

**MORGAN HILL UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION MINUTES**

December 11, 2018, 6:00 PM  
MHUSD Board Room – Closed Session 4:30 PM

Attendance Taken at 4:00 PM

Present:

Carol Gittens  
John Horner  
Teresa Murillo  
Heather Orosco  
Mary Patterson  
Wendy Sullivan  
Vanessa Sutter

**A. CALL TO ORDER**

**A.1. OFFICIAL SWEARING-IN OF NEWLY ELECTED TRUSTEES: Carol Gittens, John Horner, Heather Orosco, Wendy Sullivan and Vanessa Sutter**

**A.2. PUBLIC COMMENT ON CLOSED SESSION TOPICS**

There was no public comment

**A.3. ADJOURN TO CLOSED SESSION**

**A.4. PUPIL PERSONNEL - Student Discipline Education Code 48918(c)(K-12)**

**A.4.a. Recommendation for Expulsion and Rehabilitation Plan for Student E-18/19-003**

**A.5. LIABILITY CLAIMS - Governmental Code Section 54956.95**

**A.6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case**

**A.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to subdivision (a) of Government Code 54956.9**

**A.7.a. A Voice for Choice Advocacy, Inc., v. Morgan Hill Unified School District, et.al, Case No. 17CV316128**

**A.7.b. Santa Clara Superior Court Case No. 17CV319128; EL 17/18-001**

**A.7.c. Jane Doe 3 v. Morgan Hill Unified School District Claim No. 18CV333856**

**A.7.d. Morgan Hill Unified School District; San Jose Unified School District v. Peninsula Sports, Inc.; Does 1 through 50, Inclusive Case No. 18VC336443**

**A.7.e. Jane Doe, a minor, by and through her Guardian ad Litem, James Doe v. Morgan Hill Unified School District, and Roes 1-25 inclusive, Case No. 18CV335451**

**A.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code 54956.8)**

**A.8.a. Property: APNs 764-15-001 & 764-16-027 (80 West Central Ave.) Agency Negotiators: Steve Betando, Superintendent; Kirsten Perez, Assistant Superintendent; Phil Henderson, Orbach Huff Suarez & Henderson Negotiating Parties: Santa Clara County Valley Water District Under Negotiation: Price and terms of payment for temporary construction easement and potential purchase**

**A.8.b. Property: APNs 764-16-028 (Main @ Hale Avenue) Agency Negotiators: Steve Betando, Superintendent; Kirsten Perez, Assistant Superintendent; Phil Henderson, Orbach Huff Suarez & Henderson Negotiating Parties: Santa Clara County Valley Transportation Authority Under Negotiation: Price and terms of payment for potential purchase**

**A.9. PUBLIC EMPLOYEE-DISCIPLINE / DISMISSAL / RELEASE / REASSIGNMENT / COMPLAINT (Government Code 54957 and 54957.1)**

**A.9.a. Employee Discipline - Employee Case#2018/19-001**

**A.9.b. Employee Discipline - Employee Case#2018/19-002**

**A.10. PUBLIC EMPLOYMENT / PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code 54957) Title: Superintendent**

**A.11. RECONVENE TO PUBLIC SESSION**

**B. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

*President Patterson called the meeting to order at 6:15 PM*

*Central Student Board Member, Ashley Sanchez led the Pledge of Allegiance*

**B.1. ORGANIZATION OF THE BOARD -- Elect Board President, Vice-President, and Trustee Representatives to Vacant Assignments**

*Board members nominated and voted for a president, vice president, and representatives to vacant assignments.*

**B.1.a. Elect President of the Board**

Nominated: Mary Patterson

Elected: Mary Patterson

Unanimous vote by board

**B.1.b. Elect Vice-President of the Board**

Nominated: John Horner and Carol Gittens

Elected: Carol Gittens

Unanimous vote by board

**B.1.c. Elect Representatives to Vacant Assignments**

*The Board appointed Trustees to various Committee Assignments.*

**C. INTRODUCTION OF BOARD MEMBERS AND STAFF**

Board members and staff seated around the dais introduced themselves.

#### D. RECOGNITIONS / PRESENTATIONS

##### D.1. Recognition of Brad Ledwith and John Horner for their participation and contribution to the Citizen Oversight Committee

President Patterson presented Brad Ledwith and John Horner certificates of appreciation for their contribution to the Citizen's Oversight Committee. Assistant Superintendent Business Services, Kirsten Perez recognized their contributions to the committee.

