

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

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Thursday, March 12, 2020, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #12-19/20**

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 5:40 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	(absent)

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 and the meeting is being video recorded.

President Ernesto Bejarano said, before starting the meeting, that he would like to read the following statement:

Thank you all for attending during this very unique and serious time with the coronavirus. It is important for all of us to do our part. You can see the seating arrangement has been changed in the Boardroom and the overflow room for everyone to keep a safe distance. The Board commits to transparency in conducting its business to the public and is also mindful of unnecessarily exposing people to the spread of the virus. As Board President, I am making my colleagues and members of the public help conduct this meeting as fast and effectively as possible. The Superintendent has identified several items tonight on the agenda that are not time-sensitive. As part of the next agenda item, the meeting the Board will consider postponing and discussing those items for the next Regular Board Meeting or Special Board Meeting. Also, I am asking my Board colleagues and all members of the public to speak on all items no more than 1 minute for each person. Each item shall have a maximum of 10 minutes for comments. We are implementing these simple measures so we can conduct the district's business very effectively and still allow the public to comment.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if what was discussed is accurate or if there have been any changes.

Counsel Rogelio Ruiz replied that it is accurate. He said the limitations of time are still subject to the Board. He said the Board would need to decide that since these items are already on the agenda.

Clerk Andrés Quintero said to table items 2.01, 4.03, 4.05, 4.06, 6.03, 6.04, 6.05 and 6.06. He said these are the items that Superintendent Bauer suggested to table because they are not time-sensitive.

MOTION #01-12 by Clerk Andrés Quintero to move item 6.01 after 4.01. MOTION #01-12 was seconded by Member Linda Chavez.

Vice-President Corina Herrera-Loera requested to have 11.14 moved up before 6.01 because there are two speakers present who would like to speak on the item.

MOTION #02-12 by Vice-President Corina Herrera-Loera to move item 11.14 before 6.01. MOTION #02-12 was seconded by Member Linda Chavez.

MOTION #02-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

2. OPEN SESSION *(continued)*

President Ernesto Bejarano said the change to public comment is because of the situation. He said the Board desires to get the people out of the Boardroom. He commented there will be one minute per comment and two minutes if there is a language need for a maximum of 10 minutes per item.

MOTION #03-12 by Clerk Andrés Quintero to approve the comments stated earlier. MOTION #03-12 was seconded by Member Linda Chavez.

Vice-President Corina Herrera-Loera said she was wondering if there was only one speaker, if additional time would be allowed depending on the speakers, with a maximum time of 10 minutes.

President Ernesto Bejarano replied that the Board would need to ask Counsel Rogelio Ruiz if there could be a change in the speaking time per item.

Counsel Rogelio Ruiz said this is a function on how the Board is going to operate. He said if that is what the Board wants to do, the Board is in their right to do that. He commented the key here is to give a reasonable opportunity.

President Ernesto Bejarano said his thought is that there are people that took the time to come here and speak on other items. He said, unfortunately, the Board is unable to accommodate everyone. He said there will be a minute per person.

President Ernesto Bejarano said there is a motion on the floor to restrict comments to a minute per individual for a total of ten minutes for any particular item.

MOTION #03-12 carried with a vote of 3 in favor; one opposition (Corina Herrera-Loera); one absent (Dolores Marquez-Frausto); and no abstention.

11. CONSENT CALENDAR

11.14 Approve Resolution No. 21-19/20: Dolores Huerta Day-April 10, 2020

President Ernesto Bejarano said he will be calling two speakers at a time to give enough space.

MOTION #04-12 by Vice-President Corina Herrera-Loera to approve Action Item 11.14 as presented. MOTION #04-12 was seconded by Clerk Andrés Quintero.

Vice-President Corina Herrera-Loera said Dolores Huerta is the most prominent Mexican-American labor leader and co-founder of Cesar Chavez United Farm Workers of America. She said they are celebrating a woman leader from our home to our community.

11. CONSENT CALENDAR *(continued)*

Public Comments:

- 1) Wendy Greenfield thanked Superintendent Bauer and the Board Trustees for entertaining this motion. She said she has been an educator for 37 years before retiring from San Jose Unified. She commented she is part of a committee that has been working for months to develop a curriculum for teachers.

President Ernesto Bejarano said he wanted to apologize because of the time constraint due to the circumstances. He said if there is an opportunity when things settle to come back and give a presentation.

- 2) Barbara Lynn said she is a retired teacher from Santa Clara County and supports Dolores Huerta for her 90th birthday. She said she is the only living person to be honored on a state level. She commented Dolores Huerta started her career as a teacher. She said Dolores Huerta started working full time for civil rights and social justice.

MOTION #04-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

6. Superintendent/Board Business—Board Discussion And/ Or Action

6.01 Approve Board Member Term Limits of two consecutive four-year terms.

MOTION #05-12 by Vice-President Corina Herrera-Loera to approve for member term limits amended from two to three consecutive term limits.

Clerk Andrés Quintero said the item presented is two four-year terms.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if the motion needs to be discussed as requested or does it need to be agendized.

Counsel Rogelio Ruiz replied there could be that discussion part of this agenda item. He said the agendized item very specifically states two consecutive four-year terms. He said there could be a discussion of what is on the floor, but it has to be on what has been agendized.

MOTION #06-12 by Vice-President Corina Herrera-Loera to approve Action Item 6.01 as presented. MOTION #06-12 was seconded by Clerk Andrés Quintero for the purpose of discussion.

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

Public Comment:

Public Comment:

- 1) Luis Cardoza thanked the Board for bringing Board Term Limits to the agenda. He said he should have a voice in the process. He said they are the advocates for their children and for that reason everyone is here. He commented the district needs a governance policy to provide quality education. He said currently the district does not have a term limit policy in place.
- 2) Gabriela Cardoza said she is a parent of Alum Rock School District. She said, for the past months, parents have been advocating for a policy for an opportunity. She said Member Linda Chavez had stated that this is an unnecessary expense, but the parents see it as a way to better the system. She said that Member Linda Chavez also said the parents would pay for the cost of having the policy on the ballot. Ms. Cardoza reminded Member Linda Chavez that this has already been paid for by having their children in schools.
- 3) Claudia Cuello said parents want term limits. She asked what the Board is afraid of. She reminded Member Linda Chavez that she is there to represent the parents. She said she is asking for term limits today. She thanked Vice-President Corina Herrera-Loera for supporting this policy and for taking the time to listen. She told Clerk Andrés Quintero that he said, from the beginning, that he did not agree with term limits. But today, she asks that he vote yes on term limits.
- 4) Araceli Sandoval said putting term limits on the 2020 ballot will cost less. She said they want to save as much money now. She said this is the time to vote yes on term limits. She said this will allow voters to vote on term limits.
- 5) Silvia Nolasco thanked the Board for allowing her to address them. She said she wants the term policy. She said last time she heard someone suggest for parents to pay to have the policy on the ballot. She said she feels that it is not fair. She said to let the voter decide.
- 6) Maria Alejandez said she did not understand why her mom attended the Board meetings. She said now she understands because her mom believes their education is a priority. She said she noticed two things from the Board members--they limit the time of her mom and other parents. She said at the last meeting, the Board disrespected many parents and students by not allowing them to speak. She said President Ernesto Bejarano got out of the room without listening. She commented that they need to listen to each other. She said please listen and support parents by saying yes to term limits.

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

Public Comment:

- 7) Flor De Leon said she is a parent of the district and a coordinator of Empuje. She said parents volunteer in PTA and bring money to their schools. She said to Member Linda Chavez, the money that comes into the district is from our children. She said for those reasons she asks Member Linda Chavez to listen to them. She said the parents are at the Board meeting because they want positive changes. She commented the parents need to be proactive in creating the idea of the term limit policy. She said the management of the district is necessary.
- 1) Delza Gonzalez said she is a parent of this school district. She said the little girl who spoke is her child. She said the reason why she spoke was that she was curious and mad. She said, as a mother, she needs to teach her child how to advocate for herself for her education. She commented that she is standing there to send a message not only to the parents but to their community. She asked the Board to vote yes on term limits and let the voters decide.
- 8) Brenda Zendejas reminded the Board that the community collected signatures. She said she does not understand why the Board will not support term limits. She said she feels that a two-year term limit is enough to show their capacity. She commented if the Board wants to show what they can do for the school Board, they can also do it outside.

Clerk Andrés Quintero said the Board discussed this particular item and he had been very clear on his position. He said he has not changed his position. He said he attended a forum and he was asked about term limits. He said he was very clear with the public there. He commented he does not support two to four-year terms. He said the reason why he does not support them is because the school district would lose its investment. He said training is expensive.

Vice-President Corina Herrera-Loera said she wanted to amend her motion to three consecutive four-year terms. She asked Counsel Rogelio Ruiz if this was appropriate at this time.

Counsel Rogelio Ruiz replied the concern and the issue he has is that it has been agendized for two consecutive four-year terms. He said that would be the appropriate action for today. He said the Board could discuss the motion for term limits. He said the Board could ask the administration to bring this back.

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

Member Linda Chavez said she does support term limits and she is in favor of term limits. She said she does not support that the district pays for it. She said she is glad that the community wants this. She said the community should put the time and money towards this. She commented that the funds are for the students for their education. She commented that the first speaker said the most important factor is the students and, yes, they are the most important factor. She said the majority of Empuje and Somos asked to put air conditioning at the schools. She said she is in favor of the community doing this but not at the cost of the children's education.

Vice-President Corina Herrera-Loera reminded Member Linda Chavez that, as parents, they all bring a lot of money--more than 81 thousand dollars. She said she was concerned about asking for term limits to be on the agenda, but not for two terms. She commented she was clear that she wanted three consecutive terms. She asked Counsel Rogelio Ruiz if she can pull this item off and brings it for next month.

Counsel Rogelio Ruiz replied that it is appropriate to request a motion to bring it back to the next Board meeting.

President Ernesto Bejarano asked Vice-President Corina Herrera-Loera if she is amending her motion.

Vice-President Corina Herrera-Loera replied, per Counsel Rogelio Ruiz's directive, she is requesting to move this item to next month with the specific wording that she requested, three consecutive four-year term limits.

Counsel Rogelio Ruiz said he believed there was a first and a second on the table. He said under the Robert Rules of Order, there has to be a vote on the motion. He said it is already on the table. If that motion fails, then the Board can make that next motion.

President Ernesto Bejarano said the Board has discussed this item several times. He said he wants to be very transparent to the public why some of the Board members are voting the way they are. He said the Board members who have served past the two-year term limits got reelected by the voting public who knew that they already had served two terms. He said 13 thousand votes says something as well. He commented that research indicates that the more experience Trustees have, the more effective they are and the more collaborative relationships they have to bring resources to the district. He said he certainly understands and appreciates Vice-President Corina Herrera-Loera's attention to the desires of the segments of our community who have specifically requested to have two four-year terms. He commented that, at the same time, there are many thousands of voters who are unable to come to these meetings and many of the voters have a different opinion. He said, as Member Linda Chavez has mentioned, 82 thousand dollars is at the cost of safety at our schools and facilities and at the cost of services for things that are needed for our students at the district. He commented that last month there were two agenda items, the handbook, and strategic plan, with specific instructions by their state audit.

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

President Ernesto Bejarano said the Board turned it down because the Board said it was too much money. He feels their community should not be forced to choose someone that is on the ballot box. He said he will not support this for those factors.

MOTION #06-12 failed with a vote of 0 in favor; three opposition (President Ernesto Bejarano, Clerk Andrés Quintero and Member Linda Chavez; one absent (Dolores Marquez-Frausto); and one abstention (Vice-President Corina Herrera-Loera).

3. Public Members Who Wish To Address The Board

President Ernesto Bejarano said the Board Meeting may need to be canceled. He asked Counsel Rogelio Ruiz what the directive of the state is. He said people were not complying in the name of safety. He asked Counsel Rogelio Ruiz if the Board needs to cancel the Board Meeting.

Counsel Rogelio Ruiz replied that, at this point, he would ask to have individuals spread apart as far as possible and, once they speak, to have them wait in the lobby area.

President Ernesto Bejarano asked the staff if they are comfortable with the distance proximity by these individuals.

Clerk Andrés Quintero said the governor asked that six feet apart and that is what they are asking the district to do. He commented the district is complying with the state.

Member Linda Chavez said the Board did not make the rules. This is for everyone's safety.

President Ernesto Bejarano said to Counsel Rogelio Ruiz that he was concerned with the current situation. He said it is not about the Board. It is about everyone in the room potentially spreading the virus.

Counsel Rogelio Ruiz replied it would be like any other disruption and President Ernesto Bejarano has the option to recess the meeting. He said to the Board to reorganize the room to make it a safe condition consistent with the governor's order. He said this is the advisory of the public health department in which the governor incorporated in the executive order. He said this is an executive order.

President Ernesto Bejarano asked Counsel Rogelio Ruiz what he meant when he said 'the force of law'.

Counsel Rogelio Ruiz replied it is like law--it supersedes the law for a period of time.

President Ernesto Bejarano asked Counsel Rogelio Ruiz if the district does not keep compliance with the law, does this violate the law or do individuals break the law?

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

Counsel Rogelio Ruiz replied the district is not compiling a lawful edict from the governor. He said to recess until it is reset and then restart the meeting if you choose to.

President Ernesto Bejarano said at this point, due to the time consideration, for the Board to go to closed session and maximize the time.

Superintendent Bauer said before you take that action, closed session needs to happen in the Boardroom.

President Ernesto Bejarano said the Board will be asking everyone to leave the Boardroom. He said the Board can go to recess and hope that things change or the Board can maximize their time. He said the Board will recess to closed session, clear the room, and come back. He said hopefully, by that time, the Board can move forward.

President Ernesto Bejarano asked AREA President, Ms. Jocelyn Merz, if she could contribute to the facilitation of solving this.

Ms. Jocelyn Merz said she would agree with having a recess and having a discussion with the Board members or canceling the meeting for another day.

Vice-President Corina Herrera-Loera said she is not opposed to having a meeting with Ms. Jocelyn Merz. She said she is concerned about her and her family's health. She wants to follow the social distancing of six feet space.

President Ernesto Bejarano thanked everyone for their comments and he does agree to a recess of five minutes to discuss a solution.

The Board adjourned to recess at 6:44 p.m.

The Board reconvened to Open Session at 6:53 p.m.

Public Comment:

- 1) Female teacher from Aptitud read a letter from a 7th-grade student by the name of Aiden. He said that he wanted everyone to know that Ms. Manzanedo helped him and supported him. He said Ms. Manzanedo told him that whenever he wanted to talk to her, she was there to listen to him.
- 2) Female teacher from Aptitud said she wanted to speak on behalf of the staff of Aptitud. She said there was something seriously wrong with the resignation of the principal of Aptitud. She commented when the principal left, it created confusion with many unsolved questions from family and students. She said she is concerned about her well being.

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

- 3) Male speaker said he is a tax payor, parent, and teacher at Alum Rock School District. He said if he was a starting teacher, he would be making 59 thousand four hundred dollars annually which would be very low income. He said it is ridiculous to be offered zero from the district.
- 4) Female speaker said employees are at risk of exposure. She said the district should be bringing measures for safety precautions for students to have their temperature taken to see if they have any symptoms.
- 5) Flor De Leon said she is a parent and to finish what the other parent said, there is no soap at the school. She said the Board is only allowing a minute to speak--it does not even give the speaker time to breathe. She asked the Board to also limit themselves. She thanked the Board for moving the closed session to the end of the meeting.
- 6) Dannette Ambrosio, teacher from Lyndale, said she has been teaching for nineteen years. She said the district came to the table and only offered zero--that is unacceptable. She said she teaches a high autistic student without an aid to assist her. She said she shows up to work positive. But after she heard she was worth zero, it is really hard to stay positive.
- 7) Nannette Ruiz said many good teachers should be recognized by the district for their dedication and their hard work. She said each teacher does not feel the value of the district. She commented one of the best things the district can do for the students is to attract quality teachers.
- 8) Sandra Gomez, teacher at Chavez, commented that there are forty-five students in her classroom and they are kinder students. Their health is at risk. She said some of the teachers have underlying health conditions. She said it is unfair while the Board stays protected by six feet.

President Ernesto Bejarano said he wanted to clarify that these are not the Board's rules. He said these are the rules of the State of California. He said the Board is following the public health guidelines.

4. Comments and Communications

4.01 Teamsters

There were no representatives from Teamsters at this time.

4.02 California School Employee's Association (CSEA)

There were no representatives from CSEA at this time.

4. Comments and Communications *(continued)*

4.03 Alum Rock Administrator's (ARAA)

There were no representatives from ARAA at this time.

4.04 Alum Rock Educator's Association (AREA)

Jocelyn Merz, AREA President, thanked President Ernesto Bejarano for adjusting the agenda by having closed session at the end. She said she would like to speak about two top issues affecting both members and students. She commented she would like to start with the coronavirus epidemic. She said there have been many calls and emails from members with concerns. She said she does appreciate very much the input and the information sent out with the district's plan. She commented it does not seem unreasonable to take a proactive approach to disinfectant cleaning at all the schools even if it means hiring crews--whatever it takes. She said this disease is considered a pandemic and California has a state of emergency. She said there was an unwillingness to bring an offer for teachers' benefits after four days of the meeting. The district did not take one step off of zero. She said the teacher compensation for COLA this year was at 2.6%. She asked why the Board thinks it is okay to use a portion of COLA from AREA members for something else. She commented she has spent over 30 years at Alum Rock School District and when she began her 10 years at the district, she was proud to say that Alum Rock School District was the highest-paid district in the county.

4.05 Superintendent

There were no comments.

4.06 Board of Trustees/Communication/Comments

There were no comments

5. Contracts Over \$100,000

5.01 Approve Contract with IT Management Corporation, Replacement of District's Data Center and Main Distribution Frame at Hubbard, George and Sheppard schools, IT Department, \$ 237, 285.48.

**MOTION #07-12 by Clerk Andrés Quintero to approve Action Item 5.01 as presented.
MOTION #07-12 was seconded by Vice-President Corina Herrera-Loera.**

5. Contracts Over \$100,000 (continued)

Superintendent Bauer said that the district will be refunded the money. She asked Director Avtar Gill to tell the Board how much money the district is going to pay.

Mr. Avtar Gill said the total is \$237,285.48 and the district will be reimbursed \$201,266.00. He said the district will only spend \$35,000.85.

MOTION #07-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

8. Superintendent/Board Business—Board Discussion And/ Or Action

6.02 Approve Resolution No. 24-19/20: Authorizing Closure of Arbuckle Elementary School and Consolidation with Adelante II Academy.

Public Comment:

1. Camille Llanes-Fontanilla said she thinks that community members and parents know they are going to have to make difficult decisions for the next few years. She asked that the Board reconsider having some kind of open transparent community process. She asked the Board to have an open space or think creatively on how to meet on these critical demands and she hopes to do it in one community.
2. Brenda Zendejas said she feels the lack of transparency with parent involvement. She asked how many community forums were there to discuss the closure of Arbuckle. She asked why Arbuckle and not another school and why in the poorest area.
3. Jocelyn Merz said she was asked to attend the Advisory Committee. She wanted to make it clear that this does not mean that AREA is supporting or endorsing the closure of Arbuckle. She said she would think that the closing is because of the declining enrollment.

MOTION #08-12 by President Ernesto Bejarano to approve Action Item 5.01 as presented for the purpose of discussion. MOTION #08-12 was seconded by Vice-President Corina Herrera-Loera.

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

Clerk Andrés Quintero said, as a school board, you do not want to shut down schools. He said the circumstances are such that the Board needs to make tough decisions. He said that is why the Board is placed here to make the decision that is going to be solvent and allows the district to move forward. He commented that this is a school his cousins went to and there is history there. He said there was another dual immersion school opened and we moved forward with Adelante II. He said thank God for that site or the district would be shutting down the entire school and the charter schools would be demanding to put their school at that site.

Clerk Andrés Quintero asked if this is time-sensitive and if the Board needs to make a decision now. He said if so, he would like to ask the administration because he wants people to be aware as to why this decision needs to be made. He said he is not excited about this, but he needs to make a decision and cast his vote which he feels would allow the district to operate.

Superintendent Bauer replied that this is a time-sensitive issue because the district needs to notify the teachers where they are going to be next school year to follow the bargaining unit agreement.

Clerk Andrés Quintero said, at this point, the exploration phase is out. He said Superintendent Bauer said it was time-sensitive and now he can explore that.

Superintendent Bauer said, as the Superintendent, that is her recommendation. She did not sign up to close schools. She said she understands what Clerk Andrés Quintero is saying. She said Arbuckle has 120 students with 5 teachers. She said this prolongs what needs to happen and it is not the best thing for the students.

Vice-President Corina Herrera-Loera said she agrees with the comments made by Clerk Andrés Quintero. She said she is one of the parents that opened up Adelante II. She said she agrees that this is a tough decision to make; however, she wants to make it clear that the doors are not being shut completely. She asked Superintendent Bauer if the students are allowed to go to Adelante II to get the bilingual part of schooling there.

Superintendent Bauer said absolutely and that there are a good number of families from Arbuckle already attending Adelante II.

Vice-President Corina Herrera-Loera said, as parents, they have choices to make and the district cannot force them.

President Ernesto Bejarano said that Superintendent Bauer has addressed the impact on the staff. He asked what efforts were made on the current status of Arbuckle and what was done to make it work with the school.

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

Superintendent Bauer replied that she has updated the Board several times and then the impact on English learning families. She said there has been an increase in charter school's presence within walking distance.

President Ernesto Bejarano asked what the plan is, roughly, twelve to eighteen months from now in terms of transition. He said Superintendent Bauer already spoke about teachers and asked if families have a choice.

Superintendent Bauer replied that there was a meeting with the parents at Arbuckle. She said she was waiting for the follow-up meeting after the Board makes a decision. She said parents have already been told they can choose any school within Alum Rock School District. She said parents can choose what school they want their kids to attend and they will not be turned away.

President Ernesto Bejarano said he heard Superintendent Bauer say that Adelante II is an option. He said he did receive a couple of emails and he needs to ask a question on behalf of those emails. The parents do have the option of attending Adelante II, but what are the parameters of which schools they can choose from. He asked if there a requirement of testing as a potential ability to choose Arbuckle II.

Superintendent Bauer replied that dual immersion programs have certain guidelines. She said the test is designed where TK and Kinder are not required for testing. She said for grades 1st to 5th, there is a test requirement.

Clerk Andrés Quintero said some folks come out to the Board meetings. He said he does understand the passion that they feel because it is not something he wants to do. He commented there are also folks posting things on social media and, at the same time, they are out there making decisions to push the charter agenda. He said those are the people that are choking the life out of the public schools. He commented this is not directed at anyone in particular. This is directed to folks here advocating for these organizations.

President Ernesto Bejarano said his decision is based on the information given. He said the Board does not like to make these decisions. He said he likes to make them with all the available information.

MOTION #08-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

7. Instructional Services

7.01 Approve Board Policy 5145.7, Sexual Harassment (Student), Second Reading.

MOTION #09-12 by Clerk Andrés Quintero to approve Action Item 7.01 as presented. MOTION #09-12 was seconded by Vice-President Corina Herrera-Loera.

MOTION #09-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

7.02 Approve Board Policy 5131.62, Tobacco (Use Prevention Education Program), Second Reading.

MOTION #10-12 by Clerk Andrés Quintero to approve Action Item 7.02 as presented. MOTION #10-12 was seconded by Vice-President Corina Herrera-Loera.

MOTION #10-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

7.03 Approve Amended Board Policy 3513.3, Tobacco-Free Schools, Second Reading.

MOTION #11-12 by Clerk Andrés Quintero to approve Action Item 7.03 as presented. MOTION #11-12 was seconded by Member Linda Chavez.

MOTION #11-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

8. Business

8.01 Approve Second Interim Financial Report.

Assistant Superintendent Kolvira Chheng had a PowerPoint presentation regarding the Second Interim Financial Report and the highlights are as follows:

Key Assumptions – MYP - Unrestricted General Fund

Revenues

- Prior year P-2 ADA for District's LCFF calculation due to declining enrollment
- Current Year ADA for Aptitud's LCFF calculation
- COLA based on DOF's recommendation
- Remove one-time funds in out years
- COLA based on DOF's recommendation
- Remove one-time funds in out years

8. Business *(continued)*

Expenditures

- Increase Step and Column for all three years
- Increase STRS and PERS rates for all three years
- Increase contribution for Special Education Program for all three years
- Meet 3% Contribution Requirement to Routine Restricted Maintenance Account (RRMA) for all three years

For 2019-20:

- Starting in 2019-20, 3% salaries increase for all employees retroactive to FY 2018-19 Starting in 2019-20, savings of \$380K from unfilled vacancies (Coordinator = 1 FTE, Classified Mgmt. = 1FTE and Classified = 1 FTE)

For 2020-21:

- Starting in 2020-21, back-out amount paid in 2019-20 for 3% salaries increase for FY 2018-19
- Savings in 2020-21 for 30 certificated FTEs at an average salary of \$85K to align with declining enrollment
- Starting in 2020-21, savings for 3.2 FTEs Coordinator =\$457K and 1 FTE Director II = \$197K, to be funded with various grants
- For 2021-22:
- Savings in 2021-22 for 20 certificated FTEs at an average salary of \$85K to align with declining enrollment
- Unspecified reduction of \$780K in 2021-22 to be determined by Budget Adoption for FY 2020-21

Superintendent Bauer said non reelects are not counted here adding enrollment. She said it is the district's goal to have those thirty non reelects, but they need to figure out how many students are coming back. She said, in the name of transparency, she wants everyone to know if the district has the good fortune of bringing enough students so the district will need more teachers, then there will need to be cut in other areas.

President Ernesto Bejarano asked if the thirty FTEs that the Board is speaking about go to the \$780K that Assistant Superintendent Chheng mentioned.

Assistant Superintendent Chheng replied that it is at the on top of the \$780K. He said for next year's budget, the district is reducing 30 certificated positions and for the year 20/21, the district is reducing 20 certificated positions for a total of 50. He said the district needs to come up with \$780K.

8. Business *(continued)*

President Ernesto Bejarano asked what the strategy will be or what thoughts will be addressed.

Assistant Superintendent Chheng said the district brought those cuts last year, the same principle will be applied. He said the district will try to keep away from the classroom as best as possible.

President Ernesto Bejarano asked what the projection is in enrollment. He said he is wondering how the district figures that out. He said for the past couple of years it was underestimated.

Assistant Superintendent Chheng replied this is based on 3% baseline. He said what is not showing in the report is the number of T4 students the district serves. He said this is a challenge in terms of enrollment projection.

Superintendent Bauer said if the district would say to cut the T4's, the district would have less enrollment. She said it is important for the district to continue the early learning program because families need it.

President Ernesto Bejarano said, in the short term, those numbers are not counting for the district. But the idea is that the district keeps them because those students will stay with the district.

Clerk Andrés Quintero said the district made all these cuts and teachers are no longer there. He said this is a safer approach and there are more tough choices for the Board.

Vice-President Corina Herrera-Loera said the district will be getting money from the preschool the following 20/21 year. She said the district is thinking forward with creative ideas and is planning ahead versus waiting for that year.

Superintendent Bauer thanked Vice-President Corina Herrera-Loera for her question. She said what is not seen here in the budget is approximately ten thousand dollars bringing in partnerships to provide services. She commented if the district did not have those partnerships that Vice-President Corina Herrera-Loera spoke of, the district would not have the family resource centers. She said to the Board that the district is always seeking those types of partnerships.

Vice-President Corina Herrera-Loera said she does not discount anything the district is doing. She said she has been a witness to a lot of it. She thanked the staff for everything they do.

8. Business *(continued)*

Public Comment:

- 1) Camille Llanes-Fontanilla said, as a school board that has adopted the resolution to support schools and communities, she thinks this is a good time to strategize as one community. She said, on behalf of her organization, she would like to work with the district to work out a plan.

Clerk Andrés Quintero said he knows the district is in the middle of negotiations and he does not intend to negotiate in public. He said, at some point, the Board needs to provide direction. He said this Board needs to make tough choices. He said the Board could direct staff and the Board can incorporate a motion to begin to explore a process in which the Board can go ahead and start getting public input.

President Ernesto Bejarano asked Clerk Andrés Quintero if he is saying to go above and beyond the Budget Committee.

Clerk Andrés Quintero replied yes.

President Ernesto Bejarano asked Clerk Andrés Quintero what the difference is on what he is proposing.

Clerk Andrés Quintero replied this would be for a broader base group if stakeholders beyond a subcommittee more of a proactive effort. He said this would involve more people than the subcommittee. He said the idea would be temporary to give input.

President Ernesto Bejarano said if it was a kind of relook and refresh Budget Committee to allow a more accessible ability and input.

Clerk Andrés Quintero replied it would be a temporary subcommittee, part of another entity. He said this would establish a timeframe and seek input from the community and stakeholders in order to incorporate as much information as possible.

Vice-President Corina Herrera-Loera said she agrees to have an outside subcommittee and to have two Board members bring back recommendations to the Board.

Member Linda Chavez said she we should first start with all of the stuff that was done at the LCAP and everything that the people at the LCAP said and then, I'm sure the district is compiling all the information, Right? and so once we get that-because there was a lot of different stakeholders there. An then we can go from there. And then that's a good idea to maybe do a subcommittee, if somebody wants to take that on, but I think we should also follow what we already started with the LCAP, Because, there was a lot of concerned parents there. That were there giving a lot of input and you know we haven't brought that to the board yet, the district hasn't brought, but I look forward to seeing all that and then- I don't know, how many were able to attend the LCAPS?

8. Business *(continued)*

Member Linda Chavez said but there was a lot of parent involvement there, from a lot of different schools. There was 3 LCAPS, 2 in which I was in attendance of.

Superintendent Bauer informed the Board that they received the information on the LCAP that they can peruse.

Clerk Andrés Quintero said the reason why he brought this up was that the Board brought this information to the public. He said the district is facing tough challenges right now.

President Ernesto Bejarano said, in the interest of time for tonight, to do this offline and for next month.

Clerk Andrés Quintero said he is sure the staff gathered the information discussed with the idea that it came from the Board.

President Ernesto Bejarano asked if everything Clerk Andrés Quintero described is a direction for the staff to look into--to start to take action in that direction.

Member Linda Chavez said she would like to see the focus on that if Board needs to add it.

Vice-President Corina Herrera-Loera said it is important to get data from the parents. She commented that what was stated is a possible summit.

Superintendent Bauer said the information provided from the LCAP item 7.04 was given to the Board and has the input of the stakeholders. She commented if the Board needs a formal presentation, the staff would be happy to do that.

Vice-President Corina Herrera-Loera said she appreciated the clarification. She wants to be able to sit with the stakeholders and go over the data. She said the stakeholders may have it or they may not have it.

Superintendent Bauer said this was provided to the stakeholders.

Vice-President Corina Herrera-Loera said staff would break it down to the stakeholders and community to get their input. She said then the Board can move forward towards the future.

Member Linda Chavez said there are too many chiefs.

Clerk Andrés Quintero said the point is to bring a professional option to staff, hear the desires of the community, and go ahead and make a decision in order to move forward.

**MOTION #12-12 by Clerk Andrés Quintero to approve Action Item 8.01 as presented.
MOTION #12-12 was seconded by Vice-President Corina Herrera-Loera.**

9. Board / Facilities

MOTION #12-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

9.01 Update on Request for Proposal (RFP) for Program Management.

Assistant Superintendent Chheng said that he prepared a memo that is in the Board's folder. He said he wanted to highlight that the key date is March 17, 2020. He said he would like to ask the Board to do a proposal.

Vice-President Corina Herrera-Loera asked if the process could be the same that was done for counsel.

President Ernesto Bejarano asked Assistant Superintendent Chheng if he needs the direction of the Board or if the Board needs to do something.

Superintendent Bauer replied that the Board has given direction before and staff can follow the direction as they did before.

Member Linda Chavez said she remembers Rehon & Roberts said when selecting lawyers, the Board needs to be concise.

President Ernesto Bejarano said the Board appreciates the feedback. He said the process was thorough and well thought out.

Clerk Andrés Quintero agreed that he also liked the process and that it allowed the public to see what was going on.

Vice-President Corina Herrera-Loera said, considering where the Board has been, the Board needs to have the process that way.

Member Linda Chavez said there were a lot of firms. She asked if the Board could have it in a way that the staff could reduce the number of people that apply--depending on how many people apply.

President Ernesto Bejarano said the finalist should come before the Board.

Member Linda Chavez asked if there is a number of applicants now.

Superintendent Bauer said the deadline is March 17. She said they can keep monitoring it and work with Board President.

Assistant Superintendent Chheng said most applicants wait till the last minute. He said the applicants are going through the documents and finalizing them.

9. Board / Facilities

Clerk Andrés Quintero said there are other districts where the administration has only two candidates and pick one. He said this is the way the Board wants it.

President Ernesto Bejarano said if the applicants meet the minimum standard of the application, they are in that pool. He commented that some applicants do not meet the standard requirements and they can be weeded out.

Superintendent Bauer said the staff will be happy to bring everybody who meets the criteria. She said the process will be very transparent for the entire Board and stakeholders.

President Ernesto Bejarano said if someone meets the minimum qualifications, he would want them in front of him in order to see what they can offer.

10. Human Resources

10.01 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, 11.12, and 11.13.

President Ernesto Bejarano asked to pull Agenda Item 11.01 Approve Board Meeting Minutes for the following dates: (1) June 13, 2019, Amended Minutes for Regular Board Meeting and (2) February 13, 2020, Regular Board Meeting to be discussed separately.

Member Linda Chavez asked to pull Agenda Item 11.15 Approve Resolution No. 19/20: Public School Volunteer Week- April 20-24, 2020 to be discussed separately.

11.02 Approve Acceptance of Donations

11.03 Approve Fundraising Activities.

11.04 Approve Acceptance of Vendor & Payroll

11.05 Acceptance of Enrollment/Attendance Report for Month 6 (January 20, 2020 thru February 14, 2020).

11.06 Approve the Santa Clara County Treasury Investment Portfolio Status.

11.07 Approve/Ratify Notices of Employment and Changes of Status March 12, 2020/Human Resources Department

11.08 Approve School-sponsored Field Trip List.

11.09 Approve School Accountability Report Cards (SARC)

11.10 Approve Resolution No. 19-19/20: California Public School Months- April 2020

11. CONSENT CALENDAR *(continued)*

11.11 Approve Resolution No. 20-19/20: Public School Volunteer Week- April 20-24, 2020

11.12 Approve Contracts for Professional Services – Firms/Organizations

11.13 Approve Memorandum(s) of Understanding(s)

MOTION #13-12 by Clerk Andrés Quintero to approve Agenda Items, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09, 11.10, 11.11, 11.12 and 11.13, as presented with the expectation of 11.01.. MOTION #13-12 was seconded by Vice-President Corina Herrera-Loera.

AMENDED MOTION #14-12 by Clerk Andrés Quintero to approve Agenda Items, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09, 11.10, 11.12 and 11.13, as presented with the expectation of 11.01 & 11.11. MOTION #14-12 was seconded by Vice-President Corina Herrera-Loera.

MOTION #14-12 carried with a vote of 4 in favor; no opposition; one absent(Dolores Marquez-Frausto); and no abstention.

11.01 Approve Board Meeting Minutes for the following dates: (1) June 13, 2019, Amended Minutes for Regular Board Meeting and (2) February 13, 2020, Regular Board Meeting.

President Ernesto Bejarano said he will send the edits to Senior Executive Assistant Maribel Carrillo.

Member Linda Chavez said she will also send edits to Senior Executive Assistant Maribel Carrillo.

Counsel Rogelio Ruiz said item 11.01 consists of separate items of amended minutes of June 13, 2019, and the other is February 13, 2020, Regular Board Meeting. He asked if the Board had questions on both meeting minutes, if they are he said he is happy to answer them.

MOTION #15-12 by Member Linda Chavez to approve the Amended Minutes of June 13, 2019 as presented. MOTION #15-12 was seconded by Vice-President Corina Herrera-Loera.

MOTION #15-12 carried with a vote of 4 in favor; no opposition; one absent(Dolores Marquez-Frausto); and no abstention.

11. CONSENT CALENDAR *(continued)*

11.11 Approve Resolution No. 19/20: Public School Volunteer Week- April 20-24, 2020.

Member Linda Chavez asked if school volunteer week is at the Mexican Heritage Plaza. She asked what the district does.

Superintendent Bauer replied the district celebrates all the volunteers at all the schools.

MOTION #16-12 by Member Linda Chavez to approve Action Item 11.11 as presented. MOTION #16-12 was seconded by Clerk Andrés Quintero.

MOTION #16-12 carried with a vote of 4 in favor; no opposition; one absent (Dolores Marquez-Frausto); and no abstention.

12. Closed Session

12.01 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.

2.02 Recess To Closed Session: The Board will recess to Closed Session at approximately 8:23 p.m. Open session will resume approximately 1 ½ hours after the start of Closed Session.

President Ernesto Bejarano announced that the Board would reconvene to Open Session in approximately 1 ½ hours. The Board adjourned to Closed Session at 8:23 p.m.

13. RECONVENE TO OPEN SESSION

13.01 Call to Order / Roll Call

The Board reconvened to Open Session at 9:59 p.m. President Ernesto Bejarano welcomed everyone and took a second Roll Call in which all Board Members were present with the exception of Member Dolores Marquez-Frausto. There was a quorum.

13. RECONVENE TO OPEN SESSION *(continued)*

Superintendent Bauer reported that the Board took the following actions:

12.04 Board approved the final settlement agreement with parents of student B. Rios with a payment of \$1,750.00 for legal fees and \$3,500.00 for Academic Services. The Board voted 3-2 (Member Linda Chavez voting no and Member Dolores Marquez-Frausto absent).

12.05 CTG Construction submitted its claim for damages to the District. The Board voted 4-1 (Member Dolores Marquez-Frausto absent) voted to reject the claim from CTG Construction.

Superintendent Bauer reported that there was no other action to report at this time.

14. RECEIVE REPORTS

There were none.

15. FUTURE BOARD AGENDA REQUESTS

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

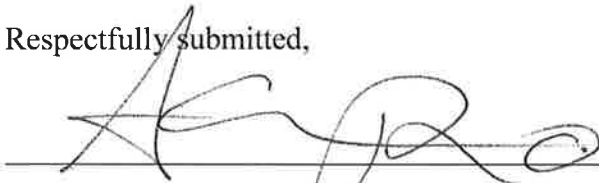
Vice-President Corina Herrera-Loera requested to have the member term limits 3 consecutive four-year terms to be placed on the April 2020 agenda.

16. ADJOURNMENT

15.01 President Adjourns the Meeting

President Ernesto Bejarano adjourned the meeting at 10:15 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Andrés Quintero', is written over a horizontal line.

Andrés Quintero, Board Clerk
mc