000.00	Semi-staged theatrical production Funding: General
LUCHA Kristin Burt	06/25/18- 08/10/18	YMCA of Silicon Valley	No Cost	Summer learning program Funding: N/A
LUCHA Kristin Burt	05/15/18- 06/14/18	Plushy Feely Group, Corp	\$1,200.00	Professional development for teachers in Kimochi's social emotional learning program Funding: Restricted
Lyndale Paula Ali	04/20/18- 10/30/18	Magic Dance Arts	\$500.00	Sensory friendly dance classes for pre-school class Funding: General
Academic Services Rene Sanchez	05/01/18 06/30/18	Lunch With Tony dba: Tony Caters	\$3,023.95	Catering services for District events including "Teacher Of The Year" recognition Funding: General
Maintenance Daniel Flores	07/01/18- 06/30/19	Bosco Construction Services	\$85,000.00	Provide small scale construction, repair, paint and installations as needed District-wide Funding: General
Maintenance Daniel Flores	07/01/18- 06/30/19	Waterproofing Associates, Inc.	\$85,000.00	Provide repair and upkeep of rain gutters and roofing per Garland warranty District-wide Funding: General
Special Education Jean Gallagher	05/11/18- 06/30/18	Kaplan Early Learning	\$2,700.00	Professional Development training for the LAPD-3 test Funding: Restricted
Special Education Jean Gallagher	07/01/18- 06/30/19	LDP, Inc., dba: Leader Services	\$40,000.00	Medi-Cal billing reimbursement Funding: Restricted

**Alum Rock Union Elementary School District  
May 29, 2018 Special Board Meeting**

**PROFESSIONAL CONSULTANT SERVICES – FIRMS/ORGANIZATIONS**

Special Education Jean Gallagher	07/01/18- 06/30/19	Partridge Consulting, Inc.	\$66,000.00	Applied behavior analysis, report writing, consultation, observations, IEP meetings Funding: Sp Ed
State & Federal Sandra Garcia	06/18/18- 08/02/18	Jose Valdes Math Foundation	\$88,800.00	Advance Math Summer Program at Evergreen Valley College for 5 <sup>th</sup> & 6 <sup>th</sup> grade students Funding: General
State & Federal Sandra Garcia	06/18/18- 08/03/18	Jose Valdes Math Foundation	\$17,360.00	Math Summer School Program at San Jose City College for 5 <sup>th</sup> & 6 <sup>th</sup> grade students Funding: General
State & Federal Sandra Garcia	07/01/17- 06/30/18	Language People	\$4,500.00	Contract Increase: C1718028 Original contract amount \$15,000, new contract total \$19,500. Increase due to additional interpretation requests Funding: General
Student Services Norma Flores	05/19/18- 05/19/18	Rancho Del Pueblo Golf Course & Driving Range	\$2,100.00	ARUSD to host Parent University event Funding: General
Student Services Norma Flores	03/29/18- 06/30/18	San Jose Police Activities League	\$500.00	Contract Increase: C1718334 Original contract amount \$1,500, new contract total \$2,000. Increase due to Pal Stadium Field set up day before Cesar Chavez march Funding: General
Superintendent Hilaria Bauer	05/21/18- 05/21/18	Carlos Pino Db: Churros El Guero	\$912.50	Provide desserts for the 2018 Volunteer Jubilee which recognizes volunteers across school sites Funding: General
Superintendent Hilaria Bauer	05/21/18- 05/21/18	School of Arts & Culture At The Mexican Heritage Plaza	\$2,586.30	Theater rental for the 2018 Volunteer Jubilee which recognizes volunteers across school sites Funding: General

**Alum Rock Union Elementary School District  
May 29, 2018 Special Board Meeting**

**PROFESSIONAL CONSULTANT SERVICES – FIRMS/ORGANIZATIONS**

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Superintendent Hilaria Bauer	05/21/18- 05/21/18	Elma's Catering & Events	\$7,440.75	Catering services for the 2018 Volunteer Jubilee which recognizes volunteers across school sites Funding: General
Superintendent Hilaria Bauer	05/21/18- 05/21/SA18	Calpulli Tonalehqueh	\$250.00	Aztec dance performance for the 2018 Volunteer Jubilee which recognizes volunteers across school sites Funding: General
VAPA Noli Magsino	06/25/18- 07/20/18	East Side Community Arts	No Cost	East Side Community Arts is providing a summer program for students age 8-14 in Visual and Performing Arts instruction and exploration Funding: N/A
Student Services Norma Flores	08/28/17- 06/30/18	San Jose Police Department, Secondary Employment Unit	\$59,000.00	Contract Increase: C1718102 Original contract amount \$180,000 new contract amount \$239,000. SJPD provides a safe school environment by their presence on campuses. They assist with various events such as Cesar Chavez March, SARBS, and upcoming graduation ceremonies Funding: General



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES

CONTRACT NO. \_\_\_\_\_

FROM: DOSA (School/Dept.)

VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Makers of Tomorrow

Address: 1614 Grosvenor Ave City: Sunnyvale State: CA Zip: 94087

Phone: (408) 569-4648 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates 5/11/18 to 6/14/18

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Volunteer Organization providing STEM classes.

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Makers of tomorrow is a non-profit organization providing one hour/week classes on maker technology to 4-5th grade students. Classes are taught by the students who are all volunteers.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ 0 (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>No</u>	<u>cost</u>	<u>to the</u>	<u>District</u>			

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED

2018 APR 32 AM 8:41

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: Joseph George MS (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: THE AUDACITY PERFORMING ARTS PROJECT  
 Address: 779 Buckhorn Ave City: Campbell State: CA Zip: 95008  
 Phone: (408) 408 2486 Fax: ( ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: 46 1444 034  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates 6/25/18 to 7/20/18

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

SEMI STAGED THEATRICAL PRODUCTION

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

PRODUCTION SHALL INCLUDE SRT, PROFESSOR SOUND & LIGHT as well as all listed components. (See Attached)

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ 5000 to be the total payment to the Contractor including travel and/or other expenses.

\_\_\_\_\_ c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>03</u>	<u>3600</u>	<u>5051</u>	<u>5815</u>	<u>5000.00</u>	<u>Summer exp</u>	

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: L.U.C.H.A. Elementary (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: YMCA of Silicon Valley  
 Address: 80 Saratoga Ave. City: Santa Clara State: CA Zip: 95051  
 Phone: (408) 351-6400 Fax: ( ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates June 25, 2018 to August 10, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Summer learning with East Valley YMCA

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Summer Learning Program at L.U.C.H.A. Elementary School.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ 0 per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

\_\_\_\_\_ c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
	<u>NO COST TO DISTRICT</u>					

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED PURCHASING

2018 APR 32 PM 2: 45

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: LUCHA (School/Dept.) VENDOR NO. 22796

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Kimochis / Plushy Feely Corp  
 Address: 1717 5th Ave City: San Rafael State: CA Zip: 94901  
 Phone: (415) 578 1100 Fax: (415) 526-3039  
 SSN: \_\_\_\_\_ Fed I.D. #: 262246061  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 15, 2018 to June 14, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
training for teachers in Kimochi's - social emotional learning program
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Professional development days for TK-5th grade teachers  
(days still to be finalized - May 24th or 25th) at ARUESD district office

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ 100 per teacher (describe rate agreement) 12 teachers x \$100.00 ea. = \$1200.00

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>06</u>	<u>305</u>	<u>1521</u>	<u>0-5815</u>	<u>\$1200.00</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
APR 31 2018

2018 APR 31 AM 9:14

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
FROM: Lyndale Elementary (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: MAGIC Dance Arts  
Address: 1515 Padres Ct City: San Jose State: CA Zip: 95125  
Phone: (408) 821 4221 Fax: ( )  
SSN: \_\_\_\_\_ Fed I.D. #: 82-1333068  
Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates 4/2018 to 10/2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
Sensory-Friendly Dance Classes
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Custom curriculum for pre-school class + 15 weeks of dance classes

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- \_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- b. **Flat Rate:** \$ 500 to be the total payment to the Contractor including travel and/or other expenses.
- \_\_\_\_\_ c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>03</u>	<u>030</u>	<u>5000</u>	<u>5846</u>	<u>\$500.00</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED PURCHASING

2018 APR 26 PM 3:39

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES

CONTRACT NO. \_\_\_\_\_

FROM: Academic Services (School/Dept.)

VENDOR NO. 22790

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Lunch With Tony, LLC DBA: Tony Caters  
 Address: 5202 North First St. City: San Jose State: CA Zip: 95002  
 Phone: (408) 263-4366 Fax: ( )  
 SSN: \_\_\_\_\_ Fed I.D. #: 37-1569447  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 1, 2018 to June 30, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:  
Food and catering services for District Events

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Event: May 17, 2018 - Teacher of the Year Recognition

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- \_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- \_\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ 3,023.95 (describe rate agreement) 25% DEPOSIT = \$755.99

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>03</u>	<u>305</u>	<u>5012/0</u>	<u>4300</u>	<u>\$3023.95</u>	<u>LCAP</u>	
					<u>Goal 1.2</u>	

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

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2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · [www.arusd.org](http://www.arusd.org)

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To: Hilaria Bauer, Ph.D., Superintendent

From: Daniel Flores, Director of Maintenance, Operation & Transportation

Re: Contract Approval- Bosco Construction Services

Date: May 10, 2018

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*Summary:*

It is necessary for the District to maintain a contract with a company that can provide small scale constructions, repairs, paintings and installations for facilities district-wide on an as needed basis.

The District reached out to various contractors for proposals and based on pricing, experience and responsiveness, the District is recommending to contract with Bosco Construction Services.

*Recommendation:*

Staff recommends that the Board of Trustees approve the contract with Bosco Construction Services in the amount of \$85,000 for fiscal year 2018-19.

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT**  
**AGREEMENT FOR REPAIR AND MAINTENANCE PROJECTS**

TO: DIVISION OF BUSINESS SERVICES

CONTRACT NO: \_\_\_\_\_

FROM: Maintenance, Operations & Transportation (M.O.T.)

INDIVIDUAL/COMPANY NAME: Bosco Construction Services

VENDOR NO: 22784

ADDRESS: 1177 N. 15<sup>th</sup> Street San Jose, CA 95112

FAX NUMBER: (408) 904-4797

TELEPHONE NUMBER: (408) 642-8310

TAX ID NUMBER: 27-3048630

E-Mail: rschaper@schaperco.com

BOARD APPROVAL DATE: May 10, 2018

CONTRACT TERM: From: July 1, 2018 - June 30, 2019

**CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and /or reports:

- A. One line description for the Governing Board report: Provide small-scale construction, repair, paint and installations district-wide. The district is looking to maintain a contract with a company who can provide small scale construction, repairs, paint and installation for facilities district-wide on an as needed basis.
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach Scope of work, proposals exhibits and other pertinent documentation.

**BUDGET CODE:**

FUND	LOCATION	PROGRAM	COUNTER	OBJECT	AMOUNT
03	450	8138	0	5815	\$85,00.00

Program Manager/Principal \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor \_\_\_\_\_ Date: \_\_\_\_\_

Fiscal Approval \_\_\_\_\_ Date: \_\_\_\_\_  
Accountant

Director of Fiscal Services \_\_\_\_\_ Date: \_\_\_\_\_

Asst Supt, Bus Services \_\_\_\_\_ Date: \_\_\_\_\_

**COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form B-210) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_\_\_ a. Fee Rate: \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_\_\_ b. Flat Rate: \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. Other: \$85,000.00 FY 2018-2019



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

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2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · [www.arusd.org](http://www.arusd.org)

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To: Hilaria Bauer, Ph.D., Superintendent

From: Daniel Flores, Director of Maintenance, Operation & Transportation

Re: Contract Approval- Waterproofing Associates, Inc.

Date: May 10, 2018

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*Summary:*

The District is required to contract and maintain a company to repair roofing and gutter concerns per district Garland warranty. This contract will make sure to improve the conditions of the roofs district-wide and to help mitigate potential leaks.

After reaching out to multiple companies to assist in our needs the District recommends to contract with Waterproofing Associates, Inc based on experience and pricing.

*Recommendation:*

Staff recommends that the board approve the contract in the amount of \$85,000 for fiscal year 2018-2019.

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING  
2018 APR 31 AM 9:52

AGREEMENT FOR REPAIR AND MAINTENANCE PROJECTS

TO: DIVISION OF BUSINESS SERVICES

CONTRACT NO.

FROM: Maintenance, Operations & Transportation (M.O.T. - School/Dept.)

INDIVIDUAL/COMPANY NAME: Waterproofing Associates, Inc.

VENDOR NO: 13799

ADDRESS: 975 Terra Bella Ave. Mountain View, CA 94043

FAX NUMBER:

TELEPHONE NUMBER: 650-937-1299

TAX ID NUMBER:

E-Mail: jim@roofwa.com

BOARD APPROVAL DATE: May 10, 2018

CONTRACT TERM: From: July 1, 2018 – June 30, 2019

**CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and /or reports:

- A. One line description for the Governing Board report: Waterproofing Associates will provide repair and upkeep of rain gutters and roofing per Garland warranty for sites district-wide.
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach Scope of work, proposals exhibits and other pertinent documentation.

