

## San José Unified School District 09-12-19 Regular Session Board Meeting Minutes

### San José Unified School District Minutes 09-12-19 Regular Session Board Meeting

September 12, 2019 6:00 PM

Board Room

855 Lenzen Avenue

(District Administration Building)

**Mission:** Uniting as one community, we elevate opportunities for all.

**Vision:** Preparing today's students to be the thinkers, leaders, and creators of tomorrow.

#### Attendance Taken at 6:03 PM:

##### Present:

Teresa Castellanos

Carla Collins

Jose Magana

Kimberly Meek

Brian Wheatley

#### A. Call to Order in Open Session - 5:00 PM

Minutes:

With Board Vice President Teresa Castellanos and Trustees Carla Collins, José Magaña, and Brian Wheatley present at the dais, Board President Kimberly Meek called the meeting to order at 5:02 PM.

#### B. Adoption of Closed Session Agenda

**Motion Passed:** To adopt the closed session agenda. Passed with a motion by Teresa Castellanos and a second by Jose Magana.

Yes Teresa Castellanos

Yes Carla Collins

Yes Jose Magana

Yes Kimberly Meek

Yes Brian Wheatley

#### C. Public Comments Regarding Closed Session Agenda Items

Minutes:

There were no public comments regarding closed session items E.1 through E.6.

#### D. Adjourn to Closed Session

Minutes:

The Board adjourned to closed session at 5:02 PM.

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### E. Closed Session Agenda

**E.1. Student Discipline - Student Expulsion Hearings [Pursuant to Education Codes 35146 and 48918]**

**E.2. Personnel [Pursuant to Government Codes 54954.5 and 54957.1]**

**E.3. Conference with Legal Counsel - Existing Litigation [Pursuant to Government Code Section 54956.9(d)(1)]**

**E.4. Liability Claims [Pursuant to Government Code Section 54956.95]**

**E.5. Conference with Labor Negotiator [Pursuant to Government Code Sections 3549.1 and 54957.6]**

**E.6. Public Employee Performance Evaluation**

### F. Reconvene in Open Session - 6:00 PM

Minutes: With Board Vice President Teresa Castellanos and Trustees Carla Collins, José Magaña, and Brian Wheatley present at the dais, Board President Kimberly Meek reconvened the meeting in open session at 6:03 PM.

Board Vice President Teresa Castellanos announced that equipment is available for simultaneous Spanish translation.

### G. Pledge of Allegiance

Minutes: Alternate Student Board Member Kavya Kotha led the Pledge of Allegiance.

### H. Adoption of Open Session Agenda

**Motion Passed:** To adopt the open session agenda. Passed with a motion by Jose Magana and a second by Brian Wheatley.

Yes Teresa Castellanos

Yes Carla Collins

Yes Jose Magana

Yes Kimberly Meek

Yes Brian Wheatley

### I. Public Comments

Minutes: Public comments opened at 6:05 PM.

Board President Kimberly Meek announced that 10 requests to make public comments had been submitted by Washington Elementary School parents. Each speaker was allocated one (1) minute to address the Board.

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Speaker: Angela Bymaster  
Topic: Washington problems

Speaker: Vanessa Ceja  
Topic: Washington problems

Speaker: Martha Rodriguez  
Topic: Washington problems

Speaker: Tanya Triana  
Topic: Problems at Washington

Speaker: Isabella Madrigal  
Topic: Washington problems

Speaker: Elizabeth Bernal  
Topic: Problems at Washington

Speaker: Brett Bymaster  
Topic: Problems at Washington

Speaker: Maria Marcelo  
Topic: Washington

Speaker: Joaquina Roman  
Topic: Problems at Washington

A request to speak card was submitted by Monica Juarez who did not speak.

Board President Kimberly Meek addressed the audience and requested those in support of the Washington speakers to stand.

The next individual addressed the Board on a separate topic and was allocated two (2) minutes to speak.

Speaker: Kristen Brown  
Topic: Policy

Next, a group of 11 individuals submitted requests to make public comments in support of the administration at Washington Elementary School. Each speaker was allocated 50 seconds to address the Board.

Speaker: Rosa Valdez  
Topic: About Washington - support principal

Speaker: Juan Torres  
Topic: In support of the work of the principal of Washington Elementary School

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Speaker: Mariana Rios  
Topic: To support the principal

Speaker: Maria Rios  
Topic: To support the principal

Speaker: Elizabeth Flores  
Topic: In support of our administrator

Speaker: Carmen Moreno  
Topic: In support of our administrator

Speaker: Steffanie White  
Topic: In support of Maricela Alcala

Speaker: Silvia Rendon  
Topic: Support Washington, cleanliness and security of the school

Speaker: Erika Quintero  
Topic: To support Washington

Speaker: Maria Rios  
Topic: To support Washington

A request to speak card was submitted by Victoriano Legic Vega who did not speak.

