

# MORGAN HILL UNIFIED SCHOOL DISTRICT

## BOARD OF EDUCATION MINUTES

February 05, 2019, 6:00 PM

MHUSD Board Room and the following teleconference locations:

Trustee Horner: Disneyland Hotel Business Center

1st Floor, Fantasy Tower 1159 Magic Way

Anaheim, CA 92802

Closed Session 4:30pm

### Attendance Taken at 4:31 PM:

#### Present:

Adam Escoto

Carol Gittens

John Horner

Heather Orosco

Mary Patterson

Wendy Sullivan

Vanessa Sutter

### A. CALL TO ORDER

#### A.1. OFFICIAL SWEARING-IN OF NEWLY APPOINTED TRUSTEE: ADAM ESCOTO

Interviews were held on January 23, 2019 for prospective board members to fill the unexpired term of Teresa Murillo through November 30, 2020. The Board has selected a candidate to fill the vacancy and adopt a resolution approving the provisional appointment.

*The following individuals addressed the Board:*

*San Jose Unified Superintendent, Nancy Albarran and Community Member, Brian Sullivan, congratulated newly appointed Board Member Adam Escoto to the Board of Education for Morgan Hill Unified School District.*

*Board President Patterson administered the Oath of Office to new Board Member, Adam Escoto.*

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

#### A.3. ADJOURN TO CLOSED SESSION

#### A.4. PUPIL PERSONNEL - Student discipline Education Code 48918 (c)(K-12)

##### A.4.a. Recommendation to deny readmission of student R 18/19-021

#### 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: three cases**

##### A.6.a. Recommendation to approve settlement of student EL 18/19-006

**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.7.f. Catherine Rudolph v. Morgan Hill Unified School District Case No. 18CV338592**

**A.8. 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.9. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code 54956.8)**

**A.10. PUBLIC EMPLOYEE-DISCIPLINE / DISMISSAL / RELEASE / REASSIGNMENT / COMPLAINT (Government Code 54957 and 54957.1)**

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

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

*President Patterson called the meeting to order at 6:06 PM*

*Ann Sobrato High School Senior, Justin Baez lead the Pledge of Allegiance*

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

*Board Members and Staff seated around the dais introduced themselves.*

**D. RECOGNITIONS / PRESENTATIONS**

**D.1. Live Oak Foundation Grant Report and Recognition of Contributions to Our Community**

Principals provided an overview of their school's Live Oak Foundation Grant Proposals including funding allocations, goals and the implementation status.

*Superintendent Betando, introduced the Live Oak Foundation Board Members in attendance. The Superintendent and Board President Patterson presented the Live Oak Foundation Board Members with certificates of appreciation.*

**D.2. CAFE Project 2-Inspire Program**

On February 12, 2019 at 6:00 p.m. we will be holding the 2019 MHUSD CAFE Project 2-Inspire Graduation. The California Association for Bilingual Education has developed a Parent Education Leadership Program, Project 2-Inspire, that consists of 3 levels. Participating parents commit to 12 hours of professional development for each level. Parents from San Martin Gwinn have completed level 2 and parents at El Toro have completed level 3. Project- 2-Inspire participants are now actively involved in school and district parent leadership. This years' graduates and participants are: Esmeralda Morales, Rosa Navarez, Alma Diaz, Jenevive Ramirez, Reyna Mata, Stephanny Gomez, Silvina Gopar, Judith Martinez, Maria Rosales, Johana Vidal, Margarito Alegre, Martha E. Avila, Maria Belen Soto, Adriana Garcia, Martia A. Resendiz, Jacqueline Yopez, Maria Santiz, Isidra Gomez, and Lorena Reyes.

Coordinator of Equity Programs, Victoria Sorensen, introduced the CAFE Project 2-Inspire parents to the Board and described the program and their involvement.

