

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
October 7, 2004

The Regular Meeting of the Board of Trustees was called to order at 4:06 p.m. by Vice President Shirakawa.

Members present: Vice President Shirakawa, Clerk Mann,
Member Martinez-Roach, Member Herrera
President Ramirez arrived at 4:30 p.m.

The Board adjourned to Closed Session to hear Update On Existing Litigation, Potential Litigation (Education Code 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 RECOVERED 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**

Awarding of Ecolab Grants

Presented by Sara Wagner and David Santiago

- Andrew Hill High School – Theresa Barbella (\$1,000)
- Independence High School – Victor Bagno (\$2,000)
- James Lick High School – Carol Lindstrom, Susan Vieira,
Terry Yim, Bonny Sooy, Karen Judge Delgado (\$5,839.49)
- Silver Creek High School – George Kleidon (\$2,514)

CALLED TO ORDER

***ADJOURNED TO
CLOSED SESSION***

***RECONVENED FROM
CLOSED SESSION***

PLEDGE OF ALLEGIANCE

***WELCOME AND
EXPLANATION***

SPECIAL RECOGNITIONS

5. CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA

Request by Superintendent to move the order of section 8 as follows:

- 8.3 becomes 8.1
- 8.1 becomes 8.2
- 8.2 becomes 8.3

Member Martinez-Roach requested clarification on the process for pulling items from the Consent Calendar. Member Herrera indicated that the traditional procedure should be followed, which is the ability to pull items from the Consent Calendar when it has been reached for discussion. Clerk Mann indicated his agreement with this process.

APPROVAL OF PROPOSED AMENDMENTS TO THE AGENDA

Motion to approve by Clerk Mann, second by Member Herrera.

Vote: 5/0

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

- | | |
|--|---|
| •Duc Hoang | •Chris Evans – Measure K |
| •Dennis Umphress – Textbooks | •Dennis Umphress – Measure K |
| •Dennis Umphress –
Capitol Property | •Dennis Umphress - Textbooks |
| Ruben Dominguez – Growth/
Demographics/School Sites | •Lou Kvitek – Support for
Detailed Investigation |
| •Dennis Umphress –
Purchase Orders | •Ed Wong – Support for
Detailed Investigation |
| •Dennis Umphress –
Budget Transfers | •Dennis Umphress - Contracts |
| | •Dennis Umphress -
Memorandums of
Understanding |

7. STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION

- 7.1 Student Board Representative from Evergreen Valley High School and Santa Teresa High School

8. OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 8.1 Hold Public Hearing – 6:40 p.m. – On Resolution #2004/2005-13 – Regarding the Insufficiency of Textbooks and Instructional Materials

(One speaker from the public)

Member Martinez-Roach requested a report on the status of textbooks.

Motion to approve/adopt by Member Martinez-Roach, second by Clerk Mann.

CONSIDERATION OF AMENDMENTS

APPROVAL OF AMENDMENTS

ORAL COMMUNICATIONS

STUDENT ACHIEVEMENT

OPERATIONAL ITEMS/ BOARD DISCUSSION/ AND/OR ACTION

Per Legal Counsel, Education Code requires that the Board make a determination. Legal Counsel suggested that language be revised to state that the District hereby determines that there does not exist at all school sites operated by the East Side Union High School District sufficient supplies of textbooks and instructional materials consistent with the curricular framework adopted by the State Board of Education.

Original motion withdrawn by Member Martinez-Roach. New motion made by Member Martinez-Roach to approve/adopt as amended by Legal Counsel, second by Clerk Mann. **Vote: 5/0**

8.2 Presentation by Taxpayer on Measure K Parcel Tax Campaign - **Presentation**

8.3 Presentation by Silicon Valley Advisors on Options for the Use of Capitol Property – **Presentation by Pete Carrillo and Paolo Hernandez** – An update was given on the process with regard to the Board approved request for proposals that Silicon Valley Advisors has taken in the last few months. Silicon Valley Advisors recommended for the Board and District's consideration that a third party review committee be created to oversee the balance of the RFP/RFQ process. The committee could be made up of the following: Board, Chief Financial Officer, Chief Operations Officer, member of the development community and a member of the architectural community. Responsibilities of the committee could include, but not limited to, review of proposals, short list of preferred proposal change, conduct interviews of short listed change and rank, select and recommend a development scenario to the Board for their further consideration. If the District does move forward with the committee, it should be done by October. The analysis by the review committee should be done sometime in November. Short listed firms would be notified by the District. Presentations on the District, December 2. Presentations/interviews by the review committee of those short listed responses. A recommendation to the Board on the preferred scenario would occur sometime in January. If the Board decides to move forward with a development scenario, whether it is a sale, ground lease or combination of the two, that bid process would be a public bid process. It would commence in February, 2005.

