

**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, May 14, 2020, 5:30 p.m. at the Alum Rock Union School  
Board Members and Superintendent participated via Zoom Meeting  
Meeting #15-19/20**

**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 5:39 p.m. followed by Roll Call.

Board Members Present:

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

Administrative and Support Staff Members Present:

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

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

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

President Ernesto Bejarano said there is a quorum.

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

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

Member Dolores Marquez-Frausto said, for the record, on the consent calendar item 9.06 Superintendent Bauer informed her verbally that she is going to pull item 9.06. She asked Superintendent Bauer if that is correct.

Superintendent Bauer replied that item 9.06 from the consent calendar will be pulled. She said she is just waiting for the consent calendar. She commented that she will also be pulling another item from the consent calendar.

Member Dolores Marquez-Frausto said the item can be pulled now since it has been brought up. She said she wants to note that Superintendent Bauer said it is going to be pulled. She commented that she does not know if Superintendent Bauer is going to pull it now or wait.

Superintendent Bauer replied that she will wait to pull the item.

## **2. Special Presentation**

### **2.01 Special Recognition: ARUESD 2020 Classified Employees of the Year.**

Assistant Superintendent Moran said that classified employees will be honored tonight. Congratulations to a well-deserved staff. He commented staff is here tonight via zoom.

1. Elizabeth Nevarez – Child Nutrition
2. Rosa Ali – Office & Technical
3. Sylvia Alcantar – Paraeducator & Instructional Assistance
4. Margaret Jimenez – Support Services & Security
5. Janet Alvarez – Transportation

Dolores Marquez-Frausto congratulated the Fabulous Five. She said it is a privilege to have the staff working with the children of Alum Rock. She commented that she sincerely appreciates all the work they do for the children and the families. She requested that staff send her the names of the Fabulous Five.

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

Member Linda Chavez thanked the recognized employees for all their service and said she appreciates it.

Clerk Andrés Quintero thanked the honorees for all the hard work they do to support the students.

Vice-President Corina Herrera-Loera thanked Elizabeth Nevarez, Rosa Ali, Sylvia Alcantar, Margaret Jimenez, and Janet Alvarez. She also thanked them for loving what they do.

President Ernesto Bejarano said he wanted to echo what his colleagues said. He said he wanted to recognize the five honorees and all the classified employees. He said the past several months have been very challenging. He commented that so many of the classified employees have stepped it up. He thanked all the staff--especially those who were recognized for their outstanding services. He said he wished this could have been done in person.

### **2.02 Presentation: 2020-2021 Local Control Accountability Plan (LCAP) Development Update.**

Director Sandra Garcia had a PowerPoint presentation regarding the LCAP and the highlights are as follows:

**Objectives**  
Update from CDE-2020/2021  
LCAP development

#### **State Governor Newsom Issues Executive Order on the 2020-21 Accountability Plan**

Superintendent Tony Thurmond released the following statement:

*School districts statewide have been working hard to put distance learning platforms into place and keep their students fed. The LCAP process deadlines should not be placing additional burdens on schools, which as a result of our current climate of social distancing, cannot meaningfully engage with their community stakeholders," Thurmond said. "The Governor's action frees up staff time and resources for districts to focus solely on the immediate learning needs and health of our students.*

## 2.Special Presentation (continued)

### 2020/2021 LCAP Development Timeline

June 2020	August-October 2020	October- November 2020	December 2020
-Budget approval -COVID 19 Response Report -LCAP Addendum	-Stakeholder Input	- Board updates	-Public Hearing/Stakeholder Feedback -Approval 2020/2021 LCAP, Budget Overview for Parents, Annual Update, Local Indicators (by December 15) -Submit 2020/2021 LCAP to Santa Clara County Office of Education

#### Next Steps

- Prepare COVID 19 Response Report to present for the Board Approval in June
- Update LCAP Addendum to present for Board Approval in June

President Ernesto Bejarano asked Ms. Sandra Garcia, given the conditions of the current situation, if she has identified the biggest challenges or the biggest advantages.

Superintendent Bauer replied that the question asked could be responded to by Assistant Superintendent Chheng during his Budget presentation. She said Ms. Sandra Garcia deals with the cycle of the planning. She said she thinks everyone is living in unprecedented times. Those are the challenges. She commented that even in a small universe like Alum Rock, it is hard to predict what is going to happen. She said that is the biggest challenge bringing education to students.

President Ernesto Bejarano said that the district is learning from this situation. It's forcing the district to streamline and learn better ways. He said he appreciated the comments made by Superintendent Bauer.

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

### **2.03 Census 2020 representative will update the ARUESD school board and community regarding Census 2020 efforts in our community.**

Representative Ray Mueller had a PowerPoint presentation regarding the CENSUS and the highlights are as follows:

- Internet self reponse
- Step by Step Guide for Internet self-response [www.2020census.gov](http://www.2020census.gov)
- Offices will be reopening and they will be rehiring

CA Self Response 60.2%	San Jose Self Response 67.6%
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President Ernesto Bejarano commented that every penny will count. He said to those who have not done the Census, it takes less than a minute. He thanked Mr. Mueller for his presentation.