#### **E. ADOPTION OF AGENDA**

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

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

#### **F. APPROVAL OF CONSENT CALENDAR**

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

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

#### **G. PUBLIC COMMENT / COMMUNICATIONS**

*The following individuals addressed the Board:*

Janette Judd-Ellison, addressed the Board regarding an issue with transportation bus route 3. Ms. Judd-Ellison requests staff address her issue and would like to find a comparable solution.

#### **H. COMMUNICATIONS**

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

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

Central Student Board Member, Ashley Sanchez, reported on an upcoming Valentines party and Interact Club bake sale to raise money for the school. No reports from Ann Sobrato or Live Oak High School.

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

Superintendent Betando, attended the Superintendent Symposium in Monterey, Ca where he met the new State Superintendent; attended Rock the Mock; semester award ceremonies; LCAP input meeting and the New Trustee Orientation for Trustee Escoto.

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

Trustee Horner, reported attending the San Martin neighborhood alliance meeting.

Trustee Sullivan, reported attending the SCCOE workshop budget training where they discussed issues coming from State and the Martin Murphy awards ceremony.

Trustee Orosco, reported attending the JAMM Middle School Information Night; read a book to Charter School Morgan Hill for World Read Aloud Day; the Woman's Policy Summit with President Patterson.

Trustee Escoto, thanked Superintendent Betando and Staff for all their help through the appointment process.

President Patterson, reported attending the LCAP parent input meeting and thanked District Staff for putting this on; Values Youth Conference and the Woman's Leadership Policy Summit.

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

Morgan Hill Federation of Teachers, President Abels, welcomed new Trustee Escoto and expressed gratitude towards the Live Oak Foundation.

Morgan Hill Educational Leaders Association, Claudia Olaciregui, updated the board on the happenings of school sites: PBIS, construction at Britton, Nordstrom recognition for PBIS, PVEA monthly engineering meetings, parent nights, STEAM clubs up and running and upcoming talent show at Martin Murphy.

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

President Patterson read from the calendar of upcoming events.

### **I. CONSENT ITEMS**

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

**I.1.a. Approve Cost Sharing Agreement for Space Study with the City of Morgan Hill**

**I.1.b. Approve Citizens' Oversight Committee appointments**

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

**I.2.a. Approve travel for 8 Live Oak High School FFA students to attend a Leadership Retreat in Sea Ranch, California**

**I.2.b. Approve travel for nine members of the Live Oak High School Robotics Club to compete in the Monterey Bay Regional Robotics Competition**

**I.2.c. Approve travel for Ann Sobrato High School students to Santa Clara in partnership with California Association of Directors of Activities Student Leadership Conference**

**I.2.d. Approve travel by the Ann Sobrato High School Senior Class to Disneyland in Anaheim, California**

**I.2.e. Spring Open House schedule for 2019**

**I.2.f. 4th Quarterly Report 2018 on Williams Uniform Complaints, October 1, 2018 December 31, 2018, for the Morgan Hill Unified School District**

**I.2.g. Approve Low Performing Students Block Grant Plan**

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

**I.3.a. Certificated recruitment events for 2019**

**I.3.b. Approve 2018-19 certificated seniority list**

**I.3.c. Adopt resolution with criteria for determining order of certificated employee seniority for those employees with the same date of first paid service in a probationary position**

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

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

**I.4.a. Approve the minutes from the Regular Board meeting of January 22, 2019**

**I.4.b. Ratify travel approval for Superintendent Betando to attend ACSA Superintendent Symposium January 29 - February 1, 2019**

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

##### **J.1. Equity Item: Approve eRate Fiberoptic Internet agreement**

The District currently contracts with Spectrum Communications to interconnect our school sites and administrative offices with each other with the current contract expiring in June 2019.

Staff submitted a request for proposal and Spectrum Communications was the only response that meets the needs of the District due to the fact that they are Morgan Hill's local provider. The proposed monthly costs for services is \$12,990, which is commensurate with the current rates the District pays.

