

**APPROVED MINUTES  
ALUM ROCK ELEMENTARY SCHOOL DISTRICT  
2930 Gay Avenue  
San Jose, CA 95127**

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES  
of the Alum Rock Union School District  
Held on Thursday, January 16, 2020, 5:30 p.m. at the Alum Rock Union School  
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127  
Meeting #09-19/20**

**1. OPEN SESSION**

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

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

Board Members Present:

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

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Carlos Moran	Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office

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

### **1.01 Call to order/Roll Call/Pledge of Allegiance**

President Ernesto Bejarano said there was a quorum.

## **2. Special Presentation-Discussion And Consideration Only (No Action)**

### **2.01 Special Presentation- Ocala Golden Bell Recognition**

Superintendent Bauer spoke on item 2.01 and asked Principal Tracy Leathers of Ocala Steam Academy to start the presentation. Ms. Leathers said it was an honor representing Ocala. She said Ocala was recognized for the design thinking process at the Golden Bell Awards.

Ms. Dina Lopes, a teacher at Ocala, said this kind of activity with students is geared up to prepare them for any outside opportunities. She commented that Sabrina Dao had the opportunity to speak at San Jose State University.

Superintendent Bauer commented that 7<sup>th</sup> grader Sabrina Dao spoke in front of an audience that included professors.

Ms. Cristina Bustamante, a teacher at Ocala, said with Verizon and community partners there is an innovation lab, where all students have access.

Ms. Tracy Leathers said students can do anything they want to if they put their mind to it. She said she was proud that every student has access to the Verizon lab every day.

Board Comments:

Clerk Andrés Quintero congratulated Ocala for the award they received and said to keep up the good work.

Vice-President Corina Herrera-Loera said it was an honor to be with Ocala staff when they received the Golden Bell Award. She commented that she looks forward to bringing the energy and passion to Alum Rock.

Member Linda Chavez commented, "Let's do it again."

Member Dolores Marquez-Frausto thanked all the students and parents at Ocala because they made Alum Rock look good.

## **2. Special Presentation-Discussion And Consideration Only (No Action)(continued)**

President Ernesto Bejarano said he agreed with what Vice-President Corina Herrera-Loera said and it is inspiring to see the Ocala students perform..

Clerk Andrés Quintero said he would like to make a suggestion to move item 5.01 Public Comments to before the Board goes to closed session and to allow 20 minutes for comments.

## **5. Public Members Who Wish to Address the Board**

President Ernesto Bejarano commented there will only be 2 minutes for each speaker for a total of 20 minutes, and 4 minutes for those who need a translator.

Public Comments:

- 1) Maria Chavez said she is involved with Empuje. She said there are no term limits at Alum Rock. She feels there needs to be a term limit. She said parents and the community should have a voice.
- 2) Nani Lopez said she is a member of Empuje. She feels there needs to be a term limit. She commented the current members of the Board were elected under transparency.
- 3) Gabriela Cardoza said she is involved with Empuje. She wants term limits to be approved and for this item to be put on the November 2020 ballot.
- 4) Claudia Cuello said a presentation was given at the November 2019 Board meeting regarding terms limits and she would like the Board to support term limits.
- 5) Araceli Sandoval said Palo Alto Unified School District has a term limit policy. She said 2020 is the best time to bring this policy. She commented she would like to see the term limits policy on the next Board meeting on February 13, 2020.
- 6) Flor De Leon said she would like for there to be a presentation from the Santa Clara County Office of Education on term limits.
- 7) Brenda Zendejas said she is here to support her community and she thanked everyone.

President Ernesto Bejarano said it is correct that there was a request for this item to be agendized on the month of November, however, there appears to be some confusion on whether this was an action item at that time. It technically was an action item. He said he would like to request a report that would include potentially the SCCOE. They are experts on the county process on term limit policy. He said if the Board moves forward with this, they are informed.

## **5. Public Members Who Wish to Address the Board *(continued)***

President Ernesto Bejarano asked Counsel Patty McKernan if he could offer his colleagues an opportunity to add anything more to his request for the specific response to the public comment and he knows this item is not agendized.

Counsel Patty McKernan replied that the Board cannot because there would be a discussion and it is not agendized.

Vice-President Corina Herrera-Loera asked what the guidelines are and whether to keep it on the agenda or not.

Counsel Patty McKernan replied that you could remove it from the agenda. It would be reflected in the minutes and the Board needs to consider putting it on for the next meeting.

President Ernesto Bejarano said he would like the information requested to be provided no longer than two to three months maximum. He commented keeping in mind there are several items that are time-sensitive. He said his request would be to have the information as soon as possible but no later than two to three months maximum.

Member Linda Chavez said since President Ernesto Bejarano asked if it was on the agenda, she said it was put on the agenda. She asked if this item was going to be on the agenda again. She asked if it does not go in their favor, are they going to let it go or are they going to bring it up every month.