#### E. ADOPTION OF AGENDA

**Motion Passed:** As amended moving item I.1.f to General Business J.2 for further discussion, with a motion by Wendy Sullivan and a second by Carol Gittens.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

#### F. APPROVAL OF CONSENT CALENDAR

**Motion Passed:** Passed with a motion by John Horner and a second by Wendy Sullivan.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

#### G. PUBLIC COMMENT / COMMUNICATIONS

The following individuals addressed the Board:

Brian Sullivan, thanked the new Trustees for serving and looks forward to seeing them work together with Superintendent Betando and Staff. Mr. Sullivan appreciates their time and effort, and all they do to guide the community.

Peter Mandel, congratulated new Trustees and thanked them for all effort. Mr. Mandel spoke about the different school site academies and hopes the Board can find sustainable practices for all academies in the District. Mr. Mandel would like to see the Board focus on this subject in the near future.

#### H. COMMUNICATIONS

##### H.1. Closed Session Action Report (Government Code 54957.1)

###### A.9.a. Employee Discipline - Employee Case #2018/19-001

**Motion Passed:** Passed with a motion by Vanessa Sutter and a second by Joh Horner.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

#### **A.9.b. Employee Discipline - Employee Case #2018/19-002**

**Motion Passed:** Passed with a motion by Carol Gittens and a second by Mary Patterson.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

#### **H.2. Report: Student Board Member**

Ashley Sanchez, Central Student Board Member spoke about Rock the Mock at Central High School earlier in the day. Ashley participated in the interview sessions and felt good with the process.

#### **H.3. Reports: Superintendent / Staff**

Superintendent Betando, attended the SCCSA regular meeting, 2<sup>nd</sup> Annual Job Shadow event, South East SELPA Executive Council, Family Engagement LCAP Session, SC/SVNTP Fall Breakfast, Community Asset Builders Meeting, presentation of the Chamber Student of the Year, met with new Mayor Rich Constantine, CSBA AE Conference, What's at Stake in Sargent Ranch/Juristac and the New Board Orientation. The Superintendent also announced the new SRO for our district, Officer Greg Dini of the Morgan Hill Police Department.

#### **H.4. Reports: Board Members**

Trustee Horner, attended the CSBA AEC Conference and enjoyed speaker Ruha Benjamin and other sessions on funding, facilities and authentic engagement.

President Patterson, met with San Jose City Councilman Sergio Jimenez regarding the needs of our San Jose students.

#### **H.5. Reports: Employee Groups: Morgan Hill Federation of Teachers / Morgan Hill Classified Employees Association / Morgan Hill Educational Leaders Association**

Sara McDonald, Morgan Hill Federation of Teachers Representative reported secondary teachers are finishing up the semester and getting ready for final exams, there is a non-student work day on December 21<sup>st</sup>, elementary teachers are finishing up instructional units within the grading period. Ms. McDonald provided feedback from MHFT stating they appreciated the elementary professional development day being moved to October instead of December this year. All teachers are happy the internet is back up and the consent of implementation of full day kindergarten is in the contract. MHFT looks forward to working with the new Board of Trustees.

Debbi Wilson, Morgan Hill Classified Employees Association reported the MHCEA will be voting on new officers. Ms. Wilson introduced a new classified employee who works as a Para at P.A. Walsh Elementary School. Paraprofessional, Linda Pawlak spoke about her job description and interactions with students at P.A. Walsh Elementary.

Patrick Buchser, Morgan Hill Educational Leaders Association spoke about the MHELA employee group and how members will be taking turns presenting at each board meeting. Mr. Buchser thanked the Board for their support.

Maria Reitano, Live Oak Principal reported on overcoming internet obstacles, seasonal celebrations, K-5 history adoption, Glen Webb delivered old instructional materials to Paradise, Ca., Science adoption presentations and pilots, Curriculum Council meetings, training of trainers for deescalating behavioral issues, different focus at sites, admin Construction Meaning training, MTSS, safety plans,

*Tech Museum partnership, book studies, facilities, creative learning opportunities and the Live Oak Foundation grant for student learning.*

**H.6. Calendar: Upcoming events**

*President Patterson read from the calendar of upcoming events.*

**I. CONSENT ITEMS**

**I.1. BUSINESS SERVICES**

**I.1.a. Approval of Request for Allowance of Attendance because of Emergency Conditions Form J-13A**

**I.1.b. Approve Right of Entry Agreement with Santa Clara Valley Water District**

**I.1.c. Adopt resolution to accept donations made to the Morgan Hill Unified School District**

**I.1.d. Adopt resolution to accept increases to budgets as a result of donations and make changes between funds as needed**

**I.1.e. Approve term extension for Citizen's Oversight Committee member**

**I.1.f. Adopt resolution to support the full day kindergarten facilities grant program application**

*This item was removed from the Consent agenda to General Business for further discussion.*

*Casino Fajardo, Director of Construction and Modernization updated the Board on the Kindergarten Facilities Grant program.*