## **3.Public Hearing**

### **3.01 Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with Alum Rock Union Elementary School District- Re: 2019-2020 Contract Reopeners.**

Counsel Rogelio Ruiz said this item needs to be opened for public comment and to accept any public comment.

Public Hearing opened at 6:28pm.

Public Comment:

- 1) Alan Daurie said he recognizes that this is going to be a challenging year for negotiations for the district and Teamsters. He said it is nice to know that there is someone honorable on the other side.

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if this item would remain open during the meeting.

Counsel Rogelio Ruiz replied yes because it is an action calendared in section 8 and there will be additional public comments.

### **3.02 District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150; Re: 2019-2020 Reopeners.**

Public Hearing opened at 6:32 pm.

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

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

- 1) Sylvia Nolasco said her son has autism and wants to know what will happen with all the therapies he has not received. She said, at the moment, he is just receiving 15 minutes of speech once a week.
- 2) Female speaker from Skyschools formally known as Yes program said Campbell schools will receive online schools. She said parents and educators will participate in the online schools.
- 3) Flor DeLeon said that, more than ever, parents need to be involved. She commented that it is very important to keep programs. She said there are a lot of kids that are suffering from anxiety. She said there is a need for counselors and the staff also needs support. She said this pandemic is uncertain. She said there needs to be data showing how many students are in the class.
- 4) Brenda Zendejas congratulated all the teachers and everyone who received an award today. She said she works with Ms. Wendy Albert and she saw her in the news. She gave a big shout out to Ms. Albert. She said Ms. Albert always has snacks and water for the kids. She asked if the district is reaching out to the homeless families in the district.
- 5) Deliza Gonzalez said she wants to acknowledge Director Sandra Garcia, Superintendent Bauer, and Assistant Superintendent Sanchez for the LCAP. She said a lot of students have anxiety and some are getting abused. She said she wants to acknowledge the partnerships that the district has with different organizations to support other parents. She thanked the teachers for going above and beyond their duty.
- 6) Irene Yamane said she works with Skye Schools and wants to respond to some of the comments that were made. She said Skye School teaches social and emotional techniques that help with anxiety.

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

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

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

Tara Bickford, ARAA President and Principal of George Middle School, thanked the Board for all the support given to the administrators.

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

Jocelyn Merz, AREA President, said to have a nice meeting tonight.

### **5.05 Superintendent**

Superintendent Bauer thanked everyone.

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

Clerk Andrés Quintero said to give credit where credit is due regarding the efforts of former Governor Jerry Brown who set up a fund for a rainy day. He commented that former Governor Jerry Brown was not thinking of this pandemic. He said the budget would have been ten times worse if former Governor Jerry Brown did not take the action that he did.

Vice-President Corina Herrera-Loera thanked Clerk Andrés Quintero for bringing the state-level summary. She thanked the staff from the superintendent down to everybody. She said she had an opportunity to go serve lunches and it is very different when you are there. She said she saw the desperate ask for help. She commented that she knows the staff is there day in and day out. As many community members had mentioned, it takes a toll on them. She thanked them for that.

President Ernesto Bejarano said that obviously with the current situation and challenges, everyone needs to prepare for that. He thanked the staff for doing a great job coming to work to identify students and families. He mentioned that if anyone has a neighbor or family friend in the district who does not have a device to connect, please let the district know.

Vice-President Corina Herrera-Loera mentioned it was her husband's birthday in February and today is their anniversary. She said happy anniversary to her husband. She commented that she wants to highlight this because these things are important. She thanked her husband for supporting her.

**6. Superintendent/ Board Business**

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**6.01 Update to Resolution No. 28-19/20 and District Response to-COVID 19 Pandemic Individual Status of School Closures.**

Superintendent Bauer said there is no need for an update right now. She said this will be covered in the June board meeting.

**6.02 Approve Resolution No. 31-19/20; Condemning Xenophobia and Anti-Asian and Anti-Immigrant Sentiment related to COVID 19**

Clerk Andrés Quintero thanked President Ernesto Bejarano for the opportunity to introduce this very important item. He said some people take advantage of the world pandemic to push their agenda. He said it is important for those who have the opportunity to step up and speak on the matter. He said because of a hateful speech, another individual went ahead and looked for mestizos to kill in Gilroy close to San Jose. He said that these are his comments and he hopes that he can count on everyone's support.

President Ernesto Bejarano thanked Clerk Andrés Quintero for bringing this resolution. He said education begins at home for everyone to begin to model the behavior that everyone wants to see in their children. He said everyone provides the model that they want to see.

**MOTION #01-15 by Member Linda Chavez to approve Action Item 6.02 as presented. MOTION #01-15 was seconded by President Ernesto Bejarano.**

Public Comment:

- 1) Deliza Gonzalez thanked Clerk Andrés Quintero and President Ernesto Bejarano for bringing this item. She said she is a parent of a bisexual daughter. She said she appreciates this to protect kids, teachers, and the community. She thanked the Board for moving this forward. She said this makes her proud as a community member.