Staff recommends approving the agreement with Spectrum Communications that will meet federal requirements for the eRate program promoting school and library connectivity to the internet, and will cover 60% of the contract cost. This results in the District having a monthly reduced cost of \$5,196.

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

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

##### **J.2. Governor's Budget 2019-20 report**

Governor's Budget:

Governor Gavin Newsom released his January Proposal to the Legislature for the 2019-20 State Budget on January 10, 2019. This is the Governor's first ever state budget, just three days after being sworn into office.

The attached presentation contains further details on the potential impact of the Governor's Proposal on Morgan Hill Unified School District. It is worth noting that the January budget is simply the start of a six-month negotiation process between the Legislature and the Governor prior to the enactment of a state budget in mid-June. The Governor's January proposal provides direction to the District on what initial assumptions should be used in developing next year's budget and the Governor will update these assumptions when the May Revision is released.

### **J.3. Appointment of the District's Representative to the Personnel Commission**

Adam Escoto, the District's representative on the Personnel Commission, has resigned his position as Personnel Commissioner as a result of accepting the appointment as a trustee on the Board of Education. The term of this vacant Commissioner position expires on December 1, 2019.

In accordance with the California Education Code Section 45245, "One member of the Personnel Commission shall be appointed by the Governing Board of the District and one member, nominated by the Classified Employees of the District, shall be appointed by the Governing Board of the District. Those two members shall, in turn, appoint the third member."

Tara Bevington meets the qualifications for Commissioner as outlined below. Ms. Bevington has met with District representatives in Human Resources and is willing to complete the term of the District's representative appointed by the Governing Board and to serve as Personnel Commissioner through December 1, 2019. Ms. Bevington accepts the responsibility as Commissioner should the Board of Education appoint her and will be recognized at the Personnel Commission meeting on February 27, 2019.

#### **Qualifications:**

#### **California Education Code Section 45244**

a) To be eligible for appointment or reappointment to the commission a person shall meet both of the following requirements:

(1) Be a registered voter and resident within the territorial jurisdiction of the school district.

(2) Be a known adherent to the principle of the merit system. No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the commission. During his or her term of service, a member of the commission shall not be an employee of the school district.

(b) As used in this section, residence is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one residence.

(c) As used in this section, "known adherent to the principle of the merit system," with respect to a new appointee, means a person who by the nature of his or her prior public or private service has given evidence that he or she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.

#### **Appointment Process (for both District representative and classified employees representative):**

#### **California Education Code Section 45246**

The appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint. The governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended for appointment.

The board at the time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

Staff is recommending Tara Bevington to be appointed by the governing board to serve the remainder of the term of the vacant position as the District representative on the Personnel Commission.

**Motion Passed:** Passed with a motion by John Horner and a second by Adam Escoto.

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

#### **J.4. Approve 2018-19 second interim budget for the restricted non-general funds as reported in the Standardized Account Code Structure (SACS) report**

In accordance with Education Code 42130, a school district is required to submit twice during the fiscal year a financial report certifying the district's ability to meet its financial obligations. 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
- To determine necessary budget revisions as a result of current or projected financial information
- The interim reflects adopted, revised and projected budgets
- The second interim report reflects financial and budgetary status as of January 31, 2019

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

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

#### **J.5. Board of Education Committee Assignments**

With a new Trustee appointed to the Board, Trustees will consider committee liaison re-assignments.

Trustee Escoto, suggested adding monthly meeting community asset builders to the list of committee liaisons.

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

Trustee Sullivan, requests inviting the Martin Murphy Future Cities Team along with Science Competition Teacher of the Year, Ms. Resnick for recognition; Ann Sobrato Stadium / turf field and support families who take on the burden of costs for rental facilities; athletic in lieu PE credit and appeal of policy for Middle School Promotion Ceremony.

## **K. PUPIL DISCIPLINE**

### **K.1. Recommendation to deny readmission of student R 18/19-021**

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

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

## **L. ADJOURNMENT**

*The meeting was adjourned at 8:53 PM.*

---

Superintendent