**BUDGET CODE:**

FUND	LOCATION	PROGRAM	COUNTER	OBJECT	AMOUNT
03	450	8138	0	5815	\$85,000.00

Program Manager/Principal  Date: \_\_\_\_\_

Supervisor \_\_\_\_\_ Date: \_\_\_\_\_

Fiscal Approval \_\_\_\_\_ Date: \_\_\_\_\_

*Accountant*

Director of Fiscal Services \_\_\_\_\_ Date: \_\_\_\_\_

Asst Supt, Bus Services \_\_\_\_\_ Date: \_\_\_\_\_

**COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form B-210) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

X  
\_\_\_\_\_ c. **Other:** FY 2018-2019 \$85,000.00



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: Special Education (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Kaplan Early Learning  
 Address: 1310 Lewisville-Clemmons Rd City: Lewisville State: NC Zip: 27023  
 Phone: (703) 334-2014 Fax: ( ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 11, 2018 to June 30, 2018  
 3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:  
Professional Development training  
 B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Professional Development training on the LAPD test

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.  
 b. **Flat Rate:** \$ 2,700- to be the total payment to the Contractor including travel and/or other expenses.  
 c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>016</u>	<u>380</u>	<u>1822-0</u>	<u>5815</u>	<u>2,700-</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.  
 7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.  
 8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: Special Education (School/Dept.) VENDOR NO. 18132

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: LDP, Inc DBA leader Services  
 Address: P.O. Box 15 City: Hazleton State: PA Zip: 18201  
 Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates July 1, 2018 to June 30, 2019

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Medical billing

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Medical billing reimbursement

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) Please see fee schedule

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>06</u>	<u>380</u>	<u>1822-0</u>	<u>5815</u>	<u>40,000</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED PURCHASING

2018 APR 31 AM 9:16

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_

FROM: Special Education (School/Dept.) VENDOR NO. 20756

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Partridge Consulting, Inc.

Address: 125 Patterson St # 139 City: San Jose State: Ca Zip: 95112

Phone: (408) 316-5646 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates July 1, 2018 to June 30, 2019

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Applied Behavior Analysis

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Applied Behavior Analysis, Consultation, Observations, Report Writing, IEP Meetings

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ 106,000 to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
08	380	1820-0	5815	30,200		
08	380	6512-0	5815	30,200		
08	380	1750-0	5815	5,100		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: State & Federal (School/Dept.) VENDOR NO. 21914

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Jose Valdes Math Foundation  
 Address: PO BOX 76484 City: San Jose State: CA Zip: 95159  
 Phone: (408) 892-6874 Fax: (    ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: 26-0-825-700  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates June 18, 2018 to August 2, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
Jose Valdes Advanced Math Summer Program at EVERGREEN VALLEY COLLEGE for 5th & 6th grade students (current.)
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Jose Valdes Advanced Math Summer Program will provide advanced math instruction to Alum Rock students 6.5 hours of advanced math instruction each day with 2 hours of homework each evening.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- \_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- \_\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ 88,800.00 Reimburse JVMF for students lunches (\$5 per student per day) - 120 students = \$16,800 (describe rate agreement)

5. **BUDGET CODE:** Cost of program per student payable to JVMF (\$600 per student @120 students

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
03	360	5051	5815	88,800.00		\$72,000

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_

FROM: State & Federal (School/Dept.) VENDOR NO. 21914

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Jose Valdes Math Foundation

Address: PO BOX 26484 City: San Jose State: CA Zip: 95159

Phone: ( 408 ) 892-6874 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: 26-0-825-700

Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates June 18, 2018 to August 3, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report: Jose Valdes Math Summer School Program at SAN JOSE CITY COLLEGE for current 5th and 6th grade students.

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary: Jose Valdes Summer Program will provide math instruction to students of Alum Rock. There will be 6.5 hours of math instruction each day with 2 hours of homework each evening.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ 17,360.00 (describe rate agreement) Reimburse JVMF for student lunches (\$5 per student per day @124 students) = \$17,360.00

5. **BUDGET CODE:** Zero cost for class fee for up to 124 students.

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
03	360	5051	5815	17,360.00		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.

8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING  
2018 APR 26 PM 3:01

## PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. \_\_\_\_\_ Contract No. C1718028 Contract Original Amount: \$ 15,000

Vendor Name: Language People Vendor No. 18638

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: \_\_\_\_\_
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

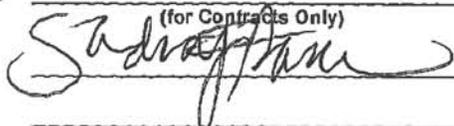
### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$ <u>15,000</u>
Change Order #: <u>1</u>	\$ <u>4,500</u>
Change Order #: _____	\$ _____
Change Order #: _____	\$ _____
<b>New Contract Total</b>	\$ <u>19,500</u>
(including Change Orders)	

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
01	03	360	5220	5815	\$4,500	

Reason for Adjustment: Due to an increase on interpretation requests.

School/Dept.: <u>State &amp; Federal Programs</u>	Requested by: <u>Sandra Garcia</u>
Approval: _____ (for Contracts Only)	Assistant Superintendent of Business Services
	Program Manager
	Purchasing Manager
Date Requested: <u>04/11/2018</u>	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 31 AM 9:01

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: Student Services (School/Dept.) VENDOR NO. 17078

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Rancho del Pueblo Golf Course & Driving Range  
 Address: 1649 Hermosilla Way City: San Jose State: CA Zip: 95118  
 Phone: 408.347-0990 Fax: 408.347-0995  
 SSN: \_\_\_\_\_ Fed I.D. #: 77-0521022  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 19, 2018 to May 19, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report: Use of facilities between Rancho Golf & ARUESD for Parent University

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

ARUESD will be hosting Parent University at Rancho Del Pueblo Golf course on May 19, 2018. Agreement includes 3 hours of golf activities for students and families.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c):

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ 2,100.00 to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>03</u>	<u>360</u>	<u>5430</u>	<u>5815</u>	<u>\$2,100.00</u>		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 31 PM 3:49

## PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. \_\_\_\_\_ Contract No. C1718334 Contract Original Amount: \$ 1,500.00

Vendor Name: San Jose Police Activities League Vendor No. 22770

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: 1
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$ <u>1,500.00</u>
Change Order #: <u>1</u>	\$ <u>500.00</u>
Change Order #: _____	\$ _____
Change Order #: _____	\$ _____
<b>New Contract Total</b>	\$ <u>2,000.00</u>
(including Change Orders)	

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
1	03	340	5410	5815	\$500.00	

Reason for Adjustment: Since we utilized Pal Stadium field for set up the day before the Cesar Chavez March on 3/29/2018, there is an additional \$500.00 fee

School/Dept.: <u>Student Services</u>	Requested by: <u>Norma Flores</u>
Approval: _____	Assistant Superintendent of Business Services
<i>(For Contracts Only)</i> <u>Norma Flores</u>	Program Manager
	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUEDSD Board of Trustees must approve changes exceeding these limits.)



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT PURCHASING

INDEPENDENT CONTRACTOR AGREEMENT 2018 APR 21 PM 4:49

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
FROM: Supt. Office (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Carlos Pino/ Churros el Guero  
Address: 365 Bradley Ave City: San Jose State: CA Zip: 95128  
Phone: ( 408 ) 603-7362 Fax: ( \_\_\_\_\_ )  
SSN: 932-63-6588 Fed I.D. #: \_\_\_\_\_  
Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 21, 2018 to May 21, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Providing desserts for the 2018 Volunteer Jubilee

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

He will be on-site @ the Mexican Heritage Plaza making and serving hot churros.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

\_\_\_\_\_ a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

\_\_\_\_\_ b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

\_\_\_\_\_ c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
03	360	54100	4300	\$912.50		

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 26 PM 2:44

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_

FROM: Supt. Office (School/Dept.) VENDOR NO. 21331

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: School of Arts and Culture @ the Mexican Heritage Plaza

Address: 1700 Alum Rock Ave City: San Jose State: CA Zip: 95127

Phone: (408) 794-6250 Fax: (408) 727-0902

SSN: \_\_\_\_\_ Fed I.D. #: 80-0714882

Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates 5/21/2018 to 5/21/2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Full theater use

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Theater rental for the 2018 Volunteer Jubilee recognizing volunteers across all school sites.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ 2,586.30 (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
03	360	5410				

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: Supt. Office (School/Dept.) VENDOR NO. 22222

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Elmer's Catering & Events  
 Address: 2217 Guimby Rd City: San Jose State: CA Zip: 95122  
 Phone: (408) 375-0538 Fax: ( )  
 SSN: \_\_\_\_\_ Fed I.D. #: 47-3848418  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

Mutually agree and promise as follows:

2. **CONTRACT TERM:** effective dates May 21, 2018 to May 21, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
Food and catering services for 2018 jubilee
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
Meal prep, food delivery, event set-up, and will serve guests and staff in attendance.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ 7440.75 (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
<u>03</u>	<u>360</u>	<u>5410</u>				

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASE

2018 APR 33 AM 10: 56

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES

CONTRACT NO. \_\_\_\_\_

FROM: Supt. Office (School/Dept.)

VENDOR NO. 17729

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: Calpulli Tonalehqueh

Address: 149 North Seventh St City: San Jose State: CA Zip: 95112

Phone: ( ) Fax: ( )

SSN: Fed I.D. #: 20-2652184

Contractor's License: Type: Expiration:

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates May 21, 2018 to May 21, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

A. One line description for Governing Board Report:

Aztec dance performance for the 2018 Volunteer Jubilee

B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:

Closing performance for the Volunteer Jubilee 2018

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.

b. **Flat Rate:** \$ 250 to be the total payment to the Contractor including travel and/or other expenses.

c. **Other:** \$ \_\_\_\_\_ (describe rate agreement)

5. **BUDGET CODE:**

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC
03	360	5410				

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.

7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## INDEPENDENT CONTRACTOR AGREEMENT

TO: DIVISION OF BUSINESS SERVICES CONTRACT NO. \_\_\_\_\_  
 FROM: VAPA (School/Dept.) VENDOR NO. \_\_\_\_\_

1. **PARTIES:** The Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor:

Name of Individual/Company: EAST SIDE COMMUNITY ARTS  
 Address: PO BOX 56178 City: SAN JOSE State: CA Zip: 95156  
 Phone: ( 603 ) 969-4943 Fax: ( \_\_\_\_\_ ) \_\_\_\_\_  
 SSN: \_\_\_\_\_ Fed I.D. #: 77-0523774  
 Contractor's License: \_\_\_\_\_ Type: \_\_\_\_\_ Expiration: \_\_\_\_\_

**Mutually agree and promise as follows:**

2. **CONTRACT TERM:** effective dates June 25, 2018 to July 20, 2018

3. **CONTRACTOR'S OBLIGATION:** In consideration of the compensation, the Contractor shall provide the following services, materials, products, and/or reports:

- A. One line description for Governing Board Report:  
East Side Community Arts Summer Art Camp.
- B. Full description of services to be provided and expected results (e.g. services, materials, products and/or reports). Attach proposals, exhibits and other documentation if necessary:  
East Side Community Arts is providing this program as a half-day summer camp for students age 8-14. Providing visual and performing arts instruction and exploration.

4. **COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a, b, or c)

- a. **Fee Rate:** \$ \_\_\_\_\_ per hour/day of service as may be requested by ARUESD, not to exceed a maximum of \_\_\_\_\_ hours/days of services. ARUESD may, but is not obligated to, request the maximum number of hours/days of service.
- b. **Flat Rate:** \$ \_\_\_\_\_ to be the total payment to the Contractor including travel and/or other expenses.
- c. **Other:** \$ \_\_\_\_\_ (describe rate agreement) \_\_\_\_\_

5. **BUDGET CODE:** "NO COST"

FUND	DEPARTMENT	PROG/COUNTER	OBJECT	\$ AMOUNT	PROG. TITLE	BUS OFC

6. **TERMINATION:** This contract may be terminated by ARUESD at its sole discretion, upon five-day advance written notice thereof to the Contractor, or canceled immediately by written mutual consent.
7. **INDEPENDENT CONTRACTOR STATUS:** This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. In executing this agreement, the Contractor certifies that no one who has or who will have any financial interest under this agreement is an officer or employee of ARUESD. Additionally, as the Contractor is not an ARUESD employee, ARUESD is not responsible for obtaining workers' compensation insurance coverage for the Contractor.
8. **COMPLETENESS OF AGREEMENT:** This agreement constitutes the entire understanding of the parties and any change or modification shall be in writing and signed by both parties hereto.



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## PURCHASE ORDER / CONTRACT ADJUSTMENT

P.O. No. \_\_\_\_\_ Contract No. C1718102 Contract Original Amount: \$ 180,000.00

Vendor Name: San Jose Police Department Vendor No. 14025

Please check:

- Cancel P.O. / Contract
- Change Item No.: \_\_\_\_\_
- Increase Amount Line Item No.: 1
- Decrease Amount Line Item No.: \_\_\_\_\_
- Add Line No.: \_\_\_\_\_
- Delete Line No.: \_\_\_\_\_
- Change org key/object code to: \_\_\_\_\_
- Change Vendor No. to: \_\_\_\_\_
- Add Freight: \$ \_\_\_\_\_
- Add Tax: \_\_\_\_\_%
- Disencumber
- Change Order No.: \_\_\_\_\_
- Other \_\_\_\_\_

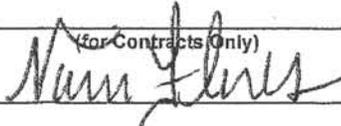
### CONTRACTS ONLY

Change Orders:

Contracts Original Amount	\$ <u>180,000.00</u>
Change Order #: <u>1</u>	\$ <u>59,000.00</u>
Change Order #: _____	\$ _____
Change Order #: _____	\$ _____
<b>New Contract Total</b> (Including Change Orders)	\$ <u>239,000.00</u>

Line #	FUND	LOCATION	PROGRAM	ACCOUNT	\$ AMOUNT	Accountant Signature & Date
1					239,000.00	

Reason for Adjustment: Not only does SJPD provide a safe school environment by their presence on our campuses, but they also assist with various district events such as Cesar Chavez March, SARBS, home visits for chronic truancy students, and upcoming graduation ceremonies We need to increase our current contract to continue receiving services for the remainder of the 2017-2018 school year.