President Ernesto Bejarano asked Counsel Patty McKernan if the Board could have this dialogue.

Counsel Patty McKernan replied no.

President Ernesto Bejarano said the Board can not have a dialogue, but if and when it makes it to the agenda, then a discussion can be held at that time.

## **3. Closed Session**

### **3.01 Announcement and Public Comments Regarding Items to be Discussed In Closed Session**

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

### **3.02 The Board will Adjourn to Closed Session at Approximately 5:35 p.m.**

President Ernesto Bejarano announced that the Board would reconvene to Open Session at approximately 8:09 p.m. The Board adjourned to Closed Session at 6:09 p.m.

#### **4. RECONVENE TO OPEN SESSION**

##### **4.01 Call to Order / Roll Call**

The Board reconvened to Open Session at 7:10 p.m. President Ernesto Bejarano welcomed everyone and took a second Roll Call in which all Board Members were present. There was a quorum.

President Ernesto Bejarano asked Counsel Patty McKernan to report out what was discussed in Closed Session.

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

Counsel Patty McKernan reported that the Board took the following action:

***3.05 To approve the settlement agreement, with a vote of 4 in favor; no opposition; no absent; and one abstention (Member Dolores Marquez-Frausto).***

Counsel Patty McKernan said there were no further actions to report.

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

Superintendent Bauer asked to pull item 7.05 and item 9.01 to be tabled.

Clerk Andrés Quintero asked to move the following agenda item before ***Agenda Item 7.05 Board Policy 4119.11/4219.11/4319.11 Sexual Harassment, First Reading.***

***8.03 Approve One-Year Extension through June 30, 2021 with Alpha Blanca Alvarado Lease Agreement and Memorandum of Understanding to Extend Prop 39 Deadline for Fiscal Year 2021-22.***

#### **6. Comments and Communications**

##### **6.01 Teamsters**

There were no representatives from Teamsters at this time.

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

There were no representatives from CSEA at this time.

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

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

Tara Bickford, ARAA President and Principal of Joseph George said she was happy because of the innovative sites like with the Golden Bell Award and the VAPA program. She commented the start of next year's enrollment at Alum Rock Schools.

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

Jocelyn Merz, AREA President, said she wished for a happy start to the new year. She thanked the Human Resources unit for the bargaining agreement and she said there will be reopeners this year.

### **6.05 Superintendent**

Superintendent Bauer shared that there is a new dual immersion Vietnamese program located at Painter Elementary.

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

Vice-President Corina Herrera-Loera wished everyone a Happy 2020 and was happy to have witnessed the VAPA performance at Eastridge mall. She commented she is excited about the measures coming up. She said she met with Assemblymember Ash Kalra's Chief of Staff Chris Reeve. She said she was touching base with him in order to maintain a relationship with those who are in Sacramento. She mentioned that Assemblymember Ash Kalra has supported the district. She said she was very happy with the dual immersion school and said her daughter also attends a dual immersion school here at the district at Adelante. She thanked Superintendent Bauer and staff for providing dual immersion programs and for planning to eventually spread to the Mandarin community.

Clerk Andrés Quintero thanked Superintendent Bauer for the launching of the Vietnamese immersion program. He said he had brought forth that request some time ago. He said it was an idea but to see Superintendent Bauer and staff move forward is nice. He is looking forward to hearing the date when it is opened because he wants to be there to provide support to celebrate. He said Happy New Year to everyone.

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

Member Dolores Marquez-Frausto welcomed everyone back. She said she wished she had known about the 49ers because she would have liked to have gone. She asked Superintendent Bauer about the vandalism the district had.

Superintendent Bauer said she was not sure what Ms. Bickford was speaking of. She commented the district had a lot less vandalism than before.

Member Dolores Marquez-Frausto said she wanted to thank the students and parents for the commitment they had during the VAPA performance. She said she went to one of the performances and was very pleased. She commented that Eastridge Mall was almost lost but they fought to keep it open. She commented she also goes to the movies at Eastridge Mall. She said, this year, she is hoping that the district gets out of debt because she does not want to lose any programs and she doesn't want people to lose their jobs. She said the district needs to manage its finances tighter and spend less.

Member Linda Chavez said she went to visit Texas and she saw a lot of advertisements that caught her attention. There are a lot of donations. She said she wants to thank all those people who have donated to Alum Rock and did not want to put their name down. She commented that you can get a tax write off when you donate. She asked if the district can look into that. She thanked those people who have given with all their hearts.