Board President Kimberly Meek asked those in support of the administrator and in support of Washington to stand.

Superintendent Nancy Albarrán addressed the group in support of the administrator at Washington and requested that they submit the name of their parent leader so that staff can communicate with the group. She noted that she has the name of the parent leader for the other group for communication with them.

The next two speakers addressed the Board in regard to the Digital Music Program at John Muir Middle School. Each speaker was allocated two (2) minutes to speak.

Speaker: Michael Melillo  
Topic: John Muir Digital Music Program

Speaker: Ethan Sanchez  
Topic: John Muir Digital Music Program

The next speaker addressed the Board on behalf of the parents of Canoas Elementary School to extend thanks for promptly replying to their letter concerning the installation of the fence. The speaker was allocated two (2) minutes to speak.

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Speaker: Katherine Colón

Topic: Thank you for your response

Public comments closed at 6:33 PM.

Public comments are located at 1:27 - 30:34 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

### J. Special Order of Business

#### J.1. Academic Supports for Students (INFORMATIONAL)

Minutes:

Associate Superintendent Jodi Lax presented an update on key academic supports in place at the elementary and high schools to support students.

Following the presentation, Associate Superintendent Jodi Lax and Superintendent Nancy Albarrán responded to Board Member questions in regard to the requirements to become an intervention specialist, the work they do with students in classrooms, communication with families, professional development opportunities, plans to provide interventions at the middle school level, how students are identified for intervention and staffing to provide the intervention.

Superintendent Albarrán commented in regard to the commitment to allocate more academic counseling at all of the schools.

The presentation and discussion are located at 30:36 - 53:47 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

### K. Announcements and Reports

#### K.1. Board of Education and Student Board Member

Minutes: Alternate Student Board Member Kavya Kotha gave a brief update on San José High School's Art Club mural project. She announced some upcoming and current activities at San José High School which include preparing for the upcoming spirit week, freshman officer elections and club rush. She reported that she and Student Board Member Luiza Albuquerque would be meeting with Leadership teacher Ms. Hernandez to decide on the topic for ILC as well as planning outreach to the other high schools. She referred to the 21st century makeover of San José High School's media center and said, "A lot of students are enjoying it."

Trustee Brian Wheatley reported on the principals' coffees, committee meetings, school events and activities as well as other education related events that he has attended since the last meeting. He made an announcement about the proposed changes to eligibility requirements for the Supplemental Nutrition Assistant Program (SNAP).

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Trustee Carla Collins announced that she attended the August 26th Citizens' Bond Oversight Committee (CBOC) meeting. She gave a brief report on the committee including membership, meeting schedule and the updates that were given at the August 26th meeting.

Trustee José Magaña reported on the committee meetings he has attended since the last Board meeting. He announced that the next VIP Meeting would be held on Monday and that he is planning to attend the Latino Read-In event at Horace Mann Elementary next Friday. He commented in regard to the vaping epidemic and announced that San José City Councilmember Carrasco's memo proposing the banning of vaping and flavored tobacco in the city would be presented at the Rules Committee Meeting this coming Wednesday.

Board Vice President Teresa Castellanos announced that she was pleased with the informational booklet that was sent out and offered her thoughts as to marketing the two-way immersion and international baccalaureate programs. She commented on the fragmentation at Washington Elementary School and encouraged District staff continue to work to find solutions to bring peace and unity there. She also commented in regard to the destruction of the mural that was painted at Lowell Elementary in June. Referencing Hispanic Heritage Month, she announced that Muwekma Ohlone Middle School Principal Christina Castro would be recognized at the end of this month by Assemblymember Ash Kalra for her part in the school renaming process. She also announced that on October 25th Assemblymember Ash Kalra would hold a state of the youth conference at the Roosevelt Community Center with State Superintendent of Instruction Tony Thurmond scheduled to attend.

Board President Kimberly Meek provided an informational update on the California Healthy Youth Act presentation that she attended. She announced that the next presentation would be at Willow Glen Middle School on October 10th. She announced that she attended three back to school nights and that during her attendance at Pioneer High School's Back to School Night she took the opportunity to visit the wellness center. She also reported on her recent visit to the culinary center.

### **K.2. Superintendent and Executive Staff**

Minutes: Assistant Superintendent J. Dominic Bejarano reported on his visit to Gunderson High School on Tuesday where he took the opportunity to observe one of the support and intervention programs that are being provided to students through many outside organizations as an alternative to after-school detention or other disciplinary action.