School/Dept.: <u>Student Services</u>	Requested by: <u>Norma Flores</u>
Approval: _____ <i>(for Contracts Only)</i> 	Assistant Superintendent of Business Services
_____	Program Manager
_____	Purchasing Manager
Date Requested: _____	Date Entered: _____ Entered By: _____

(Pursuant to Public Contract Code 20118.4, the total cost of change orders shall not exceed the greater of \$15,000.00 or 10% of the original contract amount. The ARUESD Board of Trustees must approve changes exceeding these limits.)

14.03

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF TRUSTEES**

To the Board of Trustees:

Subject: Acceptance of Memorandum(s) of Understanding

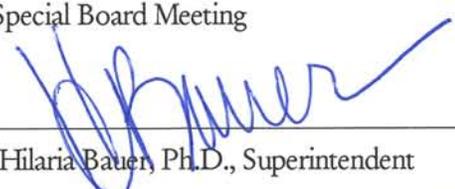
Staff Analysis:

The District has received the following Memorandums of Understanding as summarized on the sheet dated May 29, 2018.

Recommendation:

Staff recommends acceptance of these memorandums of understanding.

Prepared by:	<u>Maria Martinez</u> 	Title:	<u>Procurement Manager</u>
Approved by:	<u>Kolvira Chheng</u> 	Title:	<u>Assistant Superintendent of Business Services</u>

To the Board of Trustees:	Meeting: <u>May 29, 2018</u>
Recommend Approval	<u>Special Board Meeting</u>
<u>14.03</u>	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent

DISPOSITION BY BOARD OF TRUSTEES		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____

**Alum Rock Union Elementary School District  
May 29, 2018 Special Board Meeting**

**MEMORANDUMS OF UNDERSTANDING**

<u>SCHOOL / DEPARTMENT</u>	<u>DATE OF SERVICE</u>	<u>CONSULTANT NAME</u>	<u>COST</u>	<u>PURPOSE</u>
Business Services Kolvira Chheng	05/01/18- 12/31/18	Santa Clara County Office of Education	\$22,500.00	Financial Audit of cash and investments as of 06/30/2017 Funding:
Student Services Norma Flores	06/30/18- 06/30/19	County of Santa Clara Department of Behavioral Health Services	No Cost	Support for School Linked Services Coordinators that assist students, families, and community members stabilize learning environments Funding: N/A
Student Services Norma Flores	07/01/18- 06/30/19	Santa Clara County Office Of Education – Community Schools	\$34,155.00 NTE	SCCOE will provide Community School Services in the 2018-2019 school year for students release by ARUSD Funding: General



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT PURCHASING

Request for Contracted Services **2018 APR 34 AM 11: 31**

To: BUSINESS OFFICE Contract No.: \_\_\_\_\_ Vendor No.: \_\_\_\_\_

Business Services (School/Dept) and the Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor wishes to enter a:

- MOU (negotiated Agreement)
- Exhibit B & C (Fingerprinting and TB Test)
- MASTER CONTRACT PARTICIPATION
- Scope of Work/Proposal

Note: All Contracts over \$5,000 require pre-approval.

\* Use Independent Contractor Agreement (BUS-109) for unincorporated individuals or in the absent of negotiated agreement.

Name of Individual/Company: Santa Clara County Office of Education

Address: 1290 Ridder Park Drive City: San Jose State: CA Zip: 95131

Phone: (408) 453-6500 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

CONTRACT TERM: effective dates May 1, 2018 to December 31, 2018

### CONTRACTOR'S OBLIGATION:

Description of services to be provided: (Please attach proposals and other documentation if necessary.)

Financial Audit of Cash and Investments as of 6/30/17 with a third party auditor approved by the SCCOE.

**COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a or b)

- a. Fee Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ Not to Exceed \_\_\_\_\_ of services.
- b. Other: \$ NTE \$22,500.00 for the period from May 1, 2018 thru December 31, 2018

Describe rate agreement or other costs: \_\_\_\_\_

BUDGET CODE: 0340072005875 R st/18

### APPROVALS:

#### ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT:

Site/Department Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Director of Fiscal Services: [Signature] Date: 5/3/18

Asst. Supt., of Business Services: [Signature] Date: 5/3/18

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Trustees: \_\_\_\_\_ Date: \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 31 AM 7:38

## Request for Contracted Services

To: BUSINESS OFFICE Contract No.: \_\_\_\_\_ Vendor No.: 10613

Student Services (School/Dept) and the Alum Rock Union Elementary School District (ARUESD), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor wishes to enter a:

MOU (negotiated Agreement)

MASTER CONTRACT PARTICIPATION

Exhibit B & C (Fingerprinting and TB Test)

Scope of Work/Proposal

Note: All Contracts over \$5,000 require pre-approval.

\* Use Independent Contractor Agreement (BUS-109) for unincorporated individuals or in the absent of negotiated agreement.

Name of Individual/Company: County of Santa Clara Department of Behavioral Health Services

Address: 725 E. Santa Clara Sr. 3rd Floor Ste. 301 City: San Jose State: CA Zip: 95116

Phone: (408) 794-0679 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

CONTRACT TERM: effective dates June 30, 2018 to June 30, 2019

### CONTRACTOR'S OBLIGATION:

Description of services to be provided: (Please attach proposals and other documentation if necessary.)

Funding for School Linked Services Coordinators. Coordinators provide student and family support (socially and emotionally) to assist with academic success and with engaging families and community members to support and stabilize learning environments.

**COMPENSATION:** In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUESD shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUESD as follows: (Check either a or b)

     a. Fee Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ Not to Exceed \_\_\_\_\_ of services.

b. Other: \$ No Cost to District

Describe rate agreement or other costs: \_\_\_\_\_

BUDGET CODE: \_\_\_\_\_

### APPROVALS:

#### ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT:

Site/Department Administrator: [Signature] Date: 4/20/18

Director of Fiscal Services: \_\_\_\_\_ Date: \_\_\_\_\_

Asst. Supt., of Business Services: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Trustees: \_\_\_\_\_ Date: \_\_\_\_\_



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED  
PURCHASING

2018 APR 27 AM 11:56

## Request for Contracted Services

To: BUSINESS OFFICE

Contract No.: \_\_\_\_\_

Vendor No.: 10547 #2

Student Services (School/Dept) and the Alum Rock Union Elementary School District (ARUEDS), whose address is 2930 Gay Avenue, San Jose, CA 95127, and the following named Contractor wishes to enter a:

MOU (negotiated Agreement)  
 Exhibit B & C (Fingerprinting and TB Test)

MASTER CONTRACT PARTICIPATION  
 Scope of Work/Proposal

Note: All Contracts over \$5,000 require pre-approval.

\* Use Independent Contractor Agreement (BUS-109) for unincorporated individuals or in the absent of negotiated agreement.

Name of Individual/Company: Santa Clara County Office of ED-Community Schools

Address: 1290 Ridder Park City: San Jose State: CA Zip: 95131

Phone: (408) 453-6500 Fax: ( )

SSN: \_\_\_\_\_ Fed I.D. #: \_\_\_\_\_

CONTRACT TERM: effective dates July 1, 2018 to June 30, 2019

### CONTRACTOR'S OBLIGATION:

Description of services to be provided: (Please attach proposals and other documentation if necessary.)

SCCOE will provide Community School Services in the upcoming 18-19 school year. Students released by ARUSD for discipline reasons will be enrolled in SCCOE Community School Programs.

COMPENSATION: In consideration of Contractor's provision of services as described above, and subject to the payment provisions expressed herein, ARUEDS shall pay Contractor, upon Contractor's submission of a properly documented demand for payment (Form BUS-106) which shall be submitted not later than 30 days from the end of the month in which the contract services were rendered, and upon approval of such demand by ARUEDS as follows: (Check either a or b)

a. Fee Rate: \$ \_\_\_\_\_ per \_\_\_\_\_ Not to Exceed \_\_\_\_\_ of services.

b. Other: \$ 11,385 per slot; not to exceed 3 slots for

Describe rate agreement or other costs: a total of \$34,155.00

BUDGET CODE: 03-340-1823y-7130

### APPROVALS:

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT:

Site/Department Administrator: Mum Elmer Date: 3-01-18

Director of Fiscal Services: \_\_\_\_\_ Date: \_\_\_\_\_

Asst. Supt., of Business Services: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Trustees: \_\_\_\_\_ Date: \_\_\_\_\_

14.04

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

Date: April 30, 2018

**Subject:** Approval of Fundraising Activities

**Staff Analysis:** The District has received fundraising requests as summarized on the attached sheet dated May 29, 2018.

**Recommendation:** Staff recommends approval of these fundraising event requests.

*K*

Approved by: Kolvira Chheng Title: Assistant Superintendent, Business Services

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

*14.04*

Agenda Placement *[Signature]*

Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

Alum Rock Union Elementary School District  
May 29, 2018

**APPROVAL OF FUNDRAISING ACTIVITY**

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<u>SCHOOL</u>	<u>FUNDRAISING ACTIVITY</u>	<u>ACTIVITY SPONSOR</u>	<u>DATE</u>
Adelante Academy	Performances for ARJB	ASB	02/01/18-06/02/18
Adelante Academy	Year Book Sales	ASB	04/01/18-06/14/18
Aptitud Academy	P.E. Uniform Sales	ASB	08/01/17-06/10/18
Fischer Middle	Video Game Tournament Sales	ASB	05/24/18-05/24/18
Fischer Middle	Movie Night Sales	ASB	04/26/18-04/26/18
Meyer Elementary	PTA International Day Sales	PTA	05/18/18-05/18/18
Ryan Elementary	Contributions to the ASB Account	ASB	05/24/18-06/15/18
San Antonio Elementary	Year Book Sales	PTA	05/21/18-06/15/18



**ACCEPTANCE OF DONATIONS**

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<u>DONOR NAME</u>	<u>DESCRIPTION OR PURPOSE</u>	<u>ESTIMATED VALUE</u>	<u>RECEIVING SCHOOL OR DEPARTMENT</u>
Box Tops for Education	Materials & Supplies	\$ 20.00	Cassell Elementary
Lifetouch	Materials & Supplies	\$ 775.74	Cassell Elementary
Scholarship America	Materials & Supplies	\$ 700.00	Cassell Elementary
Environmental Volunteers	Materials & Supplies	\$ 1,000.00	Cureton Elementary
YourCause, LLC	Materials & Supplies	\$ 100.00	Dorsa Elementary
AIAA Foundation	Materials & Supplies	\$ 250.00	Fischer Middle
Linda Vista PTA	Materials & Supplies	\$ 1,500.00	Linda Vista Elementary
Linda Vista PTA	Materials & Supplies	\$ 6,000.00	Linda Vista Elementary
YourCause, LLC	Materials & Supplies	\$ 40.00	Ryan Elementary

14.06

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF TRUSTEES**

To the Board of Trustees:

May 1, 2018

**Subject:** Vendor & Payroll Warrants-MARCH

**Staff Analysis:** Summary of Vendor and Payroll Warrants issued during March month of Fiscal Year 2017/2018.

Total of vendor warrants	\$	5,254,253.78
Total of payroll warrants	\$	<u>4,837,125.94</u>
<b>Total</b>	<b>\$</b>	<b>10,091,379.72</b>

**Recommendation:** Staff recommends approval of the Vendor & Payroll Warrants for the month of March 2018.

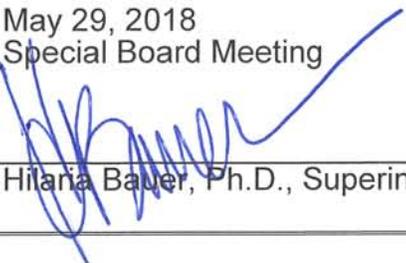
Approved by:  Title: Assistant Superintendent, Business Services

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

14.06  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

March 2018

<u>VENDOR WARRANTS</u>	<u>AMOUNT</u>
General Fund (Incl Payroll A/P)	\$3,453,300.99
Cafeteria Fund	\$244,515.10
Deferred Maintenance Fund	\$0.00
Building Fund	\$211,248.53
Capital Facilities Fund	\$0.00
County School Facility Fund	\$0.00
Special Reserve for Capital Outlay Fund	\$0.00
Health and Welfare	\$1,314,828.76
Worker's Comp	\$683.67
<b>Subtotal</b>	<b><u>\$5,224,577.05</u></b>
Student Body Fund	\$29,676.73
<b>Total Vendor Warrants</b>	<b><u>\$5,254,253.78</u></b>
<u>PAYROLL WARRANTS</u>	
10th of the month	\$424,501.27
EOM Payroll	\$4,412,624.67
Manual Checks	\$0.00
Void Checks	\$0.00
<b>Total Payroll Warrants</b>	<b><u>\$4,837,125.94</u></b>
<b>Grand Total All Warrants</b>	<b><u>\$10,091,379.72</u></b>

AP Warrants used # 139714 - 140286  
AP Direct Deposit Stub Used #1010218- 1010225  
Payroll Direct Deposit Pay Stub used # 60278634 -  
Payroll Checks used #10119139 - 10119332

14.07

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF TRUSTEES**

To the Board of Trustees:

April 30, 2018

**Subject: Enrollment/Attendance Report for Month 8  
(March 19, 2018 thru April 13, 2018)**

**Staff Analysis:** The Enrollment/Attendance Report for the attendance April 13, 2018 provides information on how many students are enrolled at each school and what percent attended class. This report captures our ADA percentages for the first seven months of the school year. It establishes our Local Control Funding Formula (LCFF) for 2017/2018 school year.