President Ernesto Bejarano said he attended the VAPA showcase on the last night. He said there was a lot of work that was done to put this together. He wanted to acknowledge the students, their parents, and the staff that made this happen. He also shared a story and an apology. He said on the same night he attended the VAPA showcase, it was raining and he was driving alone. He drove by Russo/ McEntee and saw, through the mist, someone going door to door at the school and thought it was not right. He quickly called the police and told them there is an unidentified person on campus checking the doors at the school. At this point, he could not see them. He said he called Superintendent Bauer to inform her of what was going on and she said she will look into this. He said he saw someone running from the district office and he called Superintendent Bauer to inform her of this she said this was a staff person. President Bejarano said it was a custodian doing his job above and beyond his scope of work. He commented that once it was cleared up, he felt bad like he feels now. He said it was not intended to play out the way it did but he wants to apologize to the individual and the family.

President Ernesto Bejarano said Superintendent Bauer has informed him of a correction on the agenda.

Superintendent Bauer said she made a mistake. Instead of pulling item 7.06, she asked to pull item 7.05. She said item 7.06 needs to be tabled.

## **8. Business Services- Board Discussion And/ Or Action**

### **8.03 Approve One-Year Extension through June 30, 2021 with Alpha Blanca Alvarado Lease Agreement and Memorandum of Understanding to Extend Prop 39 Deadline for Fiscal Year 2021-22.**

Superintendent Bauer said she will turn over this item to Assistant Superintendent Chheng.

Assistant Superintendent Chheng said staff is recommending this item for approval as presented and he is happy to answer any questions the Board may have.

**MOTION #01-09 by Member Linda Chavez to approve Action Item 8.03 as presented. MOTION #01-09 was seconded by Clerk Andrés Quintero.**

Member Dolores Marquez-Frausto asked if the MOU will come to us the following year.

Assistant Superintendent Chheng replied there were two parts to this which is the joint use agreement that will expire at the end of this year. He said he is requesting an extension for the school year 2020/2021 to allow both parties to continue to talk. He said regarding the MOU, Proposition 39 has a deadline to allow charter schools to submit.

Member Dolores Marquez-Frausto asked if, in the year 2020, the district will deal with the joint agreement only.

Assistant Superintendent Chheng replied that is correct.

Member Dolores Marquez-Frausto said, coming November 1, the district will be dealing with the MOU. But if the district does not come into an agreement, the staff will be speaking to the Alvarado site.

Assistant Superintendent Chheng said this was similar to what the Board had approved previously in October or November. He said there is a statutory deadline of November 1. He commented if both parties do not agree, they can continue to speak.

Member Dolores Marquez-Frausto asked for a copy of the MOU.

Clerk Andrés Quintero said because it will not be for a long time, he will be supporting this item. He commented that he looks forward to when Blanca Alvarado runs out of business and we can go back to Slonaker School. He said, in the meantime, the district needs to work these things out and staff recommended one year, therefore, he will be supporting this item.

Superintendent Bauer reminded the Board, they are always welcomed to request updates.



## **8. Business Services- Board Discussion And/ Or Action**

Member Linda Chavez said there are a lot of families in the middle of all of this and she believes it is in the best interest to move forward and extend it.

***MOTION #01-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## **7. Superintendent/Board Business—Board Discussion And/ Or Action**

### **7.01 Board Bylaw 9323 Meeting Conduct, Third Reading.**

Member Dolores Marquez-Frausto asked that item 7.01 be tabled.

### **7.02 Board Bylaw 9121 President, First Reading.**

Clerk Andrés Quintero said he proposed these changes and general counsel can say where it makes more sense to put these changes. He commented that these changes needed to happen a long time ago and he's not proposing them because President Bejarano is now president. The following is the language he would like added.

*"Upon assuming the role of board president, prior to the next regularly scheduled meeting, the board president and the district's general counsel will schedule and hold an orientation. The orientation shall provide an overview of the board president's roles and responsibilities. Furthermore, the orientation will provide an overview of the pertinent sections of the bylaws that give or limit the authority of the board president. The orientation will take place on an annual basis. general counsel will provide the board president a select list of bylaws that outline their roles and responsibilities."*

Clerk Andrés Quintero said he doubts that anyone who reads the Board Bylaws understands their roles and responsibilities. He said it is important for the Board to know on a month- to-month basis if there is a massive increase in legal services and if they are calling the attorney for any random thing. He commented he is not targeting anyone. This is to avoid things that have happened in the past. He commented the following is the language he would like added.

*"On a monthly basis, the board of trustees will be provided with a dollar amount and number of hours that the board president has incurred in legal services."*

## **7. Superintendent/Board Business—Board Discussion And/ Or Action (continued)**

Clerk Andrés Quintero said the following language he wants to be added is not intended to limit access to general counsel or the board president. He said this is to avoid asking beyond advice. He commented that is why the recommendation is that the Board clarify the roles and responsibility of the board president. He said he wants to make it clear that one individual can incur costs without getting the approval from the majority of the Board.

*"Any and all requests of general counsel, other than legal advice as currently permitted under the bylaws, that by their nature will incur cost to Alum Rock School District, will be brought to the board and will proceed only with an affirmative vote of the majority of the board."*

Member Dolores Marquez-Frausto said she would like to wait until Counsel Rogelio Ruiz is at the meeting because she said she has concerns about this item.