Member Herrera asked at what point does that Board actually say "Yes" or "No" to unload the property.

Pete Carrillo indicated that if the Board decides to move forward with creation of the review committee, it can then start to look at the nine responses they have received. Look at the proposals, evaluate them and then make a determination if any or all or a hybrid of the development scenarios make any sense to the District. A recommendation from the committee could be that nothing happens. Proposals are not sufficient enough to warrant

that the District move forward with the deliberative process. On the other hand, the District review committee could say that based on the proposals received, here is a development scenario they would recommend to the Board to deliberate, discuss, analyze and then make a collective decision at duly constituted Board meeting as to if they want to go forward with the scenario on all or part of the property.

Paolo Hernandez indicated that February 2005 is when bid documentation is created, which looks at an escrow period that gives time consider options to relocate.

Member Martinez-Roach requested clarification. This item was not on the August 19, 2004, agenda. Feels that this is premature. The administration has not been consulted. The Board never authorized the creation of a timeline.

Superintendent Zendejas indicated that the Board has gone through the proper authorization for Silicon Valley Advisors to return for a presentation. The date was June 17, 2004, when the Board acted on this issue, not August 19. In terms of the timeline, the Board authorized the Superintendent prior to June to work with Silicon Valley Advisors to bring back to the Board a plan by which a full review could be given as to what could be done with the land. There was a discussion where some Board members did not want to sell the land. Others wanted to find out more about leasing part or all of the land. There was never a set direction as to what should be done. That is when Silicon Valley Advisors, through the direction of the Superintendent, were asked to bring a variety of options. Tonight's presentation is just another for of a step in the review process. Administration is not, at this time, making any recommendations as to how the land will be used because they do not have all the information to see what the best gain for the land. This is just for information. The next decision the Board needs to make is whether or not they will be appointing a committee in the future to look at more formal options.

Vice President Shirakawa indicated that he is not ready to give up the land, but would like to see what that generates. If we are not ready to do anything, then the timeline should be changed. As a Board, they should stay on top of it. It is a very complicated process.

Motion made by Member Herrera to approve the recommended process and a timeline that would take them to a decision point in early 2005. Clerk Mann asked that Member Herrera add to his motion that the Board also go ahead and authorize the District to move forward with composing the District committee. Member Herrera added to his motion to include the advisory process/committee that is being recommended, second by Clerk Mann.

Member Martinez-Roach needed clarification on the motion that the intent is not to accept the presented timeline, but to engage a committee, which will be Board appointed, at which point they will decide to fill or not to fill.

Member Herrera clarified/restated his motion as follows:

The purpose of the motion is that before the Board can arrive at a more substantive decision form, likely in early 2005, if the proposal is followed, before they can get their they need to engage another step of the process. The motion is to authorize the establishing of a committee, the issuing of RFPs/RFQs, the development community, and a review of those so that recommendations are brought back to the Board. In terms of feasibility of the responses of the development community and whether they would fit with the Board's goals and, therefore, a decision in early 2005 whether or not to proceed. At that point they would decide whether or not they are serious about selling the property or no longer pursue.

Legal Counsel indicated that RFPs are not a binding contract.

Member Roach asked if this is something that is reasonable for the Board to do at this time.

Chief Operations Officer Alan Garofalo indicated that when the proposal is specifically worded, as recently stated by Legal Counsel, the data is only for information and helps bringing the information to the Board. The Board makes the decision as to whether or not it goes through.

Member Martinez-Roach wants to be sure that it is an objective committee and the process is clear on the committee. Who are they and when are they going to be involved? She would likes members of the bargaining units and the public to be involved.

Member Herrera indicated that that actual composition of the committee would be after this Board Meeting. All that they are agreeing to is the framework that is being proposed is a good framework to start working forward with.

Member Martinez-Roach indicated that she wanted her concerns on the record.

Clerk Mann indicated that the only way we are able to invest in future sites is to the leveraging this asset. This property needs to be looked at very carefully.

Vote: 4/0, 1 Abstention – Member Martinez-Roach

- 8.4 Approve Variable Term Waiver Requests for Certificated Employees

Motion to approve by Member Herrera, second by Clerk Mann

Vote: 5/0

- 8.5 Presentation by SCCOE on Corrective Action Plan – SAIT Team Annual Report – **Presentation**

Presentation by Linda Aceves, Interim Assistant Superintendent of Santa Clara County Office of Education, and Dr. Denise Hexhum, SAIT Lead. A progress of James Lick High School was presented. The James Lick staff and District Office support personnel are to be commended for their efforts in API growth and meeting their AYP targets.