Deputy Superintendent Stephen McMahon reported on the informational guide that was recently mailed to residents in the San José Unified boundary as well as all employees and all elected officials. He extended thanks to the staff that worked to put it together and said, "We have gotten a lot of positive feedback."

Superintendent Nancy Albarrán also extended thanks to everyone that worked on the

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informational guide. She gave a brief update on the visits she has made to schools over the past two weeks along with Associate Superintendent Jodi Lax. She reported on her trip to Sacramento on Tuesday and Wednesday where she participated in meetings regarding charter school oversight and the new charter legislation scheduled to go into effect. She also took the opportunity to directly address the State Board of Education in regard to having consistency in interpreting laws and holding all public school districts and charter schools accountable.

Announcements and Reports by the Board of Education and Superintendent and Executive Staff are located at 53:53 - 1:17:11 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

### L. Minutes

#### L.1. Approval of the minutes of the Regular Session Meeting held August 22, 2019.

**Motion Passed:** To approve the minutes of the Regular Session Meeting held August 22, 2019. Passed with a motion by Teresa Castellanos and a second by Brian Wheatley.

Yes Teresa Castellanos  
Yes Carla Collins  
Yes Jose Magana  
Yes Kimberly Meek  
Yes Brian Wheatley

Minutes: The minutes of the Regular Session Meeting held August 22, 2019 were approved as submitted.

### M. Approval of Consent Calendar

**Motion Passed:** To approve the Consent Calendar with the exception of item M.10. Passed with a motion by Jose Magana and a second by Brian Wheatley.

Yes Teresa Castellanos  
Yes Carla Collins  
Yes Jose Magana  
Yes Kimberly Meek  
Yes Brian Wheatley

Minutes: There was one request submitted for public comments regarding item M.11. Master Contract with Beacon School-Therapeutic Special Education Program [NPA].

Speaker: Kristen Brown

Topic: M.11 NPA Beacon School, For: cautiously (green card submitted)

Item M.10 was removed from the consent calendar.

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In response to a Board Member question, clarification was provided regarding the publicly viewable portions of agenda items.

The consent calendar was approved with the exception of item M.10.

The approved of the consent calendar including public comments and discussion are located at 1:17:28 - 1:20:06 on the 09.12.19 Regular Session Board Meeting Recording.

<https://sjusd.app.box.com/v/boardmeetingaudio>

**M.1. Acceptance of Gifts (ACTION)**

**M.2. Management Personnel Actions (ACTION) - None**

**M.3. Certificated Personnel Actions (ACTION)**

**M.4. Classified Personnel Actions (ACTION)**

**M.5. Short-term Limited Services Agreements (ACTION)**

**M.6. Amendment to Service Agreement with Align Technical Resources (ACTION)**

**M.7. Food Service Agreement between Pine Hill School (Agency) and San José Unified School District (Vendor) (ACTION)**

**M.8. Delegation of Power to Contract for Fuel Purchase (ACTION)**

**M.9. Approval of Field Trips (ACTION)**

**M.10. Delegation of Power to Contract with Catholic Charities, Think Together, and YMCA of Silicon Valley (ACTION)**

**Motion Passed:** That the Board of Education delegate to the Superintendent or her designee the power to contract with Catholic Charities, Think Together, and YMCA of Silicon Valley for the After-School Education & Safety (ASES) Program during the 2019-20 school year. Passed with a motion by Jose Magana and a second by Brian Wheatley.

<b>Abstain</b>	Teresa Castellanos
<b>Yes</b>	Carla Collins
<b>Yes</b>	Jose Magana
<b>Yes</b>	Kimberly Meek
<b>Yes</b>	Brian Wheatley

Minutes: Board Vice President Teresa Castellanos announced that she would abstain from the vote.

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**M.11. Master Contract with Beacon School-Therapeutic Special Education Program [NPA] (ACTION)**

**M.12. Service Agreement for Almaden Valley Counseling Service (ACTION)**

**M.13. Service Agreement with Bill Wilson Center (ACTION)**

**M.14. Service Agreement with FlexTech Alliance, Inc. as conducted through NextFlex (ACTION)**

**M.15. Ratification of Service Agreement with IMPACT Bay Area (ACTION)**

**M.16. Ratification of Service Agreement with Kriss Sunday Cummins (ACTION)**

**M.17. Ratification of Service Agreement with Recess 101 (ACTION)**

**M.18. Service Agreement with Research for Better Teaching (ACTION)**

**M.19. Service Agreement with Santa Clara County Office of Education for Walden West Outdoor Science School (ACTION)**

**M.20. Revocable License Agreement for Almaden Little League at the Old Hacienda Elementary School Site (ACTION)**

**M.21. Ratification of Construction Related Contracts and Items (ACTION)**

## **N. Action, Information, and Discussion Items**

Minutes:

Superintendent Nancy Albarrán explained that the proposed new and amended board policies have been presented for review and consideration by the Board due to updates in the education code and for clarification in some areas.