Member Linda Chavez said this is good and this is clarification in order for the board president to know. She said there are some things the Trustees cannot know. She commented that she has been asking for a Board book because when she got on the Board, she did not know what she can and cannot do.

President Ernesto Bejarano said he wanted to make it clear that he does not take personal offense of this. He said he appreciates the effort because he thinks he understands the spirit that has been set forth. He said he gets the spirit of the primary powers of the Board President and said the only thing he may add is Vice-President and the Secretary Clerk for the orientation.

Member Dolores Marquez-Frausto said she started speaking to Counsel Rogelio Ruiz because the Board had put the attorneys on the table of negotiations when she was Board President. She had asked Counsel Rogelio Ruiz if he was charging every time she was calling him. He had told her no-only when he was speaking at negotiations. She commented since the Board is doing that for the president, vice-president and that should also be done for the superintendent. She said she was concerned last year because general counsel was at the Human Resources department a lot during the time the district did not have an Assistant Superintendent of Human Resources.

Superintendent Bauer commented that every time the district consults general counsel the district is charged.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action**

Clerk Andrés Quintero said there is a lack of clarity. He said the reason this is targeted towards the board president is because that it is the only role where an individual can go out and rack up 3 hundred thousand dollars worth of charges in the district if they choose to and everyone else needs to come to the Board to sign a check or concur a cost. He said, in regards to putting limits on staff the district would be in a lot of trouble because the Board would be taking the staff's ability to do their job. He commented the Board needs to avoid these situations going forward.

Member Dolores Marquez-Frausto clarified that when she mentioned staff it was not to put a cap from them keeping them from calling general counsel. It is to keep a log.

President Ernesto Bejarano commented specifically on the overview of the role and responsibility of the Board clerk and vice-president. He said he did not know what would happen if something were to happen to a board president. He said the remainder of their term the vice-president steps forward and if so the vice-president would have the same power and responsibility.

Member Linda Chavez commented on the examples given by Clerk Andrés Quintero and that they were outrageous as far as president goes. She said sometimes you do need to have general counsel's advice because you may not be getting the answers from the Superintendent. She commented the board president is asking general counsel and they charge.

Vice-President Corina Herrera-Loera said she was in agreement with this item so that in the future, if someone forgets, they can always reference back to the Board bylaw and policies that are in place. She said she is in agreement to add the Vice-President for the orientation in case something should happen. She commented she has also called Counsel Rogelio Ruiz while letting Superintendent Bauer know and now she will be thinking twice before calling him. She said she looks forward to supporting this item.

Member Dolores Marquez-Frausto said her suggestion is to hand it over to Counsel Rogelio Ruiz. If he has questions to ask Clerk Andrés Quintero to what does he want to zero in on.

President Ernesto Bejarano asked what the terms of the process are. He asked regarding the first reading, does it get submitted to staff, or how are these potential changes.

Clerk Andrés Quintero said his intention was to submit it in writing and these were his thoughts. He said to have general counsel look at it to make sure there are no legal issues and bring it back with redlined suggested changes.

Superintendent Bauer said you will get the redlines and have more discussion.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

President Ernesto Bejarano asked if there is no action required on the first reading. He asked the Board if there are any urgent comments they would like to make on this item.

Superintendent Bauer asked to table items 7.03 and 7.04.

Member Linda Chavez asked for clarification of what items 7.03, 7.04 and 7.06 are being tabled but not 7.05.

### **7.05 Board Policy 4119.11/4219.11/4319.11 Sexual Harassment, First Reading.**

President Ernesto Bejarano commented to the Board if they had any additions to be added to submit them in writing. He said this would be helpful in moving forward. He commented that this policy refers to several behaviors the Board prohibits, which is clearly true. He asked Counsel Patty McKernan to know why the law does not prohibit this behavior, but the Board prohibits it.

Counsel Patty McKernan replied because of the Board Policy, As the employer prohibits sexual harassment. She said many policies have a lower threshold than legal standards. She commented that an employee can violate the verbiage without the legal standard but the verbiage prohibits it and it is pretty standard for any employer.

Member Dolores Marquez-Frausto asked for clarification on under sexual harassment and complaints in the second paragraph any district employee who feels harassed or an applicant that was deleted. She said she was wondering why would the district delete that if someone came to apply and they felt sexually harassed he or she still has rights.

Counsel Patty McKernan replied typically it would include a job applicant and she said she did not know why it was not included.

Member Dolores Marquez-Frausto said she feels that it should have not been deleted.

Superintendent Bauer said this was CSBA's updated policy. She commented that is the reason why the Board is discussing it.

Member Dolores Marquez-Frausto is not in favor of striking that text out. She said if an applicant felt like they were harassed, they should be able to submit a complaint to the district.

Counsel Patty McKernan commented the Board would need to change the language and the Board would need to look at the entire Board Policy.