8.6 Review of Feasibility Study for Projected Growth/Demographics/
School Site – Patricia Martinez-Roach

Member Martinez-Roach indicated that the District needs to review the number of students in the classroom, what the capacities are and the portable situation. Some schools are fully impacted; some are not fully impacted. That is should go on record that the District is concerned about the building of housing and as to where these students will be placed for school. The District's demographics have changed and it may warrant another demographic study.

Chief Operations Officer Alan Garofalo indicated that the District is currently looking at underutilized facilities. The current enrollment is 24,563 students. Loading classes at 20 to 1 and labs at 24 to 1, the District has actually a 27,089 capacity. That leaves the District with a flexible growth possibility of 2,526 students. Evergreen Valley High School is currently having added a 25,000 square foot classroom building. The same is being done at Mt. Pleasant and Silver Creek. High Schools. The Demographer has indicated that the District has existing sites that are not near capacity. It was also suggested that, in the future, the District should look at attendance area adjustments.

Member Martinez-Roach indicated that she has been through boundary changes before and is not advocating it, but that it is something the District should look at in order to address the needs of the students, as well as addressing underutilized schools.

Superintendent Zendejas indicated that last year the Board took immediate action to build another building at Evergreen Valley High School in order to help the expected overcrowding. The Board will need to decide if whether or not they would like to District to look at the options of rebounding the District to accommodate those school that have a larger number of students than compared to other schools. Those sites that have the most portables would be looked at to alleviate the situation. The recommendation could be made to the Board for the District to look at the options or take the recommendation and develop a proposal. At this time, we are not overcrowded.

Member Herrera felt that the Board should have information to review before it is brought back to the Board for further discussion.

Vice President Shirakawa indicated that the District should continue doing the things they are currently doing with the portables.

The Superintendent indicated that we are not closing the doors to all the options, but for short-term the District has an obligation to the look at boundaries, property, new schools, how much developer fees the District has, what kinds of issues does the District have at this time. Hopefully, in February the District will have a little more direction on the land.

Motion by Member Martinez-Roach to direct administration to conduct a feasibility study, an attendance and mapping study, that

gives a couple of scenarios for possible future growth over the next eight years, second by Member Herrera.

Member Martinez-Roach withdrew her motion and Member Herrera withdrew his second.

At the December 4, 2004, Board meeting administration will submit a recommendation to the Board.

8.7 Review of Underutilized/Underdeveloped Properties –
Patricia Martinez-Roach

Member Martinez-Roach would like to engage the Board in this process. There are 60 days from August 2 to have the District determine if they would like to lease land in the Alum Rock School District. This may be an option to look at. The other item is for the District to at all of its land and to look at options.

Superintendent Zendejas indicated that Jack Mahrt will be bringing to the Board in the future recommendations for economic options.

Superintendent Zendejas indicated that they would be reviewing the information presented by Member Martinez-Roach. Chief Operations Officer Alan Garofalo will be contacting Alum Rock School District to check on the status of the land and find out more information. Mr. Cortese will be contacted to determine if the District can be a voting member of the committee. The District will have someone there as a voting member, if possible.

**9. ATTACHMENT A/CONSENT CALENDAR
APPROVAL OF AGENDA**

ATTACHMENT A

Items: (9.1), (9.2), (9.7), (9.9) and (9.12) were pulled. Motion to approve the remainder of Consent Items as amended by Clerk Mann, second by Member Herrera, Clerk Mann not present for vote (left the room). Vice President Shirakawa left at 8:29 p.m.

Vote 3/0

(Agenda items in parentheses)

- Classified Personnel Actions Dated October 7, 2004 **(9.3)**
- Certificated Personnel Actions Dated October 7, 2004 **(9.4)**
- Minutes of August 26, 2004, Board Meeting **(9.5)**
- Minutes of September 16, 2004, Board Meeting **(9.5.1)**
- Accept Grants/Gifts/Donations **(9.6)**
- Award of Bids **(9.8)**
- Approve School Field Trips **(9.10)**
- Adopt Resolution #2004/2005-14 – An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 **(9.11)**
- Approve Sojourn Employee Certification **(9.13)**
- Ratification of Measure G Citizens Bond Oversight Committee Members and Terms **(9.14)**
- Receive Developer Fee Report **(9.15)**
- Adopt Resolution 2004/2005-15 – Energy Conservation **(9.16)**
- Approve 2004-2005 Funding for the Carl D. Perkins Vocational and Technical Education Act of 1998, P.L. 105-332 **(9.17)**