**Month 8**

April 13, 2018  
Regular Ed & SDC ADA 95.53%

**Recommendation:** Staff recommends acceptance of this month's Enrollment/Attendance Report.

Submitted by: Debbie Elliott Title: Coordinator, Assessment & Accountability

Approved by: Kolvira Chheng Title: Assistant Superintendent, Business Services

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

14.07

Agenda Placement

Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

## Enrollment/ADA 2017-2018 for Elementary and Middle Schools

Elementary School	Month 1 8/28-9/22		Month 2 09/25-10/20		Month 3 10/23-11/17		Month 4 11/20-12/15		Month 5 12/18-1/19		Month 6 1/22-2/16		Month 7 2/19-3/16		Month 8 3/19-4/13		Month 9		Month 10		Month 11	
	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA
Adelante	521	98.22	524	97.01	526	96.54	525	95.72	523	95.37	521	95.38	523	94.86	523	95.86						
Adelante 2	125	96.85	127	96.69	125	96.25	125	95.74	126	94.98	126	94.79	130	94.87	129	95.31						
Apituid	447	97.86	451	98.62	453	96.70	455	95.06	453	94.06	449	96.28	447	94.69	450	95.52						
Arbuckle	279	96.47	273	95.58	273	95.32	279	94.08	279	93.08	278	93.39	278	93.63	275	96.20						
Cassell	406	96.57	421	95.70	417	95.14	412	94.77	413	91.97	416	93.16	412	93.10	411	94.95						
Chavez	384	96.54	381	95.32	403	95.24	403	93.92	388	92.69	382	95.39	378	93.46	381	94.63						
Cureton	438	97.25	438	96.39	438	96.08	440	95.43	442	93.76	439	95.39	435	93.70	439	95.70						
Dorsa	380	97.96	380	96.99	382	96.24	387	94.65	389	93.27	384	96.27	384	95.15	386	96.02						
Hubbard	605	96.82	604	96.03	616	95.02	602	93.51	590	92.49	596	95.14	598	93.03	598	95.80						
Linda Vista	542	96.64	539	95.01	539	95.89	535	94.91	528	93.08	526	94.59	529	91.65	528	94.73						
Lucha	313	96.99	312	97.29	309	96.42	310	96.14	310	95.13	306	94.91	307	94.84	308	95.77						
Lyndale	400	96.85	400	96.05	428	95.84	428	95.05	406	94.26	407	96.23	406	94.03	401	95.41						
McCollam	505	96.92	509	96.28	513	95.80	510	94.02	514	93.77	514	94.89	519	92.43	512	95.21						
Meyer	384	96.98	388	96.22	399	95.69	409	94.73	410	93.45	406	94.58	413	92.89	416	94.75						
Painter	379	97.46	374	96.36	368	96.25	368	95.41	370	94.28	367	95.76	367	93.97	369	95.92						
Russo/McEntee	531	97.45	531	96.44	531	96.27	536	95.46	529	94.37	527	95.37	529	93.63	533	95.47						
Ryan	369	97.02	368	95.56	367	95.33	364	94.87	363	93.72	365	94.58	364	92.96	360	95.12						
San Antonio	403	97.06	397	95.79	391	95.64	386	95.39	388	94.01	389	94.52	383	93.42	383	95.57						

Middle School	Month 1 08/28-9/22		Month 2 09/25-10/20		Month 3 10/23-11/17		Month 4 11/20-12/15		Month 5 12/18-1/19		Month 6 1/22-2/16		Month 7 2/19-3/16		Month 8 3/19-4/13		Month 9		Month 10		Month 11	
	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA	Enroll	ADA
Fischer	318	98.80	327	97.99	328	96.23	324	95.69	320	92.92	323	95.58	323	94.49	322	95.41						
George	555	97.16	560	95.64	549	95.23	549	95.26	542	93.50	540	95.94	537	94.12	537	95.13						
Mathson	301	96.83	301	96.53	307	96.45	307	93.18	305	92.10	306	95.15	305	92.13	305	94.34						
Ocala	473	97.13	482	96.72	481	96.10	478	94.24	480	93.86	477	95.52	482	94.04	479	95.32						
Renaissance	296	98.10	291	97.90	292	97.43	296	96.75	295	96.65	293	97.05	293	96.36	292	97.10						
Ren 2	273	97.80	273	97.90	271	97.23	272	97.49	272	95.61	271	97.24	271	96.48	271	96.76						
Sheppard	608	97.15	604	96.96	597	96.68	597	96.99	599	94.84	590	97.16	592	95.25	591	96.71						

Total	10235	97.21	10255	96.52	10303	96.04	10297	95.14	10234	93.83	10198	95.36	10205	93.84	10199	95.53	0	0	0	0	0	0	0
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14.08

Office of Superintendent of Schools

ITEM REQUIRING ATTENTION - BOARD OF EDUCATION

To the Board of Trustees:

Date: April 30, 2018

**Subject: Certification of Correction for the 2016-2017 Audit Report**

**Staff Analysis:** Assembly Bill 3627, Chapter 1002/94 requires the County Office of Education to review the District's independent audit report for audit exceptions, and to determine that the District has either corrected the exceptions or has an acceptable plan of corrections. The District had four (4) findings for fiscal year 2016-2017 and one (1) prior year finding. Below are the corrective action plans for each of the findings.

**2007-001 Material Weakness – Financial Reporting (3000)**

The District has trained designated staff to perform monthly reconciliation of cash, account payables and receivables to ensure accuracy and completion in a timely manner. Additionally, the District has cross-trained various staffs in the accounting department to ensure coverage.

**2017-002 Deficiency – Unduplicated Local Control Funding Formula (4000)**

The District has implemented a virtual repository system to be able to maintain and retrieve records that are necessary to meet the auditors' requests.

**2017-003 Deficiency – After School Education and Safety Program (6000)**

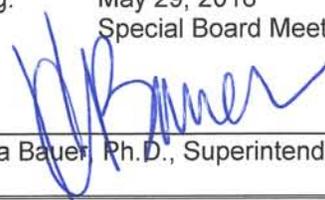
District staff will meet with Mathson site coordinator to discuss the discrepancy and provide more training, if necessary and as needed. Additionally, District will conduct a third quarter audit for all schools and a more detailed audit will be done for Mathson school site to ensure all students are accounted for. Lastly, District staff will review Mathson ASES attendance on a monthly basis through the end of the school year.

**2017-004 and 2016-001 – Attendance Reporting (1000)**

The District will provide training to all school sites to review the process and controls in accounting for attendance. The District will also provide one-on-one training as needed, and when requested by school sites. Additionally, the District will continue to conduct monthly meetings with staff responsible for reporting attendance and provide on-going training.

**Recommendation:** Staff recommends the Board approve the above Correction Action Plans.

Approved by: Kolvira Chheng  Title: Assistant Superintendent, Business Services

To the Board of Trustees: Meeting: May 29, 2018  
Special Board Meeting  
**Recommend Approval**   
14.08  
Agenda Placement Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**  
Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.  
County Superintendent of Schools

May 2, 2018

Kolvira Chheng, Assistant Superintendent of Business Services  
Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Dear Mr. Chheng,

Thank you for submitting the annual Financial Audit report in accordance with Education Code Sections 41020(i) and (j), which we received on April 2, 2018. We have completed our required review of the audit, including any audit exceptions, to determine whether each audit exception has been corrected or the district has developed an acceptable plan of correction.

Based our review of Alum Rock Union Elementary School District's 2016-17 audit report, we have identified four (4) findings and one (1) prior year finding, which require corrective action plans. Please provide clear and concise responses with the attached Audit Finding forms.

Please have your Board review our request for action with your response and have your Superintendent or Board designee sign the Certification of Correction. Please make copies for your file and return the original signed certification with supporting documentation to our office by **May 14, 2018** [Education Code Section 41020 (j)(2)]. Under normal circumstances, the District is required to submit responses to audit findings by March 15<sup>th</sup>, however, due to two audit extensions requested and granted on February 28, 2018 and March 31, 2018, we request that Alum Rock Union Elementary School District forward plans of correction to our office by **May 14, 2018**.

In addition, pursuant to Education Code Section 41020.3, by **January 31** of each year, the governing body of each local education agency shall review, at a public meeting, the annual audit of the LEA for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor and any description of correction or plans to correct any exceptions or management letter issue. This review shall be placed on the agenda of the meeting pursuant to Education Code Section 35145. Because there was a three month delay in our office receiving the audit report, the governing body shall review the annual audit report of the LEA at its next regularly scheduled meeting, **May 10, 2018**.

If you need additional information about the audit exception, please contact your auditor. If you need technical assistance to resolve the exception, please contact me at (408) 453-6593.

Thank you for your continued cooperation.

Sincerely,

Ann Redd-Oyedele  
Senior Advisor, District Business and Advisory Services

cc: Efrain Robles, Director of Fiscal Services, Alum Rock Union Elementary School District  
Judy Lee Kershaw, Director, District Business & Advisory Services, SCCOE

County Board of Education: Joseph Di Salvo, Darle Green, Rosemary Kamel, Kathleen M. King, Grace H. Mah, Claudia Rossi, Anna Song  
1290 Ridder Park Drive, San Jose, CA 95131-2304 (408) 453-6500 www.sccoe.org

Transforming Education through Leadership, Service, and Advocacy

**Certification of Correction  
2016-17  
Audit Finding 2017-001**

**Finding Number: 2017-001 Code: 30000 – MATERIAL WEAKNESS – FINANCIAL REPORTING page: 76**

*Criteria*

Management of the District is responsible for establishing and maintaining effective internal control over financial reporting, including the financial statements and the Schedule of Expenditures of Federal Awards. The District is required to have proper internal controls in place, specifically in regards to review and approval of accounts.

*Condition*

While conducting our audit procedures it was determined that several adjustments were required due to accounts not being reconciled as of June 30, 2017. The following are areas where we noted deficiencies in internal control that collectively were determined to be a material weakness.

1. Cash in County Treasury reconciliations were not accurately performed as of June 30, 2017. It was determined that several significant adjustments were required to correct the reported Cash in County Treasury balances as of June 30, 2017. Adjustments were made to recognize an interfund loan to the Self-Insurance Fund, reduce cash for suspense accounts, record parcel tax revenue and other miscellaneous items.
2. Payables in the Audited Financial Statements are the accumulation of 29 sub accounts (object codes 9500 – 9585). Reconciliations for these accounts were not performed as of June 30, 2017. Adjustments were made to record deferred pay and adjust the CalPERS and CalSTRS suspense accounts.
3. Receivable balances reported in the Unaudited Actuals provided for the audit included amounts that were outstanding for prior year and that needed to be removed from the general ledger. An adjustment was made to remove the overstatement of receivables.
4. Receivable balances reported in the Unaudited Actuals provided for the audit included amounts that were outstanding for prior year and that needed to be removed from the general ledger. An adjustment was made to remove the overstatement of receivables.
5. The District issued a refunding bond during the year ended June 30, 2017 in the amount of \$ 8,940,000. The required journal entries for the refunding were not included in the Unaudited Actuals provided for the audit. An adjustment was made to record the refunding bond in the fund financial statements.
6. The District does not have any evidence to support that the internal controls related to pay rate changes and the reconciliation between the Payroll Prelist and the Final Payroll Register had taken place. Because of the lack of evidence we were unable to determine that appropriate controls were in place and operating to ensure that only authorized transactions had taken place.
7. The District has outsourced bond program management and construction management services to a third party vendor. As part of that contract the vendor is to provide documentation to assist with the District's

financial reporting and internal control procedures. We noted a deficiency in internal controls related to a lack of documentation provided by that third party.

8. The approval of the business office designee was missing 20 out of 150 invoices tested as capital asset additions during the year ended June 30, 2017.
9. Internal controls related to the payment of pension benefits were deficient and the District made an overpayment to CalPERS which resulted in a credit of \$782,000 as of June 30, 2017.

*Recommendation*

We recommend that the District implement internal controls to ensure the accuracy of financial reporting.

**District Business and Advisory Services Request:**

Please provide internal control procedures and training schedules adopted by the District's administration to comply with the recommendation and planned corrective action. Please provide us with your response by **May 14, 2018**.

**Certification of Correction**  
**2016-17**  
**Audit Finding 2017-002**

**Finding Number: 2017-002 - Code: 40000 – DEFICIENCY – UNDUPLICATED LOCAL CONTROL FUNDING FORMULA, Page: 79**

*Criteria*

Education Code Section 42238.02 (b)(3)(B) – determine if the English learner, foster youth and free or reduced-price meal eligible pupil counts [in CalPADS] are consistent with the school district's or charter schools' English learner, foster youth and free or reduced-price meal eligible pupil records.

*Condition*

At Apitud Charter, one student did not have supporting documentation of the FRPM classification. At Lyndale Elementary, one student did not have supporting documentation of the FRPM classification. Further, three students at Mathson Middle School did not have supporting documentation of the FRPM classification.

*Recommendation*

The District should ensure that all students are properly reflected in the CalPADS reporting under the appropriate status.

**District Business and Advisory Services Request:**

Please provide internal control procedures and training schedules adopted by the District's administration to comply with the recommendation and planned corrective action. Please provide us with your response by **May 14, 2018**.

**Certification of Correction  
2016-17  
Audit Finding 2017-003**

**2017-003 DEFICIENCY – AFTER SCHOOL EDUCATION AND SAFETY PROGRAM (60000) Page: 81**

*Criteria*

The District must properly report Present Records and ADA for the After School Education and Safety Program

*Condition*

At Mathson Middle School, the ASES attendance records stated a total of 4517 present records for Quarter 2. The District (within the CitySpan system) reports Mathson Middle School as having 4505 present records for Quarter 2. The attendance records do not agree and the District understated the attendance.

*Recommendation*

We recommend the ASES site personnel ensure site attendance records are correct and enter them into the system carefully to ensure the daily attendance in CitySpan agrees to their site records.

**District Business and Advisory Services Request:**

Please provide internal control procedures and training schedules adopted by the District's administration to comply with the recommendation and planned corrective action. Please provide us with your response by **May 14, 2018**.