President Ernesto Bejarano said on the second-page second paragraph when it starts Superintendent and the phrase at the bottom "necessary changes shall be made to the harassment policy". He said, in addition, it would be "those changes shall be reported to the Board."

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

Superintendent Bauer said the changes would be after the training and it will be reported to the Board.

Clerk Andrés Quintero suggested to ask staff and they will ask CSBA why they removed that language.

Member Linda Chavez asked the staff to also ask about sexual harassment all complaints and allegations. She asked why you would want to keep it confidential.

Superintendent Bauer said she will double-check with legal about the reason.

President Ernesto Bejarano said there is another one on the second-page 6<sup>th</sup> paragraph “employee may bypass his or her supervisor when filing a complaint when his or her supervisor is the subject of the complaint”. He commented he would like to strike that part of the supervisor is the subject of the complaint.

Member Linda Chavez said all these that are struck should all stay there.

Clerk Andrés Quintero said not every single item, only the ones that have been identified.

Superintendent Bauer commented on just the ones that are struck with redlines in this particular policy.

### **7.09 Board Self-Evaluation.**

President Ernesto Bejarano asked Superintendent Bauer if she had looked at the scoring indicator.

Superintendent Bauer replied she had not.

President Ernesto Bejarano commented that what the Board sees it is not accurately presenting the scores. He said he and Superintendent Bauer went through several and together they identified one.

Superintendent Bauer commented that everyone completed the Board Self-Evaluation. She said she was unable to go through the entire self-evaluation. She commented the Board would need to direct her in regards to the next steps.

## **9. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

Member Linda Chavez said as far as CSBA is concerned, the Board needs more training. She commented the Board will not agree all the time. She mentioned that Mr. Arturo Flores mentioned that his Board did that and they worked better together.

Vice-President Corina Herrera-Loera said, if she remembers correctly, the Board gets to publicly release the results of the Board evaluation.

Counsel Patty McKernan replied she did not know.

Vice-President Corina Herrera-Loera mentioned that she thinks what the Board had discussed is part of the next steps. She commented that if the Board can direct staff contact, Mr. Arturo Flores, to seek help on how the Board can move forward in this process.

Clerk Andrés Quintero commented that the Board should get a third party to say what to do with the results once the Board receives the results of what the indicators say.

**MOTION #02-09 by Vice-President Corina Herrera-Loera to bring in Santa Clara Office of Education appointed facilitator to support us with the Board Evaluation. MOTION #02-09 was seconded by Member Linda Chavez.**

Member Dolores Marquez-Frausto mentioned when you to item 7.07, there is nothing attached and it is not acceptable. She commented the results should have been included behind the cover. She asked how to join the the Advisory Committee.

President Ernesto Bejarano mentioned he is trying to make a connection with what Member Dolores Marquez-Frausto is saying about the Board Self Evaluation.

Member Dolores Marquez-Frausto mentioned the Board Self Evaluation results should have been included and they are not there.

President Ernesto Bejarano said it is a valued point to bring up where it fits.

Member Dolores Marquez-Frausto commented she would have mentioned it before the motion was made. She said if the community had a look, they would not know what the Board is speaking about.

### **Public Comments:**

- 1) Maria Martinez mentioned she is a parent and she supported what Member Dolores Marquez-Frausto had said regarding the Board Self Evaluation results. She said she was thinking about the same thing. She said the community needs the information in order to be transparent. She mentioned she will bring some information about an item next month.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action** *(continued)*

President Ernesto Bejarano mentioned to Ms. Maria Martinez that if she had what she had said for next month, feel free to bring it to the Board beforehand.

Superintendent Bauer said she wanted to make it clear to everyone that the Board Self-Evaluation does not belong to the Superintendent. She commented to the Board that there needs to be a vote in order to say these are the next steps. She said she wants to be completely transparent, but she needs to follow the proper protocol that binds her to be able to release information.

Member Linda Chavez said that to the motion that was made by Vice-President Corina Herrera-Loera she would like to add Mr. Arturo Flores as the facilitator because he is familiar with the Board.

President Ernesto Bejarano said to Vice-President Corina Herrera-Loera there is an amendment to your motion.

Member Dolores Marquez-Frausto said when the Board did the evaluation the Board did it with the consensus to use the instrument and she thought that was something the Board needed to report to the community. She commented that what the Board did became public.

Counsel Patty McKernan replied she would assume so.

Member Dolores Marquez-Frausto commented it would be public because the Board is paying to use the instrument with the community and taxpayers' pay.

Clerk Andrés Quintero said when the Board approved to go with CSBA for the Board Self Evaluation he said he included in the motion to move forward with the evaluation alone and then staff would come back to give the Board some options. He said that the Board would take the evaluation to a study session or some sort of workshop in order to present it to the public and do something with it. He commented that the document can be requested.

Superintendent Bauer said she can put up the results on the website tomorrow. She said she wanted the direction of the Board members.

