

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

January 22, 2019, 6:00 PM  
Closed Session 4:00pm

Attendance Taken at: 4:00 PM

Present:

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

Absent:

Teresa Murillo

**A. CALL TO ORDER**

**A.1. PUBLIC COMMENT ON CLOSED SESSION TOPICS**

*There was no public comment.*

**A.2. ADJOURN TO CLOSED SESSION**

**A.3. PUPIL PERSONNEL - Student discipline Education Code 48918 (c)(K-12)**

**A.3.a. Recommendation for readmission of student R 18/19-020**

**A.3.b. Recommendation for Expulsion and Rehabilitation Plan for Student E 18/19-004**

**A.3.c. Recommendation for Expulsion and Rehabilitation Plan for Student E 18/19-005**

**A.4. LIABILITY CLAIMS - Governmental Code Section 54956.95**

**A.5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: two cases**

**A.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to subdivision (a) of Government Code 54956.9**

**A.6.a. OAH Case No. 2018100713; EL 18/19-005**

**A.6.b. A Voice for Choice Advocacy, Inc., v. Morgan Hill Unified School District, et.al, Case No. 17CV316128**

**A.6.c. Santa Clara Superior Court Case No. 17CV319128; EL 17/18-001**

**A.6.d. Jane Doe 3 v. Morgan Hill Unified School District Claim No. 18CV333856**

**A.6.e. Morgan Hill Unified School District; San Jose Unified School District v. Peninsula Sports, Inc.; Does 1 through 50, Inclusive Case No. 18VC336443**

**A.6.f. 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.7. CONFERENCE WITH LABOR NEGOTIATOR (Government Code 54957.6) Morgan Hill Classified Employees Association (MHCEA) and Morgan Hill Federation of Teachers (MHFT), Designated representative: Fawn Myers / Morgan Hill Educational Leaders Association (MHELA), Unrepresented employees, Designated representative: Steve Betando, and Superintendent, Designated representative: Karen Rezendes, Lozano Smith**

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

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

**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 6:03 PM  
Ann Sobrato Senior, Jared Mandrell led the Pledge of Allegiance*

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

**C.1. Introduction of our new School Resource Officer - Officer Dini**

*Officer Dini provided a brief background about himself to the Board.*

**D. RECOGNITIONS / PRESENTATIONS**

**E. ADOPTION OF AGENDA**

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

Yes Carol Gittens  
Yes John Horner  
Absent 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 Heather Orosco.

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

**G. PUBLIC COMMENT / COMMUNICATIONS**

*The following individuals addressed the Board:*

*Mr. Peter Mandel, Community Member addressed the Board regarding an idea for a focus academy. Mr. Mandel suggests a theater arts / choral program at the new Borello Elementary School. Mr. Mandel feels by creating a focus academy, it creates the opportunity to draw socioeconomic disadvantaged students together.*

*Mr. Stephen Klem and Ms. Pam Torisi, Personnel Commission Board Members provided the annual District Personnel Commission report for 2017-18.*

*Mr. Jim Levis and Ms. Sunny Scott, Britton Middle School Teachers thanked the Board for the funding approval of the new Britton Middle School site. Mr. Levis expressed concerns regarding the moveable glass walls within the new buildings. Mr. Levis suggested opaque walls or cameras as an alternative to the glass walls.*

**H. COMMUNICATIONS**

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

**Motion Passed:** A.6.a. OAH Case No. 2018100713; EL 18/19-005 passed with a motion by Carol Gittens and a second by Vanessa Sutter.

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

**Motion Passed:** A.8.a. Purchase and sale agreement of the Santa Clara Valley Transportation Authority for property parcel 764-16028 passed on August 7, 2018 on a 5-1 vote with Teresa Murillo absent and Gino Borioli dissenting.

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

Ashley Sanchez, Central reported Post-Secondary program expanded, working on CalSoap project, looking for new interact officers, recognition from Rotary Club, preparing for Valentine's Day; Sobrato reported upcoming ASB elections and a rally; no report from Live Oak.

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

Superintendent Betando, commended Casino Fajardo, Director of Construction for his work and the relationships he has developed with other agencies / vendors. Superintendent Betando and Casino Fajardo spent time touring other sites. Superintendent Betando spoke about the connections Casino has made with the construction and school communities and thanked Casino for his hard work.

Assistant Superintendent Kirsten Perez, attended the Governor's Workshop and reported out on the State's budget.

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

Trustee Sullivan, expanded on the Personnel Commission update, speaking about the State mandate of making the Yard Duty position a classified position.

Trustee Horner, informed the Board he was contacted by VTA regarding community outreach and the needs of students and parents. Trustee Horner will update the Superintendent on next steps.