**Certification of Correction  
2016-17  
Audit Finding 2017-004**

**2017-004 DEFICIENCY – ATTENDANCE REPORTING (1000) Page: 82**

*Criteria*

Attendance Accounting and Reporting in California Public Schools, Title 5, CCR, Sections 401 and 421(b), and Education Code 44809 – Each LEA must develop and maintain accurate and adequate records to support attendance reported to the State.

*Condition*

One student was improperly counted as present for one day at Russo/McEntee Academy

*Recommendation*

We recommend that the attendance clerk reconciles attendance log with attendance records to ensure attendance is accurately recorded.

**District Business and Advisory Services Request:**

Please provide internal control procedures and training schedules adopted by the District's administration to comply with the recommendation and planned corrective action. Please provide us with your response by **May 14, 2018**.

<b>Certification of Correction Prior Year Findings 2015-16 Audit Finding 2016-001</b>
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**2016-001 DEFICIENCY – ATTENDANCE REPORTING (10000) Page 83**

*Criteria*

Attendance Accounting and Reporting in California Public Schools, Title 5 CCR, Sections 401 and 421(b) and Education Code 44809 – Each LEA must develop and maintain accurate and adequate records to support attendance reported to the State.

*Condition*

At Meyer Elementary School two students were improperly included for a total misstatement of 2 days.

At Hubbard Elementary School one student was improperly included for a total misstatement of 1 day.

At Sheppard Middle School one student was improperly included for a total misstatement of 1 day.

*Recommendation*

The District should ensure attendance records are correct

*Current Status*

Partially Implemented.

**District Business and Advisory Services Request:**

Please provide internal control procedures and training schedules adopted by the District's administration to comply with the recommendation and planned corrective action. Please provide us with your response by **May 14, 2018**.

**The Board of Alum Rock Union Elementary School District certifies that all corrective action(s) specified has/have been taken or that the plan(s) of correction will be followed.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
District Superintendent/Board Designee

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

14.09

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF TRUSTEES**

To the Board of Trustees:

**Subject:** eFinance Upgrade Service

**Staff Analysis:** The District is looking to do a version upgrade of its current financial system (eFinance) that will allow the district to continue to offer crucial services to our Human Resource Department and Business Department. This upgrade will also continue to allow the District to have access to crucial historical data provided by IFAS.

Cost to the District is the following:

BusinessPLUS Upgrade Service (USD)	\$	18,480.00
BusinessPLUS Go Live Service (USD)	\$	2,250.00
BusinessPLUS Consulting Keys to Ownership	\$	1,875.00
BusinessPLUS Upgrade Service Total (USD)	\$	22,125.00

**Recommendation:** Staff recommends approval by the Board of Trustees of the eFinance Upgrade Service as presented.

Approved by: Kolvira Chheng  Title: Assistant Superintendent, Business Services

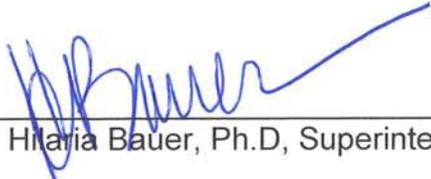
To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

14.09

Agenda Placement

  
Hilaria Bauer, Ph.D, Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

## BusinessPLUS Upgrade Service

To assist you through the management of the BusinessPLUS, the PowerSchool **Technical Solutions Group (“TSG”)** offers the **BusinessPLUS Upgrade Service** to upgrade your BusinessPLUS instance(s) to the latest release of BusinessPLUS 7.10. The BusinessPLUS Upgrade Service includes installing the latest BusinessPLUS 7.10 Version Release on new BusinessPLUS 7.10 server(s) and upgrading your existing BusinessPLUS 7.9.x database(s) to the new BusinessPLUS 7.10 configuration. The new BusinessPLUS 7.10 staging environment will be labeled “New Prod” for the sake of this document.

### BusinessPLUS Version

A BusinessPLUS **Version** is defined as the current version number of BusinessPLUS such as BusinessPLUS **7.x**.

A BusinessPLUS **Version Release Update** is defined as an update to one or more digits to the right of the decimal within the current version number of BusinessPLUS such as from BusinessPLUS **7.9** to BusinessPLUS **7.10**.

### Server Operating System Support

The following Microsoft Windows Server operating systems are supported with BusinessPLUS server(s):

Microsoft Windows Server	BusinessPLUS 7.9.10	BusinessPLUS 7.10
Windows 2008 Standard and Datacenter Editions	Yes	No
Windows 2012 R2 Standard and Datacenter Editions	Yes	Yes
Windows 2016 Standard and Datacenter Editions	No	Yes

### Microsoft SQL Application Support

The following Microsoft SQL applications are supported with BusinessPLUS server(s):

Microsoft SQL Server	BusinessPLUS 7.9.10	BusinessPLUS 7.10
SQL Server 2008 R2 (SP3) Enterprise and Standard Editions	Yes	No
SQL Server 2012 (SP2) Enterprise and Standard Editions	Yes	No
SQL Server 2012 (SP3) Enterprise and Standard Editions	No	Yes
SQL Server 2014 (SP1) Enterprise and Standard Editions	Yes	No
SQL Server 2014 (SP2) Enterprise and Standard Editions	No	Yes
SQL Server 2016 Enterprise and Standard Editions	No	Yes

### Third Party Support

The following third party applications are supported with BusinessPLUS server(s):

Third-Party Application	BusinessPLUS 7.9.10	BusinessPLUS 7.10
Querix Hydra	Hydra 4.21 vc8	Hydra 4.21 vc8
Microfocus COBOL	Net Express 5.1	Net Express 5.1
MKS Toolkit	V 9.6 / 10.0	V 9.6p1 / 10.0

### Professional Services

The Professional Services listed below will be delivered remotely by a TSG Systems Engineer.

Integration Design
<ul style="list-style-type: none"> <li>Review of the desired deployment including infrastructure readiness, network topology, and project related deliverables and schedules</li> </ul>
Microsoft Windows Server Configuration - BusinessPLUS Server(s)
<ul style="list-style-type: none"> <li>Apply applicable Microsoft Windows Server operating system patches and updates</li> <li>Install / configure applicable Microsoft Windows Server Roles and Features for project related server(s)</li> <li>Configure optimal Microsoft Windows Server environment variables specific to BusinessPLUS / Microsoft SQL for project related server(s)</li> <li>Install / configure applicable BusinessPLUS prerequisite software for project related server(s)</li> </ul>
Microsoft SQL Server Configuration
<ul style="list-style-type: none"> <li>Install / configure Microsoft .NET framework for project related SQL database server(s)</li> <li>Install customer provided Microsoft SQL application for project related SQL database server(s)</li> <li>Apply applicable Microsoft SQL Server updates for security and performance</li> <li>Configure applicable Microsoft SQL Server instance features</li> <li>Configure Microsoft SQL Server database authentication</li> <li>Configure optimal Microsoft SQL Server memory settings</li> <li>Configure optimal Microsoft SQL Server collation &amp; database settings</li> <li>Configure optimal Microsoft SQL Server database and log file directory settings based on disk subsystem</li> <li>Create application database(s) with application database recovery model(s)</li> <li>Migrate existing databases as required to the new Microsoft SQL Server configuration</li> <li>Configure applicable Microsoft SQL Server maintenance plans for data recovery</li> <li>Enable Always On Availability Groups feature in SQL Server</li> <li>Create and configure SQL Server Always On Availability Groups</li> </ul>

BusinessPLUS Configuration
<ul style="list-style-type: none"> <li>Install the latest release of the BusinessPLUS application version release (unless otherwise specified by customer)</li> <li>Update / modify New PROD database(s) tables</li> <li>Configure / update 7i Web Servers</li> <li>Test and validate BusinessPLUS functionality for end user access</li> <li>Provide notification details once the BusinessPLUS Upgrade Service has been completed</li> </ul>
Cognos Configuration
<ul style="list-style-type: none"> <li>Install the desired release of the Cognos application version release</li> <li>Install / configure applicable prerequisite software and/or third party Software</li> <li>Migrate existing Cognos content store database to the new Cognos configuration</li> <li>Configure Cognos data source for BusinessPLUS database</li> <li>Test and validate Cognos application functionality for end user access</li> </ul>
Go Live Service
<ul style="list-style-type: none"> <li>Export / save agreed upon data (CDD Reports, Workflow Models, Security)</li> <li>Update / refresh production environment with agreed upon data</li> <li>Test and validate BusinessPLUS functionality for end user access</li> </ul>

### Customer Responsibilities

It will be the responsibility of customer's designated personnel to ensure each of the following items are understood and addressed.

Facilities
<ol style="list-style-type: none"> <li>1. Provide a technical district resource to work with the PowerSchool Systems Engineer for the duration of the consultation.</li> <li>2. All work will be performed during normal business hours unless otherwise specified. (Monday – Friday; 8:00 AM – 5:00 PM US Eastern Time) (Excludes US PowerSchool Holidays)</li> <li>3. Initiate TSG remote access (SecureLink) to perform the services listed within this proposal.</li> </ol>
Infrastructure Configuration
<ol style="list-style-type: none"> <li>1. Provide TSG with pre-configured Microsoft Windows Servers that have network connectivity and are accessible from remote access.</li> <li>2. Configure Windows Server Failover Clustering (WSFC) for each server that will participate in Microsoft SQL Server Always On Availability.</li> <li>3. Provide TSG with media and licensing for the desired Microsoft SQL Server Application version to be used. <b>Note:</b> Microsoft SQL Server Always On Availability requires SQL Enterprise Edition</li> <li>4. Provide TSG with naming conventions, TCP/IP parameters, and user accounts passwords associated with all project related infrastructure components.</li> </ol>

5. Ensure your intended BusinessPLUS server(s) are in compliance with all aspects of the minimum system requirements for the supported BusinessPLUS Version Release being applied.
6. During the BusinessPLUS upgrade / migration service your BusinessPLUS server(s) may require a restart. It will be the customer's responsibility to ensure no USB drives or other bootable devices are attached to the BusinessPLUS server(s) that can cause issues during the reboot process.

### BusinessPLUS

1. The upgrade / migration of BusinessPLUS resources within this scope of this project will be performed within a five (5) business-day service window unless weekend or off-hour services have been negotiated.
2. Customers are responsible to backup any existing BusinessPLUS / SQL configurations prior to commencing of services.
3. TSG is not responsible for the integrity of the current BusinessPLUS / SQL data being upgraded / migrated.
4. Services within the scope of this project include a one-time data update / refresh during the Go Live service.
5. TSG is not responsible for any BusinessPLUS Version updates that fail due to third party applications / interfaces being run against the BusinessPLUS database that prohibits the update of the BusinessPLUS application.
6. During Go Live Service, BusinessPLUS will be unavailable to all users. Customers are responsible to notify all BusinessPLUS users of this scheduled down time.
7. During Go Live Service, customers are responsible to update existing DNS records (internal and external) for BusinessPLUS access.
8. The customer is to review all Release Notifications related to the BusinessPLUS Version Release being installed and fully understand the implications (benefits and impact on current operations) introduced as a result of the update. Questions or issues concerning the update's influence on the visibility to your data or the continued access to, or use of, your customizations should be directed to the BusinessPLUS Technical Support department.
9. The services included within the scope of this offering do not include any services related to the installation / configuration of any other third-party applications that have direct access to the BusinessPLUS / SQL resources. Questions or issues concerning the configuration of other application configurations should be directed to the appropriate Technical Support department that is affiliated with the application in use.
10. Failure to prepare the existing BusinessPLUS environment prior to the service start date will result in the upgrade / migration service being rescheduled for the next available five (5) business-day service window.
11. TSG is not affiliated with the BusinessPLUS Technical Support department and is unable to address any questions relating to the use or troubleshooting of functionality within the application as a result of a BusinessPLUS configuration or update performed by TSG. Customers with questions of this nature will be instructed to contact the BusinessPLUS Technical Support department.

**BusinessPLUS Upgrade Fees**

1. The upgrade of BusinessPLUS is limited to the following BusinessPLUS server(s) unless otherwise stated:
  - **(1) BusinessPLUS Informix to SQL Database Server migration and deployment of Application and 7i Components to same server.**
  - **(1) Cognos Server(s)**

**Note:** Additional BusinessPLUS servers not listed above will require additional funding to be upgraded.

**Note:** Additional data update / refresh requests prior to the scheduled Go Live service date are available for \$750.00 per data update / refresh.

**Note:** Additional Go Live services are available for \$3,000.00 per Go Live Service.

**Completion Criteria**

The services within this proposal will be considered complete and delivered when the following conditions have been met:

1. TSG has contacted the customer and established remote access to the customer's BusinessPLUS environment.
2. TSG has applied the applicable BusinessPLUS Version Release to the customer's BusinessPLUS environment.
3. TSG has applied existing BusinessPLUS application code to the new BusinessPLUS application configuration.
4. TSG has migrated the customer's existing data to the new BusinessPLUS environment.
5. The customer is presented with the BusinessPLUS logon screen.
6. The customer has been notified that the BusinessPLUS Upgrade Service has been completed.

Within five (5) business days of completion of the services within this proposal, the District Primary Contact will either accept the Deliverables or provide TSG a written list of objections, if any. If no response from the Customer is received within five (5) business days, then the Deliverables will be deemed accepted, unless the Customer requests an extension.

If the Customer experiences issues directly related to a configuration performed by TSG personnel, it will be the Customer's responsibility to contact TSG within five (5) business days. Configuration related requests received after five (5) business days of project completion may incur additional service costs.