Member Dolores Marquez-Frausto commented she did not expect to speak about it. She expected to see it on the agenda in order to have everyone see it as well.

President Ernesto Bejarano asked Superintendent Bauer for clarification on the comment that: "the Board Evaluation does not belong to the Superintendent".

Superintendent Bauer replied it is not an administrative tool. It is the Board's tool.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

President Ernesto Bejarano said, just to be clear, he is asking belong means you do not have the authority.

Vice-President Corina Herrera-Loera said when the Board spoke about it she did not remember anything about a study session.

President Ernesto Bejarano asked how the Board knows what does not belong to the Superintendent. He commented that the reason is clear the public had questions about being able to access it. He asked, going forward if the Board can determine on a case-by-case basis what belongs to the Board specifically or does Superintendent Bauer have the authority to do so.

Superintendent Bauer commented there are a number of things that need the Board to approve in order to be able to engage. She mentioned there has not been a Board evaluation since she has been the Superintendent. She said this has been the first time she has been involved in the process and there are many things she is still learning including this process. She commented, in this particular situation, she was waiting for the Board's direction.

Member Dolores Marquez-Frausto commented to President Bejarano that she expected Superintendent Bauer to have discussed it. She said it is not about ownership. It is about the process and Superintendent Bauer is part of the team.

Member Linda Chavez said in the handbook the Superintendent's role would be included in this type of discussion on how to move the district forward.

Clerk Andrés Quintero said there has been discussion as to why it was included. He said to beat a "horse over and over again." He said if the Board were to this would be considered harassment. He mentioned the entire body of the Board directed Superintendent Bauer, through a vote, to go ahead come back and to let the Board know what their options were.

President Bejarano said there is a motion on the floor to direct staff to get the Office of Education to have a facilitator. Specifically, one we already had as soon as possible.

### **7.10 Establish District Advisory Committee Regarding School Capacity Issues, Facility Utilization and School Transformation (Education Code Section 17387).**

Superintendent Bauer said she is respectfully asking the Board to allow her to bring an Advisory Committee and to consider the list that is in the language. She commented in terms of the law, she has checked with Counsel Rogelio Ruiz regarding the language. She said the membership would be parents, staff and community members.



**7. Superintendent/Board Business—Board Discussion And/ Or Action** *(continued)*

**MOTION #03-09 by Member Linda Chavez to approve Action Item 7.10 as presented. MOTION #03-09 was seconded by Clerk Andrés Quintero.**

Member Dolores Marquez-Frausto said Superintendent Bauer named community members, parents, and staff. She commented she is a grandparent and a community member. She commented that on her one-on-one with Superintendent Bauer she said there would not be any Board members

Superintendent Bauer commented Board members were not in the committee because that way they would not be biased.

Member Dolores Marquez-Frausto commented Superintendent Bauer does not want Board members at the committee meeting, but she is violating her rights.

Superintendent Bauer said this is the reason why the Board needs to decide.

Member Dolores Marquez-Frausto said she is concerned with Superintendent Bauer's recommendation. She is stopping the Board members from being on this committee. She said it was unfortunate because she would like to have spoken to legal counsel about her rights with being excluded.

Counsel Patty McKernan replied it is a recommendation.

Member Dolores Marquez mentioned it was violating her rights.

Counsel Patty McKernan said she has to look at the Board's statute and it goes to the Board after. She said the Board actually has a chance to have input and Member Dolores Marquez-Frausto is not being excluded completely.

President Ernesto Bejarano mentioned that he needed to move the process forward.

Clerk Andrés Quintero said the motion is for an advisory committee and said asked how he would advise himself as a Board member. He said it does not work that way. He commented there are no Board members in DELAC or parent committees that operate in the district. He is very comfortable moving forward with having input from the community, staff, and parents.

Vice-President Corina Herrera-Loera commented she remembered a couple of meetings ago her colleague Member Dolores Marquez-Frausto asked to step down from all the committees. She said she understands she cannot advise herself. She mentioned she would like to move forward with this item. She said her colleague Clerk Andrés Quintero had mentioned there is harassment going on and it is very clear to her there is.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

Member Dolores Marquez-Frausto mentioned this item should be tabled until Counsel Rogelio Ruiz can be present.

President Ernesto Bejarano commented that this committee is, in his understanding, meant to be comprised of stakeholders. He commented that his role is to facilitate this process and to keep the Board's comments directed to the topic and not to the individuals.

Superintendent Bauer said the committee meeting is open to the public.

Member Dolores Marquez-Frausto said she feels harassed by the three votes. She said she decided to stay off of the other committees, but she is interested in this committee. She said she has been a stakeholder longer than anyone sitting at the Board meeting.

President Ernesto Bejarano said, to clarify, he did not say Member Dolores Marquez-Frausto is not a stakeholder.

Member Dolores Marquez-Frausto commented to table this item until they get a legal opinion.