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

Gemma Abels, MHFT President addressed the Board and invited Trustees to the MHFT board meetings. Ms. Abels thanked MHFT members who work tirelessly in the MHFT office. Ms. Abel's attended the Governor's Budget Workshop and was excited to hear about the increase in funding. Ms. Abel's reported that she and Assistant Superintendent of Human Resources meet regularly in a cooperative manner.

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

President Patterson read from the calendar of upcoming events.

# **I. CONSENT ITEMS**

## **I.1. BUSINESS SERVICES**

**I.1.a. Ratify the Purchase and Sale Agreement with Santa Clara Valley Transportation Authority for Assessor's Parcel Number 764-16-028 (Intersection of West Main Avenue and Hale Avenue)**

**I.1.b. Ratification of contracts executed pursuant to Board Policy 3312 for the month of December 2018**

**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. Ratify agreement with Therma for the installation of mechanical units for the 600 building at Live Oak High School**

**I.1.f. Award of the Britton Increment 1, Phase 2 project to 101 Builders, Inc.**

**I.1.g. Ratify additional services change orders for Paradise Valley Engineering Academy Project**

**I.1.h. Ratify additional services change orders for Britton Middle School Project**

## **I.2. EDUCATIONAL SERVICES**

**I.2.a. Approve travel for five students from Live Oak High School's Future Business Leaders of America (FBLA) to attend the annual State Leadership Conference in Sacramento, California**

**I.2.b. Approve travel for fourteen members of the Live Oak High School Future Farmers of America (FFA) to attend the annual State Future Farmers of America (FFA) Conference in Anaheim, California**

**I.2.c. Adoption of K-5 Social Science Curriculum**

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

**I.3.a. Accept 2017-18 Personnel Commission annual report**

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

**I.3.c. Holiday observances and months/weeks/days of commemoration for 2019**

**I.3.d. Adopt resolution declaring February 4-8, 2019 "National School Counseling Week"**

**I.3.e. Annual certificated Particular Kinds of Services (PKS) layoff procedures and timeline**

**I.3.f. Annual certificated administrator reassignment procedures and timeline**

## **I.4. SUPERINTENDENT**

**I.4.a. Approve the minutes from the Regular Board meeting of December 11, 2018 and December 18, 2018**

**I.4.b. Ratify travel for Mary Patterson to attend the Governor's Budget Workshop on January 15, 2019**

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

### **J.1. Equity: Approval of Request for Allowance of Attendance because of Emergency Conditions Form J-13A**

*Section 4632 of the Education Code provides for the crediting of ADA "whenever the average daily attendance of any school district, county office of education, regional occupational center or program has been decreased because of fire, flood, impassable roads, or when one or more schools were kept open but experienced a material decrease in attendance because of special circumstances."*

*Morgan Hill Unified School District experienced a significant decrease in attendance on November 16, 2018 due to the Camp Fire event resulting in unhealthy air quality in the bay area. While the schools stayed open to provide an option for parents who couldn't keep their children at home, many parents chose not to send their children to school. This resulted in a material difference in ADA for eight (8) of our schools. Staff requests the substitution of estimated days of attendance for actual days of attendance in accordance with the provisions of Section 46392.*

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

Yes Carol Gittens

Yes John Horner

Absent Teresa Murillo

Yes Heather Orosco

Yes Mary Patterson

Yes Wendy Sullivan  
Yes Vanessa Sutter

## **J.2. Approve 2017-18 Annual Financial Report**

*Each fiscal year, pursuant to Education Code, California School Accounting Manual, and the Standards and Procedures for Audits of California K-12 Local Educational Agencies issued by the State Controller's Office, the Morgan Hill Unified School District is required to engage a state-approved audit firm to verify the District's financial records and conformance with required accounting practices. In accordance with Education Code 41020.3, the District must review the annual audit at a public meeting prior to January 31st.*

*The District has engaged the firm of Vavrinek, Trine, Day and Co., LLP, to audit the District's financial records. Ahmad Gharaibeh presented the audit report to the Board.*

*President Patterson and Superintendent Betando thanked the auditors and staff for all their hard work.*

**Motion Passed:** Passed with a motion by Vanessa Sutter and a second by Wendy Sullivan.

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

## **J.3. Approve the re-plumbing of the water circulation system for the Sobrato High School boys and girls locker/team rooms**

*Anessa Espinosa, Director of Facilities, presented on Sobrato High School's boy's and girl's locker and team rooms' water source for all of the shower and restroom fixtures are fed through a water heater and circulation pump system. The building's water source is completely independent from the other buildings on campus. Over the past five plus years the building has been experiencing pin hole leaks and leaks at the solder joints and the angle joints which mainly has been occurring on the hot water return lines.*

*Staff has repaired and replaced sections of the lines, however the leaks continue throughout the building. Unfortunately, because of the hard lid drywall ceiling, the leaks go unnoticed until water begins to seep through and accumulate on the floor.*