**Pricing Summary – As of May 4, 2018**

• <b>BusinessPLUS Upgrade Service: (USD)</b>	<b>\$18,000.00</b>
• <b>(Optional) BusinessPLUS Go Live Service: (USD)</b>	<b>\$2,250.00</b>
<b>BusinessPLUS Upgrade Service Total: (USD)</b>	<b>\$20,250.00</b>

The pricing set forth above shall be valid for a period of sixty (60) days from the date of this proposal and is only applicable to those products and services described herein. If customer has not returned a signed copy of this Proposal to PowerSchool prior to the expiration of the foregoing sixty (60) day period, PowerSchool reserves the right to modify the products, services and associated pricing quoted herein, or in the alternative, cancel this Proposal in whole or in part.

All products and services set forth in this Proposal will be provided to Client in accordance with the terms and conditions of the standard PowerSchool Licensed Product and Services Agreement.

<b>AGREED TO: Alum Rock Union Elementary School District</b>			
<b>By:</b>			
(Authorized Signature)			
<b>Name:</b>			
<b>Title:</b>			
<b>Date:</b>		<b>Phone Number:</b>	

**To purchase this offering, please sign the last page of this proposal and submit back to the PowerSchool Group, LLC along with a purchase order via fax to (916) 288-1590. Thank you and we look forward to working with you and your staff.**

PowerSchool Group, LLC  
 150 Parkshore Drive  
 Folsom, CA 95630

TIN: 47-4429364  
 Fax: (916) 288-1590  
 Phone: (877) 873-1550



PowerSchool Group LLC  
 150 Parkshore Dr, Folsom, CA 95630  
 Quote #: Q-110427-1  
 Quote Expiration Date: 7/6/2018

Prepared By: Sharron Bragg  
 Customer Name: Alum Rock Union Elementary  
 School District  
 Enrollment: 1  
 # of Schools: 1.00  
 Contract Term: 12 Months  
 Start Date: 5/7/2018  
 End Date: 5/6/2019

Customer Contact: Avtar Gill  
 Title: CTO  
 Address: 2930 Gay Avenue  
 City: San Jose  
 State/Province: California  
 Zip Code: 95127-C2322  
 Phone #: (408) 928-6800

Product Description	Quantity	Unit	Unit Price	Extended Price
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**Professional Services and Setup Fees**

BusinessPLUS Consulting Keys to Ownership (KTO)	10.00	Hour	USD 187.50	USD 1,875.00
			Professional Services and Setup Fee Totals:	<b>USD 1,875.00</b>

Quote Total	
<b>Year One Total</b>	<b>USD 1,875.00</b>

On-Going PowerSchool Subscription/Maintenance & Support Fees are invoiced at then current rates & enrollment per terms of the Licensed Product and Services Agreement, which may be subject to an annual increase after the first year for non-multi-year contracts and/or enrollment increases.  
 Any applicable state sales tax has not been added to this quote. Subscription Start and expiration Dates shall be as set forth above, which may be delayed based upon the date that PowerSchool receives your purchase order.  
 In the event that this quote includes promotional pricing, such promotional pricing may not be valid for the entire period stated on this quote.  
 All invoices shall be paid within thirty (30) days of the date of invoice.  
**All purchase orders must contain the exact quote number stated within. Customer agrees that purchase orders are for administrative purposes only and shall not impact the terms or conditions reflected in this quote and the applicable PowerSchool Licensed Product and Services Agreement.**  
 This Quote is subject to and incorporates the terms and conditions for the applicable product(s) located at: <https://www.powerschool.com/3rd-party-software/>  
 This quote fully incorporates the terms and conditions of the current master agreement.

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

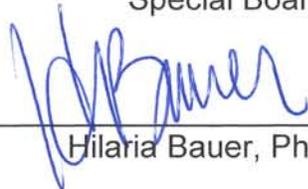
Date: May 10, 2018

**Subject:** Resolution No. 36-17/18  
National School Nutrition Employee Week May 7-11, 2018

**Staff Analysis:** The purpose is to be able to recognize the importance of the hard working professionals in our school cafeterias and the difference they make for every child who comes to the cafeteria.

**Recommendation:** Staff recommends approval of Resolution No.36-17/18 as submitted.

Prepared by: <u>Mary H. Fell, SNS</u>	Title: <u>Director, Child Nutrition Services</u>
Approved by: <u>Kolvira Chheng</u>	Title: <u>Assistant Superintendent, Business Services</u>

To the Board of Trustees:	Meeting: May 29, 2018 Special Board Meeting
<b>Recommend Approval</b> 14.10	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

Resolution No. 36-17/18

PROCLAIMING MAY 7-11, 2018

## “NATIONAL SCHOOL NUTRITION EMPLOYEE WEEK”

- WHEREAS** nutritious meals at school are an essential part of the school day; and
- WHEREAS** the staff of the District’s school meals and nutrition department are committed to providing healthful, nutritious meals to the District’s children; and
- WHEREAS** the men and women who prepare and serve school meals help nurture our children through their daily interaction and support; and
- WHEREAS** the week of May 7-11, 2018 is officially recognized as **SCHOOL NUTRITION EMPLOYEE WEEK**

**NOW THEREFORE, BE IT RESOLVED**, that Alum Rock Union Elementary School District expresses its deep appreciation to these valuable employees and commends their good work on behalf of children.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of May, 2018 by the Board of Trustees of the Alum Rock Union Elementary School District, County of Santa Clara, State of California.

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Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**Board of Trustees:**

Esau Ruiz Herrera, \_\_\_\_\_  
Karen Martinez, \_\_\_\_\_  
Andrés Quintero, \_\_\_\_\_  
Dolores Marquéz-Frausto, \_\_\_\_\_  
Khan Tran, \_\_\_\_\_

I HEREBY CERTIFY that the foregoing resolutions was duly and regularly introduced, passed, and adopted by the members of the Board of Trustees of the Alum Rock Union Elementary School District at a public meeting of said Board held on May 29, 2018.

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Hilaria Bauer, Ph.D., Superintendent

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Date

14.11

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

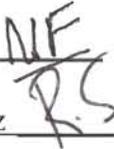
Date: **May 14, 2018**

**Subject:** Expulsion plan for expelled students between the Santa Clara County Office of Education and the Alum Rock Union Elementary School District for the implementation of Education Codes §489161.1 and §48926

**Staff Analysis:** Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum to expelled students.

**Recommendation:** Staff recommends approval of the submitted 2018-2021 Expulsion Plan for expelled students.

Submitted by: Norma Flores



Title: Director of Student Services

Approved by: Rene Sanchez



Title: Assistant Superintendent, Instructional Services

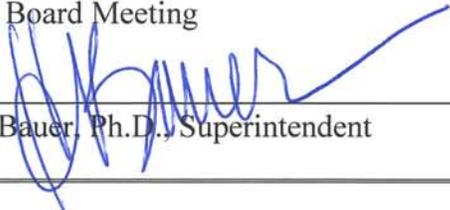
To the Board of Trustees:

Meeting: May 29, 2018

Recommend Approval

Special Board Meeting

14.11  
Agenda Placement

  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_



**THREE YEAR EXPULSION PLAN BETWEEN THE  
ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT**

**&**

**SANTA CLARA COUNTY OFFICE OF EDUCATION**

**FOR THE**

**IMPLEMENTATION**

**OF**

**EDUCATION CODE §48916.1 and §48926**

**2018-2021**

**Developed by**

**Alum Rock Union Elementary School District**

**Student Services Department**

**2930 Gay Ave**

**San Jose, CA 95127**

## **INTRODUCTION**

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is provided a rehabilitation plan designed by Alum Rock Union Elementary School District's Student Services Division. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through the Alum Rock Union Elementary School District and/or County referral process.

## EDUCATION CODES

### Education Code §48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives; identify gaps in education services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997 and shall submit a triennial update of the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section §48916.1 on June 30<sup>th</sup> thereafter.

### Education Code §48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent that funds are appropriated for this purpose in the annual Budget Act or legislation, or both.

# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT EXISTING PLAN FOR EXPELLED YOUTH

## Existing Educational Alternatives for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center Program offers the following options for expelled youth:

1. Daily educational programs that meet from 240-300 minutes per day in community classrooms.
2. Contracted student programs (Independent Study) that require students to complete 20 hours of educational product.

Alum Rock School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and education code violation:

- 1) Suspended expulsion with placement on the same school campus;
- 2) Suspended expulsion with placement on a different school campus within the district;
- 3) Expulsion with referral and release to the Santa Clara County Office of Education Court and Community School/Day Center Program;
- 4) Placement in another district or charter school, with consent from all parties;
- 5) Expulsion with home instruction if appropriate;
- 6) Expulsion with placement in an NPS if required due to special education IEP needs.

The district's Board of Trustees makes the actual referral to such placement with recommendations from the district's Expulsion Panel.

## DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are two gaps that exist with respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing these gaps.

1. It is possible under Education Code §48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from Alum Rock under Education Code §48915 and referred to either a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to Alum Rock.

**District Strategy for addressing this gap:**

The status of the student will be reviewed by a District team. If appropriate the student may be referred to another Community School program, District or Home Instruction Program.

2. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are grades seven through twelve due to limited numbers of students who are expelled in these lower grades. Younger students cannot attend the programs designed for middle or high school students. Though the numbers are growing, these are generally not enough to comprise an elementary school classroom or program.

**District strategy for addressing this gap:**

Expelled students in grades one through six if appropriate will be transferred to another district elementary school or be transferred to a neighboring district if all parties are in agreement.

## COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

### Step I

For expelled students who have been placed in a district community day school, but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils:

The Alum Rock Union Elementary School District does not operate a Community Day School Program. The Alum Rock School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting and ensuring an educational program is provided either within or outside the school district.

### Step II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, or a Santa Clara County Office of Education Community School:

Expelled students will be referred to a Santa Clara County Office of Education Community School which is a permissive program. An "Individual Learning Plan" will be developed with the student's parents and COE staff. Part of this plan will include a goal for returning to the school district of residence after completing all district terms and conditions.

## **PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY**

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

## **EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS**

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

## **GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS**

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of

repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In

addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
  - Positive Behavior Interventions Support (PBIS)
  - Multi-tiered System of Support (MTSS)
  - Response to Intervention (RTI)
  - BEST Behavior Program
  - Opportunity Program
  - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
  - Community liaisons
  - Counselors, psychologist support
  - Character building programs
  
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

## **ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS**

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the Alum Rock Union Elementary School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the Alum Rock Union Elementary School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

14.12

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Approve/Ratify Notices of Employment and Changes of Status/May 29, 2018/  
Human Resources Department

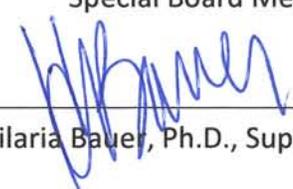
Staff Analysis:

This item includes recommendations such as new hires, leaves of absence, or other changes in employee status.

Recommendation:

The Board is requested to approve the hiring of any new employee, and any change of status for existing employees.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>14.12</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT-  
HUMAN RESOURCES DEPARTMENT  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
May 29, 2018**

**REVISED**  
5/24/18

**CERTIFICATED OFFERS OF EMPLOYMENT:**

**I. New Hire:**

1. Rodrigues, Amy	District Nurse/Student Services Dept.	04/09/2018
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**II. Substitute Personnel:**

1. Almazan, Epsom	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
2. Catolico, Jonathan	Substitute Teacher	04/16/2018
3. Cook, Steve	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
4. Faines, Anna	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
5. Faines, James	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
6. Harlow, William	Residential Substitute Teacher Contract	04/09/2018-04/30/2018
7. Hawkins, Zane	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
8. Hernandez, Frank	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
9. Keep, Peggy	Substitute Teacher	02/02/2018
10. Loreda, Mike	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
11. Loui, Florence	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
12. Manundo, Marlon	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
13. Morquecho, Leticia	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
14. Oldham, Vivianna	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
15. Rojas, Raul	Residential Substitute Teacher Contract	04/09/2018-06/14/2018
16. Sinclair, Abigail	Substitute Teacher	04/16/2018
17. Torres, Erik	Substitute Teacher	04/16/2018
18. Vasquez, Mary	Residential Substitute Teacher Contract	04/09/2018-06/14/2018

**III. Employee Contracts:**

1. Armstrong, Marjan	Marriage & Family Therapist	07/01/2018-06/30/2019
2. Devine, Erin	Marriage & Family Therapist	07/01/2018-06/30/2019
3. Ellis, Nicole	School Counselor Intern	04/30/2018-06/15/2018
4. Garza, Elizabeth	Occupational Therapist	07/01/2018-06/30/2019
5. Leon, Oscar	Substitute Principal	05/01/2018-06/30/2018
6. London, Corinne	Behavior Support	09/20/2018-06/30/2019
7. Martin Marisol	Tester	05/01/2018-06/31/2018
8. Posner, Charles	Instructor-Jazz Summer Program	06/25/2018-07/20/2018
9. Qin, Jie	Registered Nurse/SpEd	07/01/2018-06/30/2019
10. Servin, Maribel	School Counselor Intern	04/01/2018-06/30/2018
11. Spacek, Timothy	Music Director-Summer Jazz Program	06/25/2018-07/20/2018
12. Steele, Vivian	Behavior Support/SpEd	07/01/2018-06/30/2019
13. Thun, Blanca	School Counselor Intern	04/01/2018-06/30/2018
14. Vega, Benjamin	Instructor/Assistant Summer Jazz Program	06/25/2018-07/20/2018
15. Wolff, Beth	School Counselor Intern	03/01/2018-06/30/2018
16. Yamaguchi, Dana	SLS Coordinator/Sheppard	08/14/2018-06/30/2019

**CERTIFICATED CHANGES OF STATUS:**

**IV. One Year Nonpaid Personal Leave of Absence:**

1. Brown, Anthony Scott	6/APTITUD	07/01/2018-06/30/2019
2. Cane, Christine	1 year Extension	07/01/2018-06/30/2019
3. Jacinto, Loreliz	.25 FTE/Speech Therapist	07/01/2018-06/30/2019
4. Moeller, Kristin	.20 FTE/Lyndale Elementary	07/01/2018-06/30/2019
5. Spatola, Veronica	1 year extension	07/01/2018-06/30/2019
6. Wesson, Nicole	.60 FTE/School Psychologist	07/01/2018-06/30/2019