Clerk Andrés Quintero said the advisory committee will go through the process and the final decision will rest with the Board. He commented that is truly an advisory committee. It does not have Board participation.

President Ernesto Bejarano asked Counsel Patty McKernan if it was advisable to move forward with the recommendation.

Counsel Patty McKernan replied yes, it sounds like an advisory committee.

Member Dolores Marquez-Frausto said it is clear to her that there are three votes pushing the agenda and they are supporters of Superintendent Bauer. She said she asked to table this item in order to get a legal opinion from legal counsel because the counsel that is present does not see anything wrong.

***MOTION #02-09 carried with a vote of 4 in favor; one opposition (Member Dolores Marquez-Frausto); no absent; and no abstention.***

### **7.11 District Vision Statement**

Superintendent Bauer said this item is a recommendation by the state audit or setting the tone and the path for the district whatever the Board wishes to have on the vision statement.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action** *(continued)*

**MOTION#03-09 by Member Linda Chavez for the Board with staff and Superintendent to craft a vision statement for the district. MOTION #03-09 was seconded by Clerk Andrés Quintero.**

Clerk Andrés Quintero asked Superintendent Bauer if the mission and vision statement are the same or what the difference is.

Superintendent Bauer replied there is a difference. She asked President Ernesto Bejarano if he would like to share the conversation they had about the difference.

President Ernesto Bejarano said the mission statement is like everyone at Disneyland who walks away with a smile and what we see when we get to Disneyland is the actionable things. He said this would be implemented at an organizational level to get us to that vision statement.

Clerk Andrés Quintero said the mission and vision statement is a massive long process. He asked if the district is incorporating things that are already in the mission statement.

Superintendent Bauer replied this was essential for the Strategic Plan and to make sure the Board sets the tone of where the Board wants to see Alum Rock 5 to 10 years from now. She said the mission statement captures the actual activity. She said the mission statement may change, but not the vision statement.

Clerk Andrés Quintero said to put the vision statement in one session and see what everybody feels like at that time.

Vice-President Corina Herrera-Loera mentioned that at the Board Study Session, each of the Board members wrote their own vision statement.

Member Linda Chavez said Mr. Arturo Flores had mentioned that what drives the district quickest is an established vision statement. She said Mr. Arturo Flores said it was putting a diploma in every student's hand. She said the way Mr. Arturo Flores led things out was the way it worked in Sacramento. She mentioned studies that have been made. Once you do that, you are driving the direction forward.

President Ernesto Bejarano mentioned at the CSBA Conference workshop given by Greenfield Elementary School District, they gave a thorough explanation of how they developed their vision/mission statement. He said they spoke about how they implemented it and incorporated it in every single thing they did.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

Member Dolores Marquez-Frausto mentioned the Board was in kindergarten or first grade but Alum Rock School District is one of the best school districts. She said she did not attend the Strategic Planning Committee Meeting.

Vice-President Corina Herrera-Loera said she attended the Strategic Planning Committee Meeting back in the 2018 school year when she was a parent and was a part of it. She mentioned there were Board members there like Member Dolores Marquez-Frausto.

Superintendent Bauer mentioned the Strategic Planning Committee Meeting the last time was held back in the 2017-2018 school year and some of the Board members attended.

Clerk Andrés Quintero said he had seconded the motion for the purpose of discussion. He asked if the Board could reuse the mission statement for the vision statement.

Member Linda Chavez replied the vision statement and the mission statement are different.

### **Public Comment:**

- 1) Flor De Leon thanked the Board and asked if when they have the study session for the vision statement if it could be opened to the public.

***MOTION #03-09 carried with a vote of 4 in favor; no opposition; no absent; and one abstention (Member Dolores Marquez-Frausto).***

### **7.12 Board Governance Handbook**

**MOTION #04-09 by Member Linda Chavez to implement a Board Governance Handbook and put a handbook in each Trustees' hand. MOTION #04-09 was seconded by Clerk Andrés Quintero.**

Vice-President Corina Herrera-Loera asked what goes in the handbook.

Member Linda Chavez replied that it was done before and she can bring her husband's handbook in order to make copies so the Board can use that for reference.

President Ernesto Bejarano asked what the difference is between Board bylaws and the handbook. He mentioned he understands the handbook would be more user-friendly.

Superintendent Bauer said the Board can consider an ARUSD Board handbook and if they would like to adopt it.

## **7. Superintendent/Board Business—Board Discussion And/ Or Action *(continued)***

Public Comment:

- 1) Frank Chavez said when he was Board President, they did a study session and that was how they did the handbook.