***MOTION #01-15 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

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

**6.03 Approve the FCMAT Fiscal Health Risk Analysis**

Superintendent Bauer said this is a brief analysis because the district has been in a qualified budget for the past three years. She said this is an extra layer of caution that the state has put in place. She commented that this analysis is not originated by someone. She asked that the Board approve the analysis.

**MOTION #02-15 by Member Linda Chavez to approve Action Item 6.03 as presented. MOTION #02-15 was seconded by Vice-President Corina Herrera-Loera.**

Member Dolores Marquez-Frausto said when the district is on a classified budget, that means the district is not meeting its obligations financially. She said this is serious and Alum Rock is not the only district. There are other districts too. She said the district needs to tighten its belt. She said for those who are listening to keep an eye on this. She said she looks forward to when the administration can get the district out of this situation.

President Ernesto Bejarano said he welcomes FCMAT to help with where the district needs to streamline. He asked Superintendent Bauer if the review period includes the current situation or if it is for the three years prior, including this year's budget.

Superintendent Bauer replied that this does not include anything. She said Assistant Superintendent Chheng will be presenting shortly regarding the budget challenges.

President Ernesto Bejarano said he agrees that the district has been as transparent as possible. He said all the challenges that the district is facing there were several cuts in the past several years. He said, as Member Dolores Marquez-Frausto alluded, to tighten the district's belts a little more. He said he welcomes the review to identify those areas in which the Board would need to make unfortunate decisions moving forward.

Member Linda Chavez said that yesterday when she spoke to Superintendent Bauer, she had mentioned about having an audit committee in order to take the next steps to tighten up the district's belts more.

**Public Comment:**

- 1) Brenda Zendejas commented that she agreed with Member Linda Chavez about having a committee. She said she is going to wait for Assistant Superintendent Chheng to explain the FCMAT.

Superintendent Bauer said that when FCMAT comes, they look at the district fiscally and at all the processes. Then they give their recommendations. She said the Board needs to be able to work with staff and answer the recommendations.

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

Member Linda Chavez said she knows that during the previous year, the Board tried to do the vision, mission, and the Governance Handbook. She asked to keep this in mind because these are the best practices to adhere to the recommendations.

***MOTION #02-15 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**6.04 Board will consider Electrician Certification Requirements for the District Projects.**

Clerk Andrés Quintero said there are those who work with higher standards and make it as easy as possible for individuals to show they are proficient and qualified to work on the district's projects. He said those individuals work with electricity which is a serious thing. He said it is more appropriate to hear from those individuals in the trades to further explain. He asked to have Josue Garcia unmuted to allow him to speak on this item and elaborate on this.

Member Linda Chavez said she agrees with the certification requirements. She said the district should have good, qualified people.

Member Dolores Marquez-Frausto commented that this item is very important to the district. She said the district does not know if it is hiring certified or not unless the district receives a report. She said this is for everyone that is going to be hired, not only electrical, but in everything. She said she urges her colleagues to support this item.

Josue Garcia thanked the Board for allowing him to speak on this item. He said he is speaking on behalf of the Electrical Union Local 332. He said Local 332 requests to have a certification when you are a journeyman to enter the construction trades. He said what the Local 332 calls entry-level electricians are apprentices. He said he knows construction pretty well and one thing he does not touch is the electricity because it is dangerous. He said it is easy to get proof that an electrician is certified. You go to the Department of Industrial Relations. He said that he is available for questions if the Board has any.

President Ernesto Bejarano said this item tonight is for information only. He thanked Josue Garcia for providing the Board information. He said when it comes to the Board for action, he will be supporting it. He commented this not just a question of safety, as stated, but of quality. He said this is important and he will be supporting it.

Vice-President Corina Herrera-Loera thanked Clerk Andrés Quintero for bringing this item. She said it is important for obvious reasons. She said she spoke to Superintendent Bauer regarding this item, and she said they have hired this way, but it was not in writing. She said she looks forward to supporting this item.

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

Member Linda Chavez asked if this item could be placed on next month's agenda for an action item.

Clerk Andrés Quintero replied that it was going to be the next step. He asked the administration to come back with the appropriate resolution and appropriate language. He said the Board can provide direction on the resolution with appropriate language.

Public Comment:

- 1) Will Smith said he is an agent for IBEW Local 332. He said several members of Local 332 live in the district and their children go to school here. He said he is definitely in favor of this item and he asks the Board to keep in mind that San Jose is going green with electricity. He said the district wants to make sure the kids are safe. He said he hopes the Board will support this item.
- 2) Brenda Zendejas thanked Clerk Andrés Quintero for bringing this item because it is important to place it in writing. She said she has been on committees and this has been a concern. She said she is glad that this item will back because safety is a priority. She said she wants to make sure that whoever is brought to this district has the qualified standards.

President Ernesto Bejarano said there is direction for staff to bring a resolution next month for action.

### **6.05 Update re: Draft ARUESD Updated Board Governance Handbook**

Superintendent Bauer said the staff was able to find the previous Governance Handbook from Alum Rock. She said the final Governance Handbook was edited and had recommendations from Counsel Rogelio Ruiz. She said the original Governance Handbook was delivered to the Board by Senior Executive Assistant Maribel Carrillo. She explained to the Board that they could compare them and see some of the edits. She said there is not a vision and mission statement. That is something the Board needs to consider at the Special Board Meeting.

Member Linda Chavez asked if the Board will be reviewing it at the next Board meeting.

President Ernesto Bejarano replied that it was going to be the topic of the Special Board meeting.

Vice-President Corina Herrera-Loera said she knows the Board spoke on bringing someone to help with the Governance Handbook.

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

Superintendent Bauer said Counsel Rogelio Ruiz will join the Board and help with the process and she will also be there. She said she can check on a facilitator.

Vice-President Corina Herrera-Loera replied that President Ernesto Bejarano would be a fine facilitator because he is doing a great job at this meeting.

President Ernesto Bejarano said he is confident in the district team's ability.

Member Linda Chavez said she was going to say the same thing and that, in the past, the Board has done it.

President Ernesto Bejarano said the Board has been without a Governance Handbook for a while and the Board has been functioning. He said the the Board has done a lot these couple of years. He said the Board sets the guide that is going to help navigate through these challenges that the district is going through. He said the Board needs something rooted in a foundation to work from.

Member Linda Chavez said she agrees that if the Board had this a year in half ago, the Board would probably be ahead.

**6.06 Update Superintendent Report**

Superintendent Bauer had a PowerPoint presentation regarding the Update Superintendent Report and the highlights are as follows:

**Superintendent COVID-19 Report**

Introduction - This is a summary of our district's accomplishments during unprecedented circumstances. Nothing of what we have accomplished would have been possible without our amazing team.

Brief Timeline of Events - On March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings and to enforce social distancing. On March 13, 2020, the Santa Clara County Department of Public Health issued guidance effective at 12:00 am on March 14, 2020, prohibiting public or private gatherings of more than 100 people and also banning gatherings of 35 to 100 people. This is the guidance that effectively led to our current school closures.

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

Conclusion - At Alum Rock School District, we have not only reinvented Education for all our students, we have kept them fed, encouraged, and provided additional resources to their families during truly extraordinary times. And we are not done. Thank you, CNS staff, teachers, counselors, office and support staff, site administrators, and district office for everything you have done to support each and every one of our children. Si se puede!

Si se puede!

Member Linda Chavez said she was happy to have the YouTube channel. She said she is able to refer back to the Board meeting to go over her minutes. She said, unfortunately, she has some edits for the March meeting.

Member Dolores Marquez-Frausto asked Superintendent Bauer if when she was talking about pulling all the devices, were all these devices in storage and were they working. She asked if the parents had problems with the devices. She asked if she was fully comfortable that they were all working.

Superintendent Bauer replied that the majority of the devices worked. She said there were a couple of issues with some of them. She commented that during the Zoom meeting she had with parents, they altered some of them. She said Director Avtar Gill from IT did an amazing job. She said the IT department organized the distribution of the devices. She said that, in some cases, the devices were exchanged.

Member Dolores Marquez-Frausto thanked Superintendent Bauer for her response. When Superintendent Bauer referred to PD online learning for teachers, Member Dolores Marquez-Frausto asked what the acronym PD represents. Superintendent Bauer replied that the acronym stands for professional development.

Member Dolores Marquez-Frausto said she thought that the family was going to get a little training on how they were going to establish distance learning on the computer. She thanked the IT department, director, and staff for a wonderful job. She asked that do not let any family fall through the cracks that do not have a device.

Vice-President Corina Herrera-Loera thanked Avtar Gill for supporting all the students. She thanked the staff for the partnerships and relationships that have been built already in the community. She thanked the City of San José, San Jose Police Department, Somos Mayfair, First Five of Santa Clara County, and East Side Union High School District. She said she will continue to do her part in supporting all she can.

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

President Ernesto Bejarano said on the 12<sup>th</sup>, when things were coming down, there were changes by the hour. He said he was on the phone with Counsel Rogelio Ruiz and Superintendent Bauer. They were planning for the Board meeting that night to figure out social distancing. He said there were a lot of logistical details they needed to come up with at that point. He said Superintendent Bauer and staff were working 24 hours to set things up. He said when you hear the words, essential workers, he thinks it means something more. He said on the Saturday after it happened, there was a meeting and he was fortunate to be able to attend. He said it brought him to tears that day. He said it was an inspirational point that the district's partners were at the table planning what they were going to do. He thanked everyone because the district has been on top of this. He thanked Superintendent Bauer for highlighting everything that has been done. He asked Superintendent Bauer if she can share something, now that there is a system in place.

Superintendent Bauer gave a shout out to the custodians and Maintenance Department for disinfecting the sites. She said another huge shout out to CNS. She said the future is uncertain. She said everyone needs to work together. She said the most important thing is to teach the kids. She commented she is hopeful that in the middle of the challenges, the team is going to pull through. She said she foresees that summer school will most likely be virtual. She said the district would want to bring it back in a traditional way. She said she does not see it happening in her humble opinion.

Member Dolores Marquez-Frausto said this is a personal concern for her because she has a granddaughter that goes to school and lives with her. She said that she and her husband are at high risk. She said she is worried about her granddaughter. If she goes back to school, she wonders how the district is going to be doing it. She asked Superintendent Bauer how she is going to be dealing with families who are up in age.

Superintendent Bauer said she does not see the school reopening in the traditional way. She said she does not know specifically how the schools are going to open. She said, in her professional opinion, she does not think it will be the traditional way.

Member Dolores Marquez-Frausto said she does not want her granddaughter to be held back. She said she does not know how the curriculum will be delivered to her. She said if there are other families in this same situation, let the district know to find out how this is going to be handled.

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

**Public Comment:**

- 1) Flor De Leon said she is a part of the school site council at Fischer Middle School. She said that at the last school site council she attended, most of the laptops were taken. She asked what is going to happen regarding the laptops that were taken. She asked how the district is going to proceed in the future. She said she was aware that the County Office of Education approved eleven hot spots and it was going to provide 14 thousand laptops for those who live in the most vulnerable areas in the County of Santa Clara. She said Superintendent Bauer had mentioned that kids will not be going to school the traditional way. She said parents need answers and she hopes they get them in June.
- 2) Brenda Zendejas asked if the same process will be used if this continues next year. She asked if the middle school students will get a C+ or C and if the elementary kids will get a narrative report. She said there were a lot of issues with kids logging in. She asked if the grading will be the same. She mentioned that a lot of kids are depressed because they have been going through a lot. She said the engagement will not be the same.

President Ernesto Bejarano thanked Superintendent Bauer for the update. He said he is sure there will be more information and a plan that can be shared with everyone.

**6.07 Approve Letter of Support for Undocumented Community.**

Member Linda Chavez said she will be abstaining from voting on this item because she would violate the oath she took for office.

**MOTION #03-15 by Clerk Andrés Quintero to approve Action Item 6.07 as presented.  
MOTION #03-15 was seconded by Vice-President Corina Herrera-Loera.**

Clerk Andrés Quintero said he would like to speak on this item.

Member Dolores Marquez-Frausto said she believed one of the Trustees will abstaining.

Member Linda Chavez said that is correct.

Member Dolores Marquez-Frausto asked Member Linda Chavez if she will be abstaining because of a financial reason or for what reason.

Member Linda Chavez said she has stated her position and will be abstaining. She said that is all she is going to say.

Member Dolores Marquez-Frausto asked if the attorney was present. She said she thought if someone abstains, it is because of the financial situation. She asked him if she is correct.

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

Counsel Rogelio Ruiz replied that Board members can abstain under the Board Bylaws. He said Board members are encouraged not to abstain, but to vote on everything. He said Board members can abstain. It has been done in the past. He said the grounds for an abstention and not taking a vote or refusing does not need to be limited to interest or financial issues.

Member Dolores Marquez-Frausto said that is was what threw her off. She thought Member Linda Chavez had a financial interest or something.

Clerk Andrés Quintero said he brought this item forward because he felt comfortable doing so. He said he took the same oath of office that his colleague took and it will not be in violation of oath. He said we are in the comfort of a computer interacting with each other while many others are intended to be supported by picking up the crops. He said everyone takes advantage of a bite of lettuce and that is not a problem. He said when other things come up and they need their support, then it becomes a violation of their oath. He said he feels it is disheartening when some Board members would disregard the health and wellbeing of some of those folks who are hustling. He said he hopes this will be supported by the majority of the Board.

Vice-President Corina Herrera-Loera said she has already supported this item as an individual and she will be supporting this as a Board member.

***MOTION #03-15 carried with a vote of 4 in favor; no opposition; no absent; and one abstention (Member Linda Chavez).***

**6.08 Board Policy 0410, Nondiscrimination in District Programs and Activites.**

**6.09 Board Policy 5145.3, Nondiscrimination/Harassment.**

**6.10 Board Policy 5145.9, Hate-Motivated Behavior**

Member Dolores Marquez-Frausto asked President Ernesto Bejarano if the Board could hear items 6.08, 6.09, and 6.10 together in the interest of time.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if the items need to be discussed separately or if all three can be heard together.

Counsel Rogelio Ruiz replied that the items are information only and if the Board wants to handle them altogether, that would be fine.



## **7. Business**

### **7.01 Approve 3<sup>rd</sup> Interim Report**

Assistant Superintendent Chheng had a PowerPoint presentation regarding the 3<sup>rd</sup> Interim Report and the highlights are as follows:

- **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.
- **RECOMMENDATION** Staff recommends the Board of Trustees approve the Third Interim Report as presented above, noting that the May Revision which is scheduled to be released on May 14, 2020 will present some significant adverse changes to the assumptions used to prepare this Third Interim Report.

Member Dolores Marquez-Frausto asked Assistant Superintendent Chheng if he could give a summary of the last two items. She asked if she could meet with Assistant Superintendent Chheng to explain the projection. She said she does not want to take too much time. She asked Superintendent Bauer if that was possible.

Superintendent Bauer replied yes, following distance requirements.

President Ernesto Bejarano asked if Member Dolores Marquez-Frausto wants to meet with Assistant Superintendent Chheng regarding what he just presented.

Member Dolores Marquez-Frausto replied she has highlights that she would like to discuss.

President Ernesto Bejarano said he would like to hold off on his questions until the district has better recent information.

**MOTION #04-15 by Vice-President Corina Herrera-Loera to approve Action Item 7.01 as presented. MOTION #04-15 was seconded by President Ernesto Bejarano.**

**7. Business (continued)**

Public Comment:

- 1) Flor De Leon said, in the past, Assistant Superintendent Chheng would go over the budget with parents. She said she would like to have that again.

***MOTION #04-15 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**7.02 Approve Prop 39 Lighting Retrofits Project Notice of Completion**

**MOTION #05-15 by Clerk Andrés Quintero to approve Action Item 7.02 as presented.  
MOTION #05-15 was seconded by Vice-President Corina Herrera-Loera.**

Member Linda Chavez said her understanding was that the district received two point nine million dollars for this project and the project cost two million eight hundred twenty-three thousand twenty-three dollars. She said the difference is seventy-six thousand nine hundred seventy-seven dollars. She said she asked Superintendent Bauer if there were seventy-six thousand nine hundred seventy-seven dollars left on the table.

Superintendent Bauer asked Assistant Superintendent Chheng to speak on how he came out with that figure.

Member Linda Chavez said the item was passed in February 2019. She said the Board accepted the grant for two point nine million dollars. She said, in her head, there is still seventy-six thousand nine hundred seventy-seven dollars of the grant money. She asked what happened to the money or was it all used up. She said she is asking if there was money on the table.

Assistant Superintendent Chheng asked Member Linda Chavez if Superintendent Bauer had forwarded to her the email regarding the terms of the official schedule of the CDE that matches the official record.

Member Linda Chavez replied that she did not receive it.

Superintendent Bauer said she received the email right before the Board meeting started.

Member Linda Chavez asked to explain if there is money available and why it is not being used.

Superintendent Bauer replied that those were the actual numbers and there was no money left.

**7. Business (continued)**

Member Linda Chavez asked if there was two point nine million dollars granted, why was it not all used.

Superintendent Bauer replied that she would need to go back to the Board book to which she was referring. She said the entire apportionment of Alum Rock was used. She said she will forward it to Member Linda Chavez so she can see it.

Member Linda Chavez requested that Superintendent Bauer bring it to the next meeting.

President Ernesto Bejarano said if Member Linda Chavez can take a look at the email that was sent to her, and if it is not clear, then she can maybe bring it up at a one-on-one meeting with Superintendent Bauer. He said then, if at that point it is not clear, the Board can get it cleared up for her.

Member Linda Chavez said that would work for her.

Member Dolores Marquez-Frausto asked Superintendent Bauer to clarify if the district was granted two point nine million dollars and if it was just a letter or if it was put into an account.

Superintendent Bauer replied that the district did not receive two point nine million and every single cent was allocated.

Assistant Superintendent Chheng said he was not sure the two-point nine million came from. He said the entitlement is for two point nine million. He said it is presented in the Board cover and it ties to the CDE schedule allocation.

Member Dolores Marquez-Frausto said there was a letter with the amount that was received from proposition 39. She asked if the letter says it was for two million something or did it say it was for two point nine million grant.

Assistant Superintendent Chheng replied the letter generally says a summary in terms of what has been allocated. He said if she looks for Alum Rock in the CDE she can find the schedule that shows the two-point eight million.

Member Dolores Marquez-Frausto asked if it was a letter that did not state an amount and does it not break it down by district. She asked how much was allocated to each district.

Assistant Superintendent Chheng replied that the district went through the process in terms of the RFP, contract selected, and approved by the Board. He said there were three payment requests because they need to be paid on the completion.

## **7. Business (continued)**

Member Dolores Marquez-Frausto said this is Engie former Chevron people. She asked if that letter sent to the district did say the amount of money that was granted and it did not get allocated to the district.

Assistant Superintendent Chheng replied that the CDE website states the funding allocation for Alum Rock.

Member Dolores Marquez-Frausto asked if the company gave three invoices.

Assistant Superintendent Chheng replied that they billed the portion that was completed.

Member Dolores Marquez-Frausto asked when the first invoice came, was the money was sent to them because the contractor had completed the work.

Assistant Superintendent Chheng replied yes, it was based on the portion of completion.

Public Comment:

- 1) Brenda Zendejas said Assistant Superintendent Chheng had mentioned there was funding for special education. Was this for a specific grant?

***MOTION #05-15 carried with a vote of 3 in favor; no opposition; no absent; and two abstentions (Member Linda Chavez and Member Dolores Marquez-Frausto).***

## **8. Human Resources**

### **8.01 Resignations**

Member Dolores Marquez-Frausto said she was told that Dan Flores is no longer with the district. She asked if that is correct. She said she did not see his name on the list.

Superintendent Bauer replied that Dan Flores had retired.

Member Dolores Marquez-Frausto asked when Dan Flores retired.

Superintendent Bauer replied at the end of the month and his last day was May 31, 2020.

Counsel Rogelio Ruiz said that the Board Bylaws authorize the Superintendent to accept all resignations and retirements on behalf of the district. He said that is why this item does not come to the Board as an action item every month. It's information only.

Member Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if the Board accepts it or votes on it.

## **8. Human Resources (continued)**

Counsel Rogelio Ruiz replied the Board does not vote on it because the Board has already delegated the authority to the Superintendent. He said this allows the Superintendent and administration to accept resignations more quickly than waiting for Board approval.

Member Dolores Marquez-Frausto said that she remembered. She said she was confused. She asked for clarification again on Dan Flores' effective date.

Superintendent Bauer replied on May 31, 2020.

Clerk Andrés Quintero asked if this could be taken offline so Member Dolores Marquez-Frausto could get all the information she needs.

Member Dolores Marquez-Frausto asked Human Resources to provide his last day.

President Ernesto Bejarano said Human Resources could give that information to her offline.

Member Dolores Marquez-Frausto said let the record show that she posed the question to staff and they did not have an answer for her. She said she was not allowed for Human Resources to give her that information. She asked that the minutes reflect that.

### **8.02 Approve Declaration of Need for Fully Qualified Educators for 2020/2021.**

**MOTION #06-15 by Vice-President Corina Herrera-Loera to approve Action Item 8.02 as presented. MOTION #06-15 was seconded by Member Linda Chavez.**

Member Linda Chavez said she was trying to chime in on item 8.01. She asked if she could ask two questions.

President Ernesto Bejarano asked Member Linda Chavez if those questions could be taken offline or if there is a need for the public to hear.

Member Linda Chavez said Dan Flores' position is significant and if there is a new person in place. She asked if the new person knows what the job entails.

Superintendent Bauer replied that it is not in the Board book.

Member Linda Chavez said she is asking because Member Dolores Marquez-Frausto was able to ask some questions. That prompted her to ask the question. She said, as far as questions go, it should be fair since she keeps her comments short. She said her questions can be taken offline.

**8. Human Resources (continued)**

Member Dolores Marquez-Frausto asked if there is a summary that could be given in the interest of those who do not have a book.

Superintendent Bauer replied that there is a need for people to get their credentials. She said the state allows them to have an emergency permit to continue with the district.

***MOTION #06-15 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

**8.03 Adopt the District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150; Re: 2019-2020 Reopeners.**

President Ernesto Bejarano asked Counsel Rogelio Ruiz how the Board should go about this item.

Counsel Rogelio Ruiz replied that the Board should take action to adopt the district's initial bargaining for Teamsters.

**MOTION #07-15 by Vice-President Corina Herrera-Loera to approve Action Item 8.03 as presented. MOTION #07-15 was seconded by Member Dolores Marquez-Frausto.**

Member Dolores Marquez-Frausto asked if the Board will be going to closed session to discuss this item. She asked why the Board is already accepting this item.

Counsel Rogelio Ruiz said under the state law before the district can bargain with any of its initial thoughts. He said the district's proposals have to be approved by the Board and it is the Teamsters' initial proposal. He said this needs to be sunshined to allow the public to give public comment. He said by taking an action to approve the district's proposal, the Board is not taking any action for the bargaining agreement. He said state law allows sunshining so the public to view the parties' openings positions. He said then district and the teamsters can begin negotiations. He commented on what happens in closed session is confidential.

Member Dolores Marquez-Frausto asked if the Board was going to vote.

Counsel Rogelio Ruiz replied the Board will vote to adopt the district's initial bargaining proposal to Teamsters.

President Ernesto Bejarano said if Member Dolores Marquez-Frausto recalled a couple of months ago, he modified the agenda. He said the Board can take any action on any item in the section.

**8. Human Resources (continued)**

Member Linda Chavez said that since the Board was supposed to have closed session on Tuesday, the Board could have heard all of this then. She said she feels more comfortable not voting on this now. She said it should be moved after closed session.

President Ernesto Bejarano said not meeting on Tuesday did not impact this. He said the Board needs to have this to go to closed session.

Member Linda Chavez asked if the Board could not go to closed session without doing this first.

Superintendent Bauer said it was the same thing that was already approved. She said it is like sunshining it. She said it has nothing to do with settling anything. She said this is so that everyone knows the parties are negotiating.

Member Linda Chavez said because COVID 19 is going on, the district does not know how much money it will be getting. She said she does not feel comfortable making that decision without knowing what the budget will be.

Superintendent Bauer replied the Board is not voting on money.

Member Linda Chavez said she does not want to give the impression that she is okay with this, that is why she will be abstaining from this.

***MOTION #07-15 carried with a vote of 4 in favor; no opposition; no absent; and one abstention(Member Linda Chavez).***

**8.04 Accept Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with Alum Rock Union Elementary School District; Re: 2019-2020 Reopeners.**

**MOTION #08-15 by Clerk Andrés Quintero to approve Action Item 8.04 as presented.  
MOTION #08-15 was seconded by Vice-President Corina Herrera-Loera.**

Member Linda Chavez said during the last item she asked for Counsel Rogelio Ruiz to comment on the item. Instead, she said she got a bunch of other comments. She asked if Counsel Rogelio Ruiz could comment on this item.

Counsel Rogelio Ruiz said this item is just to accept the initial proposal from Teamsters. He said by accepting their initial proposal, that does not mean you are agreeing to it. He said the Board is required to sunshine the district's initial proposal.

## 8. Human Resources (continued)

Member Linda Chavez said everything relies on the me too clause. She said she will go with what the Board decides.

***MOTION #08-15 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.***

## 9. CONSENT CALENDAR

Superintendent Bauer said she would like to pull item 9.06 only, Mr. Serna's contract, and everything else is okay. She said the other item she wants to pull is 9.07.

President Ernesto Bejarano asked to pull **Agenda Item 9.01** Approve Board Meeting Minutes for the following dates: (1) January 21, 2020, Board Study Session, (2) February 13, 2020, Amended Minutes for Regular Board Meeting, (3) March 12, 2020 Regular Board Meeting and (4) March 24, 2020, Special Board Meeting to be discussed separately.

Superintendent Bauer said by pulling the entire item the state auditor said there is nothing approved in the minutes since January 2020. She asked President Ernesto Bejarano to guess which date from the minutes he wants to pull.

Superintendent Bauer said by pulling the entire item, the state auditor said there is nothing approved in the minutes since January 2020. She asked President Ernesto Bejarano to guess which date from the minutes he wants to pull.

President Ernesto Bejarano asked Counsel Rogelio Ruiz once the minutes are approved, if they can be amended after the fact.

Counsel Rogelio Ruiz replied that they could be amended after the fact, but once they are approved, they become the official record.

President Ernesto Bejarano said, in the interest of time, he would like to retract his statement.

Member Linda Chavez said she wants to pull item 9.01 minutes for March 12, 2020.

***There was a consensus from the Board to combine and take action on Agenda Items 9.01, 9.02, 9.03, 9.04, 9.05, and 9.06.***

- ***Agenda Item 9.01 Approve Board Meeting Minutes for the following dates: (1) January 21, 2020, Board Study Session, (2) February 13, 2020, Amended Regular Board Meeting and (4) March 24, 2020, Special Board Meeting.***
- ***Agenda Item 9.02 Approve Acceptance of Donations.***
- ***Agenda Item 9.03 Approve Acceptance of Vendor & Payroll Warrants.***
- ***Agenda Item 9.04 Approve/Ratify Notices of Employment and Changes of Status/May 14, 2020/Human Resources Department***

*Approved Minutes – May 14, 2020, Regular Board Meeting #15-19/20*



**9. CONSENT CALENDAR** *(continued)*

**Agenda Item 9.05** *Approve Report on Williams Uniform Complaints*

- **Agenda Item 9.06** *Approve Contracts for Professional Services-Firms/Organizations (expect Jess Serna's contract)*

**MOTION #09-15** *by Member Linda Chavez to approve Agenda Items, 9.01 (except meeting minutes of March 12, 2020, 9.02, 9.03, 9.04, 9.05, and 9.06 (expect Jess Serna's contract), as presented. MOTION #09-15 was seconded by President Ernesto Bejarano.*

**MOTION #09-15** *carried with a vote of 5 in favor; no opposition; no absent; and no abstention.*

President Ernesto Bejarano asked Member Linda Chavez if she wanted to discuss the March 12, 2020 meeting minutes.

Member Linda Chavez said she wants to take it offline.

**11. Future Board Agenda Requests**

President Ernesto Bejarano said there were several requests already stated. He asked if there was anything else.

Public Comments:

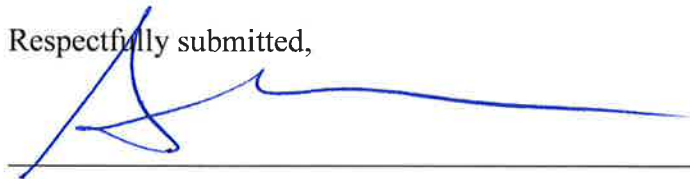
- 1) Flor De Leon said she understands that everyone is learning Zoom. She said she had a suggestion to have translation in Zoom. She said she was in a townhall Zoom and they had that. She said it is just a matter of pushing a button. She said you will see the screen and the meeting will be translated.
- 2) Brenda Zendejas asked if the Zoom link for the Board meeting could be posted on Facebook.

**12. ADJOURNMENT**

**12.01 President Adjourns the Meeting**

President Ernesto Bejarano adjourned the meeting at 9:20 p.m.

Respectfully submitted,



Andrés Quintero, Board Clerk  
mc