- FY 2004-2005 CalWORKS County Liaison Contract CWR05016 – Adult Education (9.18)
- Workforce Investment Act, Title II: Adult Education & Family Literacy Act, Section 225/231 Grant for 2004-2005 – Adult Education (9.19)

- **Motion to approve item 9.1 by Member Herrera, second by President Ramirez. Vote: 3/0, Clerk Mann out of room, Vice President Shirakawa absent**
- **Motion to approve item 9.2 by Member Herrera, second by Member Martinez-Roach. Vote: 3/0, Clerk Mann out of room, Vice President Shirakawa absent**
- **Motion to approve item 9.7 as amended to read as “Measure A” not “G” on #6 on page 2 of 3 under Facilities, by Member Herrera, second by Member Martinez-Roach. Vote: 3/0, Clerk Mann out of room, Vice President Shirakawa absent**
- **Motion to approve item 9.9 by Member Herrera, second by President Ramirez. Vote 3/0, 1 Abstention by Member Martinez-Roach Member Martinez-Roach did not participate in vote due to possible conflict (employer). Vice President Shirakawa absent.**
- **Motion to approve item 9.12 as amended to include the title “Ph.D.” next to Aurora Quevedo’s name and to remove Grettel Castro-Stanley from the list by Member Herrera, second by Clerk Mann. Vote: 4/0, Vice President Shirakawa absent**

10. WRITTEN REPORTS (NONE)

WRITTEN REPORTS

11. BOARD OF TRUSTEES/SUPERINTENDENT'S COMMENTS

BOARD/SUPERINTENDENT'S COMMENTS

- 11.1 Board of Trustees
- Member Herrera
There should be some recognition for those schools who met their AYP/API achievements.
Member Herrera would like a Special Board Meeting scheduled to discuss the budget to come to an agreement on the timetables, methodologies and representation/participation process.
 - Member Martinez-Roach
Metro Ed – There is no significant report, but a replacement is being requested for next week’s meeting due to a scheduling conflict. Clerk Mann indicated that he would attend the meeting.
The Student Board Relations Committee was a great success! There was much representation from most of the school. There was concern on the issue of “freak” dancing. This form of dancing is unacceptable and may be a form of sexual harassment. The Committee had great things to say about their schools. A few schools complained about the bathrooms. The most serious complaint was about smoking in the bathrooms.

•Clerk Mann

Clerk Mann thanked Ruben Dominguez, the parents and staff involved in the Parent Empowerment Conference. The conference was very well attended.

As a result of the credit card procurement process, the Board agreed to periodic reports of conferences attended by the Board. The report would include who attended, the name of the conference and the cost to attend the conference. Clerk Mann would like to see a report by the next Board meeting.

•President Ramirez

Congratulations to James Lick High School for a job well done in meeting the AYP/API targets! The faculty is to be commended.

Dr. Aurora Quevedo and the planning committee for the Parent Empowerment Conference is to be thanked for their support, encouragement and inspiration in having President Ramirez be the keynote speaker at this conference.

11.2 Superintendent

Superintendent Zendejas will poll the Board for a Special Board meeting, specifically Tuesdays and Thursdays.

Mark Gross, a teacher from Evergreen Valley High School, was awarded \$10,000 for being innovative in the field of technology. He was awarded the National Semiconductor Prestigious Award. Mr. Gross donated the \$10,000 to students, staff and the school for projects they felt were important.

Superintendent Zendejas thanked the Board for their support during the critical period with her daughter.

12. CLOSED SESSION

12.1 Expulsions – A

Student A - 5/0 Vote, Suspend expulsion, subject to conditions

12.2 Public Employee Discipline/Dismissal/Release

(Government Code Section 54957)

12.3 Conference with Labor Negotiators

(Government Code Section 54957.6)

Agency Designated Representatives:

Superintendent Esperanza Zendejas, Ed.D.

Chief Human Resources Officer Bob Nuñez

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.

12.5 Public Employee Performance Evaluation

(Government Code Section 54957)

12.6 Public Employment/Transfer

(Government Code Section 54957)

CLOSED SESSION

*East Side Union High School District
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
October 7, 2004*

*Board Meeting of November 4, 2004
Agenda Item: 9.5
ATTACHMENT A*

ADJOURNMENT

On a motion by Member Herrera, second by Clerk Mann the meeting was adjourned at 9:00 p.m.

Respectfully,

Craig Mann
Clerk of the Board of Trustees