***MOTION #04-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## **8. Business Services—Board Discussion And/Or Action**

### **8.02 Approve 2018/2019 Annual Financial Audit Report**

Superintendent Chheng presented Mr. Charles Raibley, CPA from Crowe LLP. Mr. Charles Raibley had a PowerPoint presentation regarding the audit and the highlights are as follows:

- The audit indicates internal controls
- Risk-based audit when the audit takes place
- Reports of December 16, 2019
- Payroll

**MOTION #05-09 by Clerk Andrés Quintero to approve Action Item 8.02 as presented.  
MOTION #05-09 was seconded by Member Linda Chavez.**

Member Dolores Marquez-Frausto asked what the internal control was prior to your findings (page 71).

Mr. Charles Raibley replied prior to the year, there were already entries posted to offset the correction of the prior year but the error occurred the prior year.

Member Dolores Marquez-Frausto said in the 2017/2018 school year, the findings are from two years ago.

Mr. Charles Raibley replied it did reflect the prior year activity and said it is a carryover from the past.

***MOTION #05-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**10. Human Resources**

**11.01 Information Regarding Resignations**

**11. CONSENT CALENDAR**

*There was a consensus from the Board to combine and take action on Agenda Items 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09, 11.10, and 11.11.*

*President Ernesto Bejarano asked to pull Agenda Item 11.01 Approval of Minutes for the following meetings: (1) November 14, 2019, Regular Board Meeting and (2) December 12, 2019, Organizational Board Meeting to be discussed separately.*

11.02 School-Sponsored Field Trip List.

11.03 Acceptance of Donations.

11.04 Approval of Fundraising Activities.

11.05 Acceptance of Vendor & Payroll Warrants.

11.06 Acceptance of Enrollment/Attendance Report for Month 4 (November 11, 2019 thru December 6, 2019)

11.07 Resolution No. 11-29/20: African American History Month

11.08 Approve/Ratify Notices of Employment and Changes of Status/January 16, 2020/Human Resources Department.

11.09 Approve Out of State Travel, New Tech Network Leadership Summit, Dallas, TX, March 24-27, 2020 for Jennifer Doherty, Jackie Montejano and Joann Sanchez. Estimated cost \$3800.

11.10 Approve Out of State Travel, CADA Annual Convention, Reno, NV, March 4-7, 2020 for Jessica Hernandez and Abby Harris. Estimated \$2191.

11.11 Approve Contracts for Professional Services- Firms/Organizations

***MOTION #6-09 by Member Linda Chavez to approve Agenda Items 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09, 11.10, and 11.12 as presented. MOTION #6-09 was seconded by Clerk Andrés Quintero.***

***MOTION #6-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**11.01 Approval of Minutes for the following meetings: (1) November 14, 2019, Regular Board Meeting and (2) December 12, 2019, Organizational Board Meeting**

President Ernesto Bejarano asked for the following changes to be made for the November 14, 2019, Meeting Minutes.

## 11. CONSENT CALENDAR

Minutes - Vice-President Ernesto Bejarano asked Mr. Saul Ramos if the slides were duplicated

Correction - Did not ask if slides were duplicated, asked if “clients” were duplicated

Minutes - Vice-President Ernesto Bejarano commented he did research and since the year 2000, there has been a total of seventeen trustees of which two have been here more than two terms. He said short term limits are not good and they are dysfunctional. He commented term limits hurt established relationships. He would like to have community members take training to prepare for campaigns and budgets.

Correction: Did not say that term limits are not good or dysfunctional. Said that Actual - the available research indicates that there is a correlation between term limits of 10 years at a minimum and high performing districts

Minutes - Vice-President Ernesto Bejarano commented the performance of the students is the accountability that the Board has on their shoulders. He said the dashboard data are gauges and there could be a lot of factors hunger and poverty. He commented he has confidence in Superintendent Bauer. He said the audits were also an issue of governance.

Correction - Said that although Dr. Bauer is accountable to the district’s performance, there could be a lot of factors including hunger and poverty

Member Linda Chavez said she sent over the correction she wanted to be made to Senior Executive Assistant Maribel Carrillo.

**MOTION #7-09 by Member Linda Chavez to approve the December 12, 2019, Organizational Board Meeting Minutes. MOTION #7-09 was seconded by Vice-President Corina Herrera-Loera.**

***MOTION #7-09 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## 12. RECEIVE REPORTS

There were none.

## 13. FUTURE BOARD AGENDA REQUESTS

### 14.01 Requests from Board of Trustees and/or from the Public

President Ernesto Bejarano asked to have the application of formatting for the agenda.

Member Dolores Marquez-Frausto asked if it could be incorporated the last day to submit items to the Board for the agenda.

**13. FUTURE BOARD AGENDA REQUESTS** *(continued)*

Member Linda Chavez asked for a date for the Board Study Session to incorporate the vision statement.


Superintendent Bauer said she will speak with Mr. Arturo Flores regarding if it makes sense to do them together or separate.

**14. ADJOURNMENT**

**14.01 President Adjourns the Meeting**

President Ernesto Bejarano adjourned the meeting at 9:45 p.m.

Respectfully submitted,



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Andrés Quintero, Board Clerk  
mc