

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of Board of Trustees
Meeting Held at Education Center
September 16, 2004**

The Regular Meeting of the Board of Trustees was called to order at 4:10 P.M. by President Ramirez.

Members present: Vice President Ramirez, Vice President Shirakawa, Clerk Mann, Member Martinez-Roach, Member Herrera

The Board adjourned to Closed Session to hear Update On Existing Litigation, Potential Litigation (Education Section 54856.9), Update on ESTA Grievance, Personnel Assignments-Performance Audit, Public Employee Employment/Appointments/Contracts, Release/Suspension/Dismissal/Termination of Certificated Employees, Suspension/Dismissal/Termination of Classified Employees, Employee Negotiations - ESTA, CSEA, AFT, Confidential, Administration, Superintendent's Report on Anticipated Litigation/Business Contract.

1) BOARD RECONVENED FROM CLOSED SESSION

Called to order at 6:05 P.M. All members were present.

2) PLEDGE OF ALLEGIANCE

3) WELCOME AND EXPLANATION TO AUDIENCE

President Ramirez extended a welcome to the audience, explained the format of the meeting, and noted that all Board meetings are recorded.

4) SPECIAL RECOGNITIONS

A moment of silence was given to honor the passing of Jim McEntee, Director of Human Relations of the Santa Clara County Office of Education.
Frank Slaton - Recipient of CIF Model Year Award
Maricela Villalobos - Services to Community Health Partnership clinics
Douglas Emerson - Services as an ESUHSD employee

5) CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA

Member Martinez Roach pulled items 9.1, 9.5 and 9.7.
Vice President Shirakawa pulled item 9.13 to place it as item 8.6.
Superintendent pulled item 9.3 from the agenda for amendment.
President Ramirez pulled item 8.4 to place it prior to 8.1 on the agenda.
Motion by Member Martinez-Roach, Second Vice Member Herrera
Vote: 5/0

APPROVAL OF PROPOSED AMENDMENTS TO THE AGENDA

On a motion by Member Martinez-Roach, Second Vice Member Herrera
Vote: 5/0

6) PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

- John Moore - Measure G
- Ruben Dominguez
 - Parent Empowerment Conference
- Dennis Umphress - Food Tasting Fair , Website, 08/26/04 Consent Calendar
- Sugey Hernandez - SB1419
- Iselia Rojas - SB1419
- Dennis Umphress -
 - 03/04 Unaudited Actual Budget
- Chris Evans - Measure K
- Dennis Umphress - Measure K
- Dennis Umphress Measure S
- Dennis Umphress - Purchase Orders
- Dennis Umphress - Budget Transfers
- John Moore - Board Policy #5142.1
- Elizabeth Choi - Board Policy #5142.1
- Jack D. Rubio - Board Policy #5142.1
- Phil Burnett - Board Policy #5142.1

CALL TO ORDER

*ADJOURNED TO
CLOSED SESSION*

*RECONVENED FROM
CLOSED SESSION*

PLEDGE OF ALLEGIANCE

*WELCOME AND
EXPLANATION*

SPECIAL RECOGNITIONS

*CONSIDERATION OF
AMENDMENTS*

ORAL COMMUNICATIONS

7) STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION

7.1 Student Representative from Independence and Santa Teresa Schools

8) OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION8.1 Hold Public Hearing at 6:45 p.m. on Gann Spending Limit –
Adopt Resolution #2004/2005-09**Motion to approve/adopt item 8.1 by Member Martinez Roach,
second by Clerk Mann.****Vote: 5/0**

8.2 Approve 2003/04 Unaudited Actual Budget Report

Motion to approve item 8.2 by Clerk Mann, second by Member Martinez Roach.**Vote: 4/0, Member Herrera not present for vote.**

8.3 Presentation by Taxpayer on Measure K Parcel Tax Campaign

8.4 Adopt Resolution 2004/2005-11 – In Support of the Creation of the
Opportunity for Teaching and Learning Index (SB 1419 – Vasconcellos)**Motion to approve/adopt item 8.4 with amendments by Member Martinez Roach:
from word “passage” to “objectives”; “community” to “communicate,
second by Clerk Mann. Vote: 5/0**

8.5 Adopt Resolution 2004/2005-12 - Measure S Parcel Tax

Motion to approve item 8.5 by Clerk Mann, second Member Herrera.**Vote: 5/0****9) ATTACHMENT A/CONSENT CALENDAR****APPROVAL OF AGENDA***Items: (9.1), (9.2), (9.3), (9.5), (9.7) and (9.13) were pulled. Motion to approve the remainder of
Consent Items as amended by Vice President Shirakawa, second by Member Herrera,
Clerk Mann not present for vote (left the room). Vote 4/0**(Agenda items in parentheses)*