**V. End of Temporary Contract 6/30/2018:**

1. Astorga, Jose	Dorsa Elementary
2. Brundidge, Kaitlin	L.U.C.H.A. Academy
3. Buchanan, Blake	Dorsa Elementary
4. Cervantes, Alondra	George Middle School
5. Dumpson, Claudia	ADELANTE Academy II
6. Dunn, Nicole	Renaissance Academy II
7. Estell, Marline	Sheppard Middle School
8. Estrada, Luis	ADELANTE Academy I
9. Francis, Mark	Mathson Middle School
10. Garibay, Edgar	Fischer Middle School
11. Gonzalez, Rosa	Ocala Middle School
12. Gutierrez, Christina	Mathson Middle School
13. Hinsch, Laura	Renaissance Academy I
14. Lentz, Jillian	Lyndale Elementary
15. Libuit, Haley	Ryan Elementary
16. Martinez, Joycelyn	Dorsa Elementary
17. Miller, Haley	Lyndale Elementary
18. Morales, Elizabeth	ADELANTE Academy I
19. O'Neill, Melanie	Arbuckle Elementary
20. Perez, Celia	Meyer Elementary
21. Perez, Gabriela	ADELANTE Academy II
22. Perez-Carrillo, Jennifer	ADELANTE Academy I
23. Rivas, Sandra	ADELANTE Academy II
24. Rodrigues, Amy	Student Services Dept.
25. Stamborski, Anna	Ocala Middle School
26. Strand, Alyssa	Cureton Elementary
27. Todd, Amber	Ryan Elementary
28. Urena, Alondra	Cureton Elementary
29. Vega, Benjamin	Meyer Elementary
30. Vu, Minh	L.U.C.H.A. Academy

**VI. End of Temporary Contract Non Reelect 6/30/2018:**

1. Rodriguez, Jocelyn	ADELANTE Academy II
2. Moller, John	Renaissance Academy I

**VII. Substitute Teacher -Terminated:**

1. Lindner, John	04/12/2018
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**CLASSIFIED PERSONNEL – May 29, 2018**

**CLASSIFIED OFFERS OF EMPLOYMENT:**

**I. New Hire:**

1. Bautista, Alejandra Guadalupe	School Office Assistant/Ryan	04/23/18
2. Bautista, Lourdes	Child Nutrition Assistant I/Ocala	04/30/18
3. Rodriguez, Alejandro Delgadillo	Head Custodian II/Aptitud	05/01/18
4. Senabria, Laurencia	Child Nutrition Assistant I/Adelante	03/26/18

**II. Change of Status:**

1. Cervantes, Laura Martinez	Child Nutrition Assistant II/George	04/09/18
2. Contreras, Martha Arambula	Child Nutrition Assistant I/Fischer	04/09/18
3. Ulloa, Silvia	Child Nutrition Assistant I/Ocala	03/26/18

**III. Personal Leave of Absence:**

1. Villalvaso, Maria De Jesus	School Administrative Assistant/Aptitud	05/01/18-05/01/19
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**IV. Retirement:**

1. Pacheco, Dora Elia	Satellite Supervisor/Fischer	06/19/18
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**V. Termination:**

1. Lafo, Pesamino	Paraeducator Special Education II/Ocala	04/25/18
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**VI. Contracted Employee:**

1. Almazan, Epsom	Coach/Ocala	12/18/17-01/30/18
2. Floirendo, Ian-Carl	Vocal Instructor/ VAPA	06/25/18-07/20/18
3. Lopes, Daniel	Soccer Coach/ Ocala M.S.	02/01/18-03/30/18
4. Pangilinan, Oscar	Instructor-Audio Tech-Summer/ VAPA	06/25/18-07/20/18
5. Pangilinan, Oscar	Instructor-Audio Tech/ VAPA	08/20/18-06/30/19
6. Popoff, Alexander	Instructor/ VAPA	06/25/18-07/20/18
7. Ramirez, Laura	Instructor/ VAPA	06/25/18-07/20/18
8. Sanchez, Clayton	Instructor/ VAPA	06/25/18-07/20/18
9. Sanchez, Clayton	Instructor/ VAPA	08/20/18-06/30/19

14.13

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**Schools to Learn From Program**  
**Bladensburg, MD**  
**May 1-3, 2018**

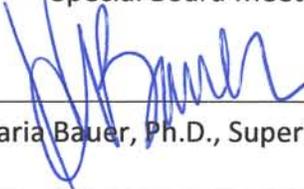
Summary:

The School to Learn From Program is a professional development program that includes a site visit to International High School Langley Park (IHSLP) to learn action design and implementation. IHSLP opened its doors in 2015 with the charge to better support English Language Learners (ELLs) and newcomers. Through competency and mastery based approaches to learning, this community serves 100% ELLs and Reclassified ELLs. The school is guided by the principles of heterogeneity and collaboration, experimental learning, language and content integration, localized autonomy and responsibility, and one learning model for all. No cost.

Recommendation:

Staff recommends approval of out-of-state travel for Anna Nguyen.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
---------------------------------	---

To the Board of Trustees: <b>Recommend Approval</b> <u>14.13</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: 3/9/18

1. Program Manager / Principal: Anna Nguyen Dept. / School Site: Renaissance II

2. Title of Conference / Meeting: "Schools to Learn From" Site Visit at Program

3. Place: International High School at Langley Park - Bladensburg, MD

4. Purpose: To learn about curriculum, instruction and data systems

5. Date (s) of Conference / Meetings: Tuesday, May 1 to Thursday, May 3, 2018

6. Principal / Program Manager Approval: [Signature] Date: 3/9/18

7. Departure Date / Time: Monday, April 30 @ 8:00 Hour: AM  PM

8. Return Date / Time: Thursday, May 3; 8:00 Hour: AM  PM

9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
<u>Anna Nguyen</u>		<input checked="" type="checkbox"/>				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

\_\_\_\_\_  
Asst. Superintendent of Human Resources Date

10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$	\$
Registration		
Lodging		
Meals		
Shuttle / Parking		
Other		
Total	\$ <u>0</u>	\$

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Business Services / Purchasing Superintendent

- This form must be completed and submitted at least 60 days prior to the proposed trip.
- Cash advance request, submit the completed form 60 days prior to cash advance due date.
- The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

14.14

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**Policy Leadership Academy  
Washington D.C.  
June 6-8, 2018**

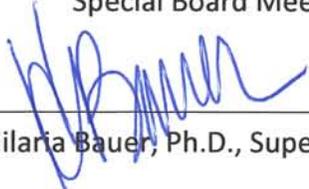
Summary:

The Policy Leadership Academy is a leadership development opportunity for professionals who have management responsibility over systems, programs and/or staff. Participants will engage in highly relevant discussions about policy and leadership that will foster a deeper understanding of key education issues and solutions. No cost.

Recommendation:

Staff recommends approval of out-of-state travel for Ivan Montes.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
---------------------------------	---

To the Board of Trustees:	Meeting:	May 29, 2018
<b>Recommend Approval</b>		Special Board Meeting
<u>14.14</u>		
Agenda Placement		Hilaria Bauer, Ph.D., Superintendent

<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: May 1, 2018

1. Program Manager / Principal: Rini Sanchez Dept. / School Site: Academic Services

2. Title of Conference / Meeting: Policy Leadership Academy

3. Place: Washington D.C.

4. Purpose: To engage in leadership development & skills-based learning, & expand the network of education leaders

5. Date (s) of Conference / Meetings: June 6-8, 2018

6. Principal / Program Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_

7. Departure Date / Time: June 6, 2018 / 7:30 Hour: AM  PM

8. Return Date / Time: June 8, 2018 / 4:30 Hour: AM  PM

9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
<u>Ivan Montes</u>		<input checked="" type="checkbox"/>				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

Asst. Superintendent of Human Resources \_\_\_\_\_ Date \_\_\_\_\_

### 10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$	\$
Registration		
Lodging		
Meals		
Shuttle / Parking		
Other		
Total	\$	\$

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Business Services / Purchasing Date

Approved By: [Signature]  
Superintendent Date

- This form must be completed and submitted at least 60 days prior to the proposed trip.
- Cash advance request, submit the completed form 60 days prior to cash advance due date.
- The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

14.15

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**NALEO Conference  
Phoenix, AZ  
June 21-23, 2018**

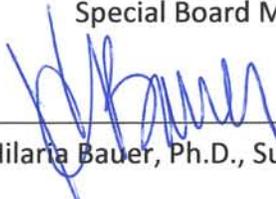
Summary:

The NALEO Conference is a venue for Latino lawmakers, nationwide, to come together to exchange ideas and solutions with colleagues from various levels of government regarding challenges and opportunities facing our communities. Total estimated cost \$4720.

Recommendation:

Staff recommends approval of out-of-state travel for Esau Ruiz Herrera and Andrés Quintero.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>14.15</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: 4/30/2018

1. Program Manager / Principal: Dr. Hilaria Bauer Dept. / School Site: Supt. Office
2. Title of Conference / Meeting: National Association of Latino Elected Officials (NALEO)
3. Place: Phoenix, Arizona
4. Purpose: Professional development for Latino elected and appointed officials.
5. Date (s) of Conference / Meetings: June 21-23, 2018
6. Principal / Program Manager Approval: \_\_\_\_\_ Date \_\_\_\_\_
7. Departure Date / Time: June 20, 2018 Hour: AM  PM
8. Return Date / Time: June 24, 2018 Hour: AM  PM
9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
<b>Esau Herrera</b>		<b>X</b>				
<b>Andres Quintero</b>		<b>X</b>				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

\_\_\_\_\_  
Asst. Superintendent of Human Resources Date

### 10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$ <b>740</b>	\$
Registration	<b>700</b>	
Lodging	<b>820</b>	
Meals	<b>50</b>	
Shuttle / Parking	<b>50</b>	
Other		
<b>Total</b>	<b>\$ 2,360 each, 4,720 total</b>	\$

**Attach Purchase Order(s), Invoice(s) and Registration Form(s).**

11. Account Code: **EH03704710005200// AQ03703710005200**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By:  \_\_\_\_\_ Date \_\_\_\_\_  
 Business Services / Purchasing Superintendent

1. This form must be completed and submitted at least 60 days prior to the proposed trip.
2. Cash advance request, submit the completed form 60 days prior to cash advance due date.
3. The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

14.16

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**SNA Annual National Conference  
Las Vegas, NV  
July 9 –12, 2018**

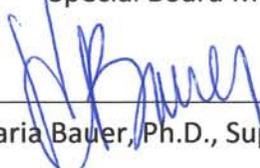
Summary:

The School Nutrition Association (SNA) National Conference is a conference specific to Child Nutrition Services. More than 120 education sessions are offered with K-12 school food service topics and cutting-edge ideas in school nutrition. Estimated cost \$1337.

Recommendation:

Staff recommends approval of out-of-state travel for Mary Fell.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>14.16</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____

**TRAVEL APPROVAL FORM**  
ATTACH SUPPORTING DOCUMENT

RECEIVED  
PURCHASING

2018 APR 30 AM 11:44

Date of Request 4/30/18

1. Program Manager / Principal \_\_\_\_\_ Dept. / School Site Child Nutrition
2. Title of Conference / Meeting SNA Annual Nat'l Conference
3. Place Las Vegas, Nevada
4. Purpose Professional Development
5. Date (s) of Conference / Meetings July 9-12, 2018
6. Principal / Program Manager Approval \_\_\_\_\_ Date \_\_\_\_\_
7. Departure Date / Time July 7 Hour AM  PM
8. Return Date / Time July 13 Hour AM  PM
9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request (Name)	Code Sub To:
	Yes	No	Yes	No		
<u>Maryell</u>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval  Yes  No

\_\_\_\_\_  
Asst. Superintendent of Human Resources Date

10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$ <del>640.00</del> <u>250.00</u>	\$
Registration <u>50% discount</u>	<u>322.00</u>	
Lodging	<u>640.00</u>	
Meals	<u>100.00</u>	
Shuttle / Parking	<u>25.00</u>	
Other		
Total	\$ <u>1337.00</u>	\$

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code 13-480-3700-0-5200 Amount 4/30/2018
- Approved by: Kal S 4/30/18 Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Business Services/Purchasing Superintendent

- This form must be completed and submitted at least 60 days prior to the proposed trip.
- Cash advance request, submit the completed form 60 days prior to cash advance due date.
- The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

14.17

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**New Tech Network  
St. Louis, MO  
July 12-15, 2018**

Summary:

The New Tech Annual Conference provides participants the opportunity to work with peers who are exploring New Tech implementation, gain insights from implementing school district and school leaders, and work on performance tasks designed to advance planning and build readiness for a successful implementation. Total estimated cost \$24,500.

Recommendation:

Staff recommends approval of out-of-state travel for Imee Almazan, Amalia Alvarez, Jeff Berta, Diederich Bonemeyer, Stephanie Guerrero, Amber Harris, Crystal Madril, Jerald Minter and Randall Smith.

Submitted by: Jess Serna Title: Interim Assistant Superintendent,  
Human Resources

To the Board of Trustees:

**Recommend Approval**

14.17

Agenda Placement

Meeting:

May 29, 2018  
Special Board Meeting



Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_

2018-2019

1 of 2



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: 4/11/18

- Program Manager / Principal: Imee Almazan Dept. / School Site: Fischer
- Title of Conference / Meeting: New Tech Network Annual Conference
- Place: Marriott St. Louis Grand, 800 Washington Ave., St. Louis, MO 63101
- Purpose: New Tech Network Annual Conference
- Date (s) of Conference / Meetings: July 12 - July 15, 2018
- Principal / Program Manager Approval: [Signature] / RS Date 4/11/18
- Departure Date / Time: July 11, 2018, 7:30 Hour: AM  PM
- Return Date / Time: July 16, 2018, 9:00 Hour: AM  PM

9. Human Resources:

Name(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
Imee Almazan		✓				
Amalia Alvarez		✓				
Jeff Berta		✓				
Diederich Bonemeyer		✓				PTA
Stephanie Guerrero		✓				
Amber Harris		✓				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

Asst. Superintendent of Human Resources \_\_\_\_\_ Date \_\_\_\_\_

10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$ <u>9000<sup>00</sup></u>	\$
Registration	<u>8800</u>	
Lodging	<u>5500</u>	
Meals	<u>800</u>	
Shuttle / Parking	<u>450</u>	
Other		
<b>Total</b>	\$ <u>24500<sup>00</sup></u>	\$

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: 06-630-1190-5200

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Business Services / Purchasing Superintendent

- This form must be completed and submitted at least 60 days prior to the proposed trip.
- Cash advance request, submit the completed form 60 days prior to cash advance due date.
- The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

41 of 2



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: 4/11/18

- 1. Program Manager / Principal: Imee Almazan Dept. / School Site: Fischer
- 2. Title of Conference / Meeting: New Tech Network Annual Conference
- 3. Place: Marriott St. Louis Grand, 800 Washington Ave., St. Louis, MO 63101
- 4. Purpose: New Tech Network Annual Conference
- 5. Date (s) of Conference / Meetings: July 12 - July 15, 2018
- 6. Principal / Program Manager Approval: [Signature] Date 4/11/18
- 7. Departure Date / Time: July 11, 2018, 7:30 Hour: AM  PM
- 8. Return Date / Time: July 16, 2018, 9:00 Hour: AM  PM
- 9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
Crystal Madril		✓				MJ/A
Jerald Minter		✓				
Randall Smith		✓				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

Asst. Superintendent of Human Resources \_\_\_\_\_ Date \_\_\_\_\_

### 10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$ 9,000 <sup>00</sup>	\$
Registration	8,800 <sup>50</sup>	
Lodging	5,500 <sup>00</sup>	
Meals	800 <sup>00</sup>	
Shuttle / Parking	450 <sup>00</sup>	
Other		
<b>Total</b>	<b>\$ 24,500<sup>00</sup></b>	<b>\$</b>

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: 06-130-1190-5200

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
 Business Services / Purchasing Superintendent

- 1. This form must be completed and submitted at least 60 days prior to the proposed trip.
- 2. Cash advance request, submit the completed form 60 days prior to cash advance due date.
- 3. The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

#2 of 2

14.18

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**New Tech Network  
St. Louis, MO  
July 12-15, 2018**

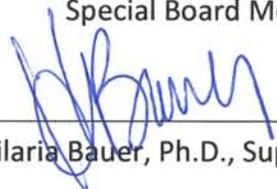
Summary:

The New Tech Annual Conference provides participants the opportunity to work with peers who are exploring New Tech implementation, gain insights from implementing school district and school leaders, and work on performance tasks designed to advance planning and build readiness for a successful implementation. Total estimated cost \$20,000.

Recommendation:

Staff recommends approval of out-of-state travel for Brienna White, Bonnie Emert, Marlene Estell, Jennifer Doherty, Kevin Fuller, Bryan Nguyen, Jackie Montejano, Michael Kretsch, Jesse Springer and Joey Tango.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>14.18</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



RECEIVED  
PURCHASING

ALTON ROCK UNION ELEMENTARY SCHOOL DISTRICT

1819 SY

2018 APR 27 PM 3:34

TRAVEL APPROVAL FORM  
Attach Supporting Document

Proposal  
D.O. Fund Air & Hotel  
SMS Fund Reg. & misc.

Date of Request: 4/11/18

1. Program Manager / Principal: Jackie Montejano Dept. / School Site: Sheppard Middle School
2. Title of Conference / Meeting: NTN - NewTech Network Annual Conference
3. Place: St. Louis
4. Purpose: Professional Development for 7th Grade Teachers NTN
5. Date (s) of Conference / Meetings: 7/12 - 7/15 NewTech Annual Conf.
6. Principal / Program Manager Approval: [Signature] / R.S. Date \_\_\_\_\_
7. Departure Date / Time: 7/11/18 8:00 Hour: AM  PM
8. Return Date / Time: 7/15/18 8:00 Hour: AM  PM
9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
Brianna White		/			N/A for all	
Bonnie Emert		/				
Marlene Estell		/				
Jennifer Doherty		/				
Kevin Fuller		/				
Bryan Nguyen		/				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: Jackie Montejano • Michael Kretsch • Jesse Springer • Joey Tango

Human Resources Dept. Approval:  Yes  No \_\_\_\_\_  
Asst. Superintendent of Human Resources Date

10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
Transportation	\$ 5,000.00	\$
Registration	9,250.00	
Lodging	5,000.00	
Meals	350.00	
Shuttle / Parking	400.00	
Other		
Total	\$ 20,000	\$

See attached summary

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: 03 170 1190 5200 (1819 SY)

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Business Services / Purchasing Superintendent

1. This form must be completed and submitted at least 60 days prior to the proposed trip.
2. Cash advance request, submit the completed form 60 days prior to cash advance due date.
3. The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

APPROVED

2018 APR 27 PM 3:49  
HUMAN RESOURCES

14.19

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION – BOARD OF EDUCATION**

To the Board of Trustees:

Subject: Out of State Travel

**National Spanish Spelling Bee  
San Antonio, TX  
July 12 –15, 2018**

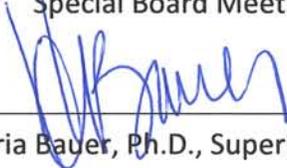
Summary:

The National Spanish Spelling Bee, sponsored by the New Mexico Association for Bilingual Education, is a competition for students in grades 4<sup>th</sup> – 8<sup>th</sup>. Participation in this event will give our Adelante students an opportunity to represent Alum Rock in the National Spelling Bee Contest. Estimated cost \$2338.

Recommendation:

Staff recommends approval of out-of-state travel for Rosa Garcia.

Submitted by: <u>Jess Serna</u>	Title: <u>Interim Assistant Superintendent, Human Resources</u>
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To the Board of Trustees: <b>Recommend Approval</b> <u>14.19</u> Agenda Placement	Meeting: <u>May 29, 2018</u> <u>Special Board Meeting</u>  Hilaria Bauer, Ph.D., Superintendent
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<b><u>DISPOSITION BY BOARD OF TRUSTEES</u></b>		
Motion by: _____	Seconded by: _____	
Approved: _____	Not Approved: _____	Tabled: _____



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

RECEIVED

SUPERVISOR

2018 APR 31 PM 2:17

## TRAVEL APPROVAL FORM Attach Supporting Document

Date of Request: 4/19/18

1. Program Manager / Principal: Nuria Bravo Dept. / School Site: Adelante

2. Title of Conference / Meeting: Spanish Spelling Bee National Competition

3. Place: San Antonio, TX

4. Purpose: Student represents Alum Rock S.D. in the National Contest

5. Date (s) of Conference / Meetings: 7/12, 7/13, 7/14, 7/15

6. Principal / Program Manager Approval: [Signature] / R.S. Date 4/19/18

7. Departure Date / Time: July Hour: AM  PM

8. Return Date / Time: 7/15/18 Hour: AM  PM

9. Human Resources:

Names(s) of Employees Attending	Sub?		Bilingual		Sub Request?: (Name)	Code Sub To:
	Yes	No	Yes	No		
<u>Rosa Garcia</u>		<u>X</u>				

Substitute:  Available  Unavailable  No Sub Needed

Remarks: \_\_\_\_\_

Human Resources Dept. Approval:  Yes  No

Asst. Superintendent of Human Resources \_\_\_\_\_ Date \_\_\_\_\_

10. Business Services:

Cost Description	Total Estimated Costs	Reimbursement Requested
<u>Transportation</u>	<u>\$ 1000.-</u>	<u>\$</u>
<u>Registration</u>	<u>250.-</u>	
<u>Lodging</u>	<u>928.-</u>	
<u>Meals</u>	<u>160.-</u>	
<u>Shuttle / Parking</u>		
<u>Other</u>		
<u>Total</u>	<u>\$ 2338.-</u>	<u>\$</u>

Academic Service

Attach Purchase Order(s), Invoice(s) and Registration Form(s).

11. Account Code: 03305 1140 0 500

District will cover cost of Hotel & Flight

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Approved By: \_\_\_\_\_ Date \_\_\_\_\_  
Business Services / Purchasing Superintendent

1. This form must be completed and submitted at least 60 days prior to the proposed trip.
2. Cash advance request, submit the completed form 60 days prior to cash advance due date.
3. The approved yellow travel approval copy will be returned to the originator. This authorization must be received by the originator before the trip begins.

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
2930 Gay Avenue, San Jose, CA 95127

14.20

Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION - BOARD OF EDUCATION**

To the Board of Trustees:

Date: May 11, 2018

**Subject:** School-sponsored Field Trip List

**Staff Analysis:** Student field trips are an important component of the educational program. Field trips supplement and enrich classroom-learning experiences and provide opportunities for students to relate their new learning to the outside world.

**Recommendation:** Staff recommends approval of out-of-county and overnight school-sponsored field trips.

Submitted by: Sandra Garcia *SG* Title: Director of State and Federal Programs

Approved by: Rene Sanchez *RS* Title: Assistant Superintendent of Instructional Services

To the Board of Trustees:

Meeting: May 29, 2018  
Special Board Meeting

**Recommend Approval**

*12.20*  
\_\_\_\_\_  
Agenda Placement

*[Signature]*  
\_\_\_\_\_  
Hilaria Bauer, Ph.D., Superintendent

**DISPOSITION BY BOARD OF TRUSTEES**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Tabled: \_\_\_\_\_



Alum Rock Union Elementary School District  
**Field Trip Information Sheet**

**Revised**  
 05/23/18

**Overnight Field Trips are in BOLD**

**Field Trips for Board Approval: May 10, 2018**

School	Field Trip Event	City, and County	Field Date	Grade	# of classes/ students	Budget (coding)	Purpose: (academic standard the trip supports)
Aptitud Academy	Monterey Bay Aquarium	Monterey, Monterey	06/13/2018	6	50 Students	PTA	Students will learn about ocean ecosystems and the relationships between oceans and the Earth's climate.
<b>Arbuckle Elementary</b>	<b>Walden West</b>	<b>Saratoga, Santa Clara</b>	<b>04/23/2018-04/27/2018</b>	<b>5</b>	<b>42 Students</b>	<b>Title I</b>	<b>Students will explore through the rainforest, learn about the nature environment, and participate in hands-on science activities.</b>
Cassell Elementary	Monterey Bay Aquarium	Monterey, Monterey	06/12/2018	K	65 Students	Title I	Students will learn about sea animals and their habitats.
Hubbard Elementary	Monterey Bay Aquarium	Monterey, Monterey	06/11/2018	K	80 Students	Title I	Students will learn about sea animals and their habitats.
Linda Vista Elementary	Natural Bridges	Santa Cruz, Santa Cruz	05/23/2018	2	93 Students	Donations	Students will explore sea life in their natural habitat and learn about tide pools, their zones, and how they survive.
Linda Vista Elementary	California Academy of Science	San Francisco, San Francisco	05/29/2018	3	77 Students	Donations	Students will learn about habitats, animal adaptations, and physical sciences.
Linda Vista Elementary	Monterey Bay Aquarium	Monterey, Monterey	05/31/2018	K	73 Students	Donations	Students will learn about ocean animals and their adaptations.
Painter Elementary	California Academy of Sciences	San Francisco, San Francisco	05/30/2018	2 & 3	67 Students	ASB	Students will learn about different habitats and about our planet in relations to the universe.
Painter Elementary	Santa Cruz O'Neil Sea Odyssey	Santa Cruz, Santa Cruz	06/12/2018	5	34 Students	Donations	Students will learn about ocean animals and their habitats.



Alum Rock Union Elementary School District  
**Field Trip Information Sheet**

<b>School</b>	<b>Field Trip Event</b>	<b>City, and County</b>	<b>Field Date</b>	<b>Grade</b>	<b># of classes/ students</b>	<b>Budget (coding)</b>	<b>Purpose: (academic standard the trip supports)</b>
Renaissance II @ Mathson	Shadow Cliffs Park	Pleasanton, Alameda	06/11/2018	8	99 Students	PTO	Students will engage in brainstorming and reflection activities. Reflections will be compiled and shared as part of 8 <sup>th</sup> grade promotion celebrations.
Russo/McEntee Academy	Walden West Science Camp	Cupertino, Santa Clara	05/15/2018-05/18/2018	5	60 Students	ASB	Students will learn about the ecosystems and participate in hands-on science activities.
Ocala Middle	Marine World Vallejo	Vallejo, Solano	06/11/2018	8	155 Students	ASB	End of Year celebration for 8 <sup>th</sup> grade
LUCHA Elementary	O'Neil Sea Odyssey	Santa Cruz, Santa Cruz	05/29/2018	5	50 Students	PLG	Students will learn about ocean life, earth's features and waves.
Lyndale Elementary	Mission San Juan Bautista	San Juan Bautista, San Benito	05/30/2018	4	66 Students	ASB	Students will gain insight and experience what life was like in a working California mission.
Lyndale Elementary	San Francisco Fisherman's Wharf	San Francisco, San Francisco	06/06/2018	5	78 Students	ASB	Students will learn about the geography ecosystem and history of the San Francisco Bay Area.
Aptitud @ Goss	AT&T Park	San Francisco, San Francisco	06/05/2018	5	12 Students	PTA	Students were awarded this field trip for completing the school safety program, a free trip to participate in field day at the AT&T Park.