**Motion Passed:** Passed with a motion by Mary Patterson and a second by Vanessa Sutter.

Yes Carol Gittens

Yes John Horner

Yes Teresa Murillo

Yes Heather Orosco

Yes Mary Patterson

Yes Wendy Sullivan

Yes Vanessa Sutter

**I.1.g. Approve piggyback on Wiseburn Unified District Classroom Prefabricated Solutions Contract to purchase modular, pre-fabricated, and ancillary building components**

**I.2. EDUCATIONAL SERVICES**

**I.2.a. Approve Amendment to South County Cal-SOAP Contract**

**I.2.b. Approve travel for twenty Live Oak, Ann Sobrato and Central High School students to attend the Cal-SOAP Southern California College Tour in California**

**I.2.c. Approve travel for twenty-four members of the Live Oak High School Winter Guard to participate in the Winter Guard International Competition at the University of Dayton in Dayton, Ohio**

### **I.3. HUMAN RESOURCES**

**I.3.a. Approve personnel action to employ, re-employ, promote, reassign, accept resignation, accept retirement, and authorize related compensation**

### **I.4. SUPERINTENDENT**

**I.4.a. Approval of minutes from the Special Board Meeting of November 5, 2018 and Regular Board meeting of November 13, 2018**

## **J. GENERAL BUSINESS - PUBLIC SESSION ITEMS FOR BOARD DISCUSSION**

### **J.1. Equity Item: Student Support Academic Enrichment Grant**

*Dr. Ramon Zavala, Assistant Superintendent Educational Services introduced The Student Support and Academic Enrichment Grant awarded to our district.*

*Heather Nursement, Director of Supplemental Programs and Amanda Knudtson, teacher and VAPA TOSA presented on the process of applying for the grant and how the grant will be allocated in the district.*

### **J.2. Approve 2018-19 First Interim budget for the General Fund as reported in the Standardized Account Code Structure (SACS) report**

*Kirsten Perez, Assistant Superintendent of Business Services presented the 2018-19 First Interim budget to the Board which is a financial report certifying the District's ability to meet its financial obligations submitted twice during the fiscal year. These reports examine the District's enrollment, spending pattern, fund balance, and reserve for economic uncertainties. There are several purposes for these reports: To provide a review of the District's financial condition at periodic intervals during the fiscal year, to provide a status report to the Board of Education and the public of the financial condition of the District and to determine necessary budget revisions as a result of current or projected financial information. The interim reflects adopted, revised, and projected budgets. The first interim report reflects financial and budgetary status as of October 31, 2018.*

**Motion Passed:** Passed with a motion by Carol Gittens and a second by John Horner.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

### **J.3. Approve process to fill the vacancy on the board of Education as a result of the deferred resignation of Teresa Murillo by making an appointment**

*Superintendent Betando, thanked Trustee Murillo for her service to the Board.*

*Trustee Murillo, believes the Board will find the right candidate to replace her.*

*Superintendent Betando, suggested the Board select the appointment process and the Board agreed. The Board discussed and agreed upon the suggested timeline for the appointment process including a personal statement no more than 200 words from the applicants. The Board decided to kept the December 18<sup>th</sup> Regular Board meeting date to catch up on Closed Session items and review the status of filling the candidate vacancy by appointment. In addition, the Board decided to change the January 17<sup>th</sup> Special Meeting – Board Retreat to an evening Special Meeting for Trustee Area 7 application review. The Board will reschedule the Board Retreat to a date in February when the new appointed*

*Trustee has been seated. The Board has added an additional Special Meeting for January 23<sup>rd</sup> to interview candidates and make an appointment. If the Board does not feel there is enough time to complete this process on January 23<sup>rd</sup>, an additional TENTATIVE date of January 24<sup>th</sup> will be scheduled to complete the interview and appointment process.*

**Motion Passed:** Passed with a motion by Heather Orosco and a second by Wendy Sullivan.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

**J.4. New business: future agenda items /recognitions**

*Trustee Horner, requested to add a progress check on the Trustee Area 7 vacancy appointment process to the December 18, 2018 Regular Board Meeting.*

*Trustee Horner, requested a progress report and long term strategies of the past, present and future of the districts focus academies in February or March 2019.*

*President Patterson, requested the Board to look over the State Dashboard at a future meeting.*

**K. PUPIL DISCIPLINE**

**K.1. Recommendation for Expulsion and Rehabilitation Plan for Student E-18/19-003**

**Motion Passed:** Passed with a motion by Carol Gittens and a second by Wendy Sullivan.

Yes Carol Gittens  
Yes John Horner  
Yes Teresa Murillo  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan  
Yes Vanessa Sutter

**L. ADJOURNMENT**

*The meeting was adjourned at 9:26 PM.*

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Superintendent