*Since the leaks are only present within the locker room building, Staff tested the pH and alkalinity levels in the water compared to the other buildings on campus. Preliminary tests results showed that both pH and alkalinity levels coming into the building and after the circulation are within the acceptable parameters (tests of Live Oak are within the same parameters). Staff will continue to investigate the cause of the leaks to eliminate future issues.*

*District Staff have met with Sobrato Staff on site to go over various options to either repair or replace the plumbing within the building. Staff is requesting direction from the Board to help resolve this ongoing issue. The following are options for the Board to consider:*

*Option 1: Replace all hot and cold water lines, circulation pump and water heater. This will also require demolishing and reinstalling the drywall ceiling. The estimate includes replacing all water lines above the ceiling but does not include the vertical lines to the restrooms or showers. \$720,000*

*Option 2: Replace all water lines listed in Option 1 and replacing all vertical lines to the restrooms and showers which would include drywall and tile replacement. \$314,000 (Option 1 & 2 \$ 1,034,000).*

*Option 3: Continue to repair as the leaks occur. Previous leaks and drywall repairs have resulted in a cost of between \$2,000 - \$10,000 per occurrence for contracted services. The cost has been dependent on the extent of the leak and repairs. In house repairs would reduce the repair costs, however, it would depend on the location, extent of the leak, and the workload of Staff to be able to complete the work in a timely manner.*

*With options 1 and 2 there will also be additional costs for design fees, inspections and testing - typically 15-20% of the construction costs.*

*Should the Board give direction to proceed with option 1 or 2, Staff will begin design immediately and plan to solicit bids early spring and start the work once school is out. With the extent of the work for either option, the locker rooms would not potentially be available for the start of school. These estimates do not include any temporary locker room facilities.*

**Motion Passed:** Passed with an amended motion to approve the expenditure of funds to explore the re-plumbing of the water circulation system and report back to the Board by Carol Gittens and a second by Wendy Sullivan.

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

#### **J.4. Measure G Bond Quarterly Update**

*On September 15, 2017, the Board of Education approved the Series B preliminary project list. The \$80 million in proceeds from Series B were broken into five main categories: Britton Middle School reconstruction, Nordstrom Elementary multi-purpose room and portable replacement, Jackson Academy of Math and Music new multi-purpose room/gym, technology infrastructure and instructional technology replacement, and construction management.*

*Casino Fajardo, Director of Construction presented the budget status for the approved projects and recommendation for funds allocation as a result of project savings.*

*Superintendent Betando and Assistant Superintendent Perez congratulated Casino on the upcoming graduation of the Coalition for Adequate School Housing (CASH) program and thanked him for all the work he has done in the district.*

#### **J.5. Approve publication of 2017-2018 School Accountability Report Cards (SARCs)**

*Under the requirements of Proposition 98, California school district governing boards are mandated to prepare, publish and disseminate an annual School Accountability Report Card (SARC) for each school in their jurisdiction. In 1990, the California Board of Education adopted a model for the development of the SARC. This model serves as a guide to districts in the writing of their SARCs. Copies of the School Accountability Report Cards for the all the sites are available for review by the Board in the superintendent's conference room. SARCs will be available for parents and the community at each school site and at the District Office as well as posted on the district website as required by law by February 1.*

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

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

#### **J.6. New business: future agenda items / recognitions**

*President Patterson, requested a report on the PRESS program. Update on challenges and successes.*

*President Patterson requested Trustee Horner help coordinate the recognition of the Chamber of Commerce Student of the Year, Alexis Munson.*

### **K. PUPIL DISCIPLINE**

#### **K.1. Recommendation for readmission of student R 18/19-020**

**Motion Passed:** Passed with a motion by Ms. Carol Gittens and a second by Ms. Heather Orosco.

Yes Ms. Carol Gittens  
Yes Mr. John Horner  
Absent Teresa Murillo  
Yes Ms. Heather Orosco  
Yes Mary Patterson  
Yes Ms. Wendy Sullivan  
Yes Ms. Vanessa Sutter

**K.2. Recommendation for Expulsion and Rehabilitation Plan for Student E 18/19-004**

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

Yes Ms. Carol Gittens  
Yes Mr. John Horner  
Absent Teresa Murillo  
Yes Ms. Heather Orosco  
No Mary Patterson  
Yes Ms. Wendy Sullivan  
Yes Ms. Vanessa Sutter

**K.3. Recommendation for Expulsion and Rehabilitation Plan for Student E 18/19-005**

**Motion Passed:** Passed with a motion by Ms. Carol Gittens and a second by Ms. Heather Orosco.

Yes Ms. Carol Gittens  
Yes Mr. John Horner  
Absent Teresa Murillo  
Yes Ms. Heather Orosco  
Yes Mary Patterson  
Yes Ms. Wendy Sullivan  
Yes Ms. Vanessa Sutter

**L. ADJOURNMENT**

*The meeting was adjourned at 8:00 PM and the Board returned to Closed Session.*

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Steve Betando, Superintendent