- Approve Certificated Personnel Actions Dated September 16, 2004 **(9.4)**
- Accept Grants/Gifts/Donations **(9.6)**
- Approve Contracts for Professional Services **(9.7)**
- Award Bids **(9.8)**
- Approve the following Memorandums of Understanding **(9.9)**
 - Pathway Society Mt. Pleasant High School
 - YMCA, South Valley Branch Special Education
 - Bay Area School Reform Instructional Services
Collaborative (BASRC)
 - YWCA of Santa Clara Valley Mt. Pleasant High School
 - Vietnamese Voluntary Foundation Mt. Pleasant High School
 - San Jose Youth Conservation Corps. Independence High School
- Approve School Field Trips **(9.10)**
 - Sacramento, Ca Wm. C. Overfelt High School
 - Death Valley Nat'l Park, Inyo County James Lick High School
 - Chico, CA Andrew Hill High School
- Adopt Resolution #2004/2005-07 Approving Authorized Signatures **(9.11)**
- Adopt Resolution #2004/2005-08 and Itemized List of Surplus/Obsolete
Equipment for Sale and/or Disposal per Education Code Section 17545 and
17546 **(9.12)**
- Approve Lease Agreement between East Side Union High School District and
Alum Rock District for MACSA Charter School Interim Housing on
Grandin H. Miller Elementary School Site **(9.14)**
- Approve Agreement between East Side Union High School District and
MACSA Charter School for Interim Housing on the Grandin H. Miller
Elementary School Site **(9.15)**
- Adopt Resolution #2004/2005-10 - Cooperative Program Agreement with the
State Department of Rehabilitation **(9.16)**
- Notice of Completion for Computer Equipment, Wireless Networking and
Peripherals for Santa Teresa High School - Bid #B-21-03-04 **(9.17)**

***OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION******ATTACHMENT A***

- Motion to approve item 9.1 by Clerk Mann, second by Member Herrera.
Vote: 5/0
- Motion to approve item 9.2 by George Shirakawa, second by Vice President Shirakawa. Vote: 5/0
- Motion to approve item 9.3 by Clerk Mann, second by Member Herrera
Vote: 5/0, with the deletion of the Termination.
- Motion to approve item 9.5, August 19, 2004, Board Minutes, by Clerk Mann, second by Member Herrera. Vote 4/0, Abstained Member Martinez Roach Minutes of August 26, 2004, pulled for correction and to be placed on the September 16, 2004, agenda.
- Motion to approve item 9.7 by Clerk Mann, second by Vice President Shirakawa. Vote: 3/1, Member Martinez Roach Voting No, Member Herrera did not participate in vote due to possible conflict (employer).
- Approve New Board Policy 5142.1 Pertaining to Fire Prevention and Safety Compliance (9.13)
Item moved to section 8, Operational Items/Board Discussion and/or Action.
Motion to approve by Member Martinez Roach, second by Clerk Mann, Vote: 3/1, Vice President Shirakawa voting No, Abstention by Member Herrera

10) WRITTEN REPORTS

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11) BOARD OF TRUSTEES/SUPERINTENDENT'S COMMENTS

BOARD/SUPERINTENDE COMMENTS

11.1 Board of Trustees

Member Herrera:

Indicated that the NCCJ contract has been enacted between the District and NCCJ three to four years prior to his start with the agency.

Vice President Shirakawa:

Indicated that NCCJ is a great program and felt that it was not necessary for Member Herrera to vacate the room during the vote of this item.

Member Martinez Roach:

Indicated that Student Board Relations Committee and MetroEd was not listed on the agenda and needs to be included on the agenda. Student Board Relations Committee had a wonderful turnout. Dr. Zendejas was the guest speaker. API was the major topic of discussion at this meeting. The District was congratulated for their efforts on API scores and there should be a celebration for this great effort.

President Ramirez:

API scores did very well and commended the Superintendent for her leadership in bringing this forward.

11.2 Superintendent

It was suggested that October 14 or October 21, 2004, be set aside by the to discuss the budget process.

Each school has to take the pride, honor and recognition for their efforts to improve API scores and to meet AYP factors. Each Principal is to be recognized for the time, effort and dedication for this effort.

Don McKell and Filiberto Zamora were thanked for working closely with problems going on with student enrollment and student issues. Cabinet is making a concerted effort to engage the organization who are most affected by challenges that we are all facing.

- 12.3 Conference with Labor Negotiators (Government Code Section 54957.6) Agency Designated Representatives: Superintendent, Dr. Zendejas
Employee Organization: East Side Teachers Association
- 12.4 Anticipated Litigation (Government Code Section 54956.9)
Conference with Legal Counsel – ANTICIPATED LITIGATION,
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9 statement threatening litigation. (2) Potential cases
Vote: 5/0 - Reject tort claim
- 12.5 Public Employee Performance Evaluation (Government Code
Section 54957)
- 12.6 Public Employment/Transfer (Government Code Section 54957)

CLOSED SESSION

ADJOURNMENT

On motion by Clerk Mann second by Member Herrera the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Craig Mann
Board Clerk