Associate Superintendent Jodi Lax provided information specific to the proposed new board policy for transitional kindergarten and responded to questions with respect to Item N.1. Student Assessment, concerning how to understand the assessment results and Item N.2. Transitional Kindergarten, concerning parents requesting movement.

Discussion of items N.1 through N.3 is located at 1:20:49 - 1:25:11 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

**N.1. Amendment to Board Policy 6162.5 - Instruction - Student Assessment (1st Reading) (INFORMATIONAL)**

**N.2. New Board Policy 6170.1 - Instruction - Transitional Kindergarten (1st Reading) (INFORMATIONAL)**

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### **N.3. New Board Policy 6179 - Instruction - Supplemental Instruction (1st Reading) (INFORMATIONAL)**

### **N.4. Resolution 2020-09-12-01 - Gann Appropriations Limit (ACTION)**

**Motion Passed:** That the Board of Education approve and adopt Resolution 2020-09-12-01 - Gann Appropriations Limit to identify the 2018-2019 actual and 2019-2020 estimated Appropriations Limit pursuant to the requirements of Division 9 (commencing with Section 7900) of Title I of the Government Code. Passed with a motion by Teresa Castellanos and a second by Brian Wheatley.

Yes Teresa Castellanos

Yes Carla Collins

Yes Jose Magana

Yes Kimberly Meek

Yes Brian Wheatley

Minutes:

Deputy Superintendent Stephen McMahon provided a brief explanation concerning the requirement that the Board approve and adopt the Resolution for the Gann Appropriations Limit.

Discussion and approval of Resolution 2020-09-12-01 - Gann Appropriations limit is located at 1:25:24 - 1:26:31 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

### **N.5. 2018-2019 Unaudited Financial Statement (ACTION)**

**Motion Passed:** That the Board of Education approve the 2018-2019 Unaudited Financial Statement, and have it filed with the county superintendent of schools. Passed with a motion by Teresa Castellanos and a second by Brian Wheatley.

Yes Teresa Castellanos

Yes Carla Collins

Yes Jose Magana

Yes Kimberly Meek

Yes Brian Wheatley

Minutes:

Deputy Superintendent Stephen McMahon gave a brief presentation on the 2018-2019 Unaudited Financial Statement and responded to Board Member questions.

The presentation, discussion and approval of the 2018-2019 Unaudited Financial Statement are located at 1:26:32 - 1:46:26 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

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### N.6. Student Expulsion Case 2018-19-026 (ACTION)

Minutes: The Board took final action on Student Expulsion Case 2018-19-026.

Vote:

Yes Teresa Castellanos

Yes Carla Collins

Yes José Magaña

Yes Kimberly Meek

Yes Brian Wheatley

### O. Closed Session Report

Minutes: Superintendent Nancy Albarrán gave the closed session report. During closed session the Board held a student expulsion hearing on one case, number 2018-19-026.

The Board discussed and authorized moving forward with personnel items by a vote of 5:0.

Yes Teresa Castellanos

Yes Carla Collins

Yes José Magaña

Yes Kimberly Meek

Yes Brian Wheatley

It was reported that the Board held a conference with legal counsel on anticipated litigation, rather than that the Board held a conference with legal counsel on existing litigation OAH case number 2019061110 as listed on the closed session agenda.

The Board denied liability claims by Aracelia Valencia and Iman Ali by a vote of 5:0.

Yes Teresa Castellanos

Yes Carla Collins

Yes José Magaña

Yes Kimberly Meek

Yes Brian Wheatley

The Board also held a conference with labor negotiators and discussed the superintendent's evaluation.

The closed session report is located at 1:47:07 - 1:47:35 on the 09.12.19 Regular Session Board Meeting Recording. <https://sjusd.app.box.com/v/boardmeetingaudio>

### P. Adjourn

**Motion Passed:** To adjourn. Passed with a motion by Teresa Castellanos and a second by Brian Wheatley.

Yes Teresa Castellanos

Yes Carla Collins

Yes Jose Magana

Yes Kimberly Meek

Yes Brian Wheatley

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Minutes: Prior to adjourning the meeting, Board President Kimberly Meek announced that the Board would hold a Special Session Meeting on September 23, 2019.

The meeting adjourned at 7:51 PM.

**P.1. Next Board Meeting - September 26